



Department  
for Education

# The young person's guide to the Children and Families Act 2014

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# Foreword

My name is Edward Timpson. I am the Children's Minister and a Conservative MP in Parliament. This is the first Act of Parliament I have been responsible for and I am really proud of it. Before I was elected to Parliament, I was a barrister working to help children in the family courts and, when I was growing up, I lived in a family with lots of foster brothers and sisters

My name is Jo Swinson and I am the Minister for Employment Relations and Equalities and a Liberal Democrat MP in Parliament. I worked with Edward Timpson on the Children's and Families Act. I am also very excited about the ways the Act helps families and children.

This Guide tells you what is in the Children and Families Act 2014, a new law that is very important for children. We think children should know about new laws that will make a difference to their lives. We want you to know the new laws the Government has passed for you. This Guide is a good summary of what you need to know in the new Act. If you need to check something out in more detail, you will need to look at the exact words in the Act itself.

We want all children and young people to do well and we want to support families. We think services should do what children need. Children should get the help they need without lots of delays. We want to improve children's rights in this country. Some changes in the Act affect all children and families. Some affect groups of children like children in care; children with a disability or special educational needs at school or college, young carers, or children being adopted.

The Act makes changes to help children get adopted faster if adoption is the right thing for them. It will help children who are in the care of the council to do better at school. It will make changes to help the family courts work better for children. It will make changes to help children and young people who have a disability or special educational needs at school. It will also change the way the Children's Commissioner works for children.

The Act makes changes to help with many sorts of difficulties or challenges children can face in their lives. It will make sure schools give more help to children who have medical problems. It will mean more help for young carers who look after someone else. For children in care, there are changes to improve children's homes. There are changes that will let foster children carry on staying with the families who have fostered them after they reach 18. All children will be able to have free school lunches in their first few years at school. And it will make changes to protect children from getting addicted to tobacco or harmed by smoking.

The new law will help families by giving mums and dads more choices about sharing time off work after a baby is born. It will give parents who work more choice about the times they go to work. It will help families to get good care for very young children.

Overall, it is about making children's lives better.

**Edward Timpson MP**

Minister for Children and Families  
Equalities

**Jo Swinson MP**

Minister for Employment Relations and

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# Introduction

## What is an Act?

This Guide is about a new Act called the Children and Families Act 2014. Some things in it are completely new. Other things in it change what used to be in the law. It does not say everything that is in the law about children and families, but only what is new and what is changed. And it doesn't cover everything that is changing these days to do with children and families. Lots of changes happen without having to be put in the law. Making things better is a mixture of doing things better and changing the law where it needs to be changed. This Act changes the law where the Government thinks and Parliament agrees it needs changing to make things better for children and families.

An Act of Parliament is a part of the law of this country. There are lots of Acts. Each of them sets out the law about something different. Before it becomes the law, it has been checked out and changed if it needs to be in Parliament. This is by the MPs in the House of Commons, and by the Lords in the House of Lords. After that, the Queen signs it. When she does that, it finally becomes the law.

When an Act becomes the law, not all the changes in it can happen at once. There are usually different dates for different changes in the new law to happen. So if you need to know whether a particular change has happened yet, you may need to check that out. A good website to check is [www.legislation.gov.uk](http://www.legislation.gov.uk). (That is a good place to look to find out what any of our laws say.)

## About this Guide

This Guide tells you what changes the Act makes. It is for children and young people, so they know what is changing in the law about them. We hope that it will be useful to politicians, professionals and parents to tell them about the Act too.

This Guide has been looked at by the people who work for the Government, and by the Children's Minister, to make sure that what it says is right. But it is only a Guide. It is not the Act itself. So if there is any doubt about anything in this Guide, or if you need to know exactly what the Act says, you will need to look at the Act itself: <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted> . There are lots of detailed notes there explaining everything in the Act (called the 'Explanatory Notes'). You can also find advice about the Act on the Department for Education's website: [www.gov.uk/dfe](http://www.gov.uk/dfe) or on the Parliament website: <http://services.parliament.uk/bills/2013-14/childrenandfamilies.html> .

The Act changes things in England. Some bits of it change things in Wales, Scotland or Northern Ireland. We have said where something in the Act is for Wales, Scotland or Northern Ireland as well as England.

## **A bit about the Act**

There are ten parts of the Act. Nine of these make the main changes in the law. The tenth part says things about the Act itself, like its name and how the Government decides when the different changes in it will happen. In this Guide we have said which part of the Act things come from. This is to help you if you need to find something in the Act itself.

**With thanks to Dr Roger Morgan OBE, for his work on this guide.**

# What the Act does

## Adoption

For children being adopted, the Act aims to:

- help some children move in sooner to live with the families who might adopt them
- make it easier to find new parents for children who need to be adopted
- help find more people to adopt children
- give families themselves a real choice in exactly who gives them help after the adoption
- make it easier for people who want to adopt a child to look for the right child for them to adopt

For children in care and children who have been adopted, the Act aims to:

- help make sure that the contact children have with their birth families after they've been taken into care or adopted doesn't cause problems for the child

## Family courts

When children go into care, the Act aims to:

- help shorten the time it takes a family court to decide about a child's future
- get the court to think about the things that are most important for its decision about the child, and not spend time on other things
- speed things up so the court doesn't need to keep making the same decision

When parents split up, the Act aims to:

- help parents to see if they can sort things out without having to go to court
- help both parents to stay involved with their children, even if they have split up
- make sure that courts help parents to do what is right for their child, not what parents might want to happen for themselves
- help parents to stay involved in their children's lives through courses or special activities



## **Children and young people with special educational needs or a disability**

For children and young people with special educational needs, the Act aims to:

- get education, health care and social care services working together
- tell children, young people and their parents what they need to know about their disability or special educational needs
- make sure children, young people and families know what help they can get when a child or young person has special educational needs or a disability
- make sure that different organisations work together to help children and young people with special educational needs
- give children and young people and their parents more say about the help they get
- set up one overall assessment to look at what special help a child or young person needs with their education, and their health and social care needs, all at the same time
- give a child or young person just one plan for meeting their education, health and social care needs, which can run from birth to age 25 if councils agree that a young person needs more time to get ready for adulthood
- make sure children, young people and their parents can choose some of the help they need
- provide ways to help sort things out if a child or young person or their parent needs to appeal about the help they get

## **Helping parents by caring for children outside school**

To help parents by caring for children outside school, the Act aims to:

- help more people to look after children as child-minders
- save time and money
- help more inspections to happen when they need to
- make it easier for schools to help children before and after school
- let parents choose care for very young children from many different places

## Other new laws to make things better for children

To change the law to improve the way children are treated, the Act aims to:

- let children under 14 take part in more sorts of public performances
- protect children from getting addicted to nicotine or harmed by tobacco
- get more help for young carers
- get more help for parents who are looking after a disabled child
- let foster children carry on living with their former foster carers until they are 21
- help children who are looked after by their local councils to do well at school
- make sure schools give more help to children with medical problems
- make sure the Government can sort things out for children if their council isn't doing what it should be doing for them
- do more to improve children's homes
- make schools give free school lunches to all very young pupils

## The Children's Commissioner

For changes to the Children's Commissioner, the Act aims to:

- give the Children's Commissioner for England the job of looking after the rights of all children in England
- give the Commissioner stronger powers
- make sure the Children's Commissioner is independent but lets other people, including children, know what they are doing
- make sure the Commissioner shows how they have taken children's views on board in their work
- give the Commissioner the job of paying special attention to the rights of children in care or living away from home
- make it clear how long the Commissioner's job lasts for and to make sure children have a say in who is chosen to be the Commissioner

## Parents who have a new child

To help parents when they have a new child, the Act aims to:



- let both parents have time off to go together to clinic appointments before their baby is born
- let people who are going to adopt a child have time off work to see the child and go to meetings about adoption
- let each parent take time off work when they have a new baby, so they can both have the chance to look after the baby

## **Helping people fit their work times around other things in their lives**

To help people fit their work times around other things in their lives, the Act aims to:

- let people who have a job ask to change their work times or places if they need to

# What the new Act says about adoption



## **What the new Act says about adoption**

### **(in Part 1 of the Act)**

Sometimes because of serious problems children can't stay with their families. Adoption is a legal way of giving those children a new family. In the past it took about two years for a child to get adopted. The idea of the Act is that if adoption is the best thing for the child, it should happen faster than this. There should be fewer delays in getting adopted. Children who are going to be adopted should be placed with their new families earlier.

The Act should help find more people to adopt children. It should also mean more help for them when they adopt a child.

## **What the Act does for children being adopted**

The Act says FIVE main things about children being adopted, and for families who are adopting them.

### **One - Helping some children to move in sooner to live with the families who might adopt them**

When the council has decided it is right for a child to be adopted, or thinks that a child is very likely to be adopted, it takes some time to get their adoption all agreed.

Sometimes, the child has to stay with a foster family until they can move in with their new permanent family. Just like now, the council must first see if the child can stay with somebody in their own family, or with someone else they already know well. But if that isn't right for the child, and the council needs to find another permanent family for the child, the council must think about whether it would be right for the child to move in straight away with the family who wants to adopt them. This would be while all the agreements about their adoption are being sorted out. They would be a foster child in their new family at first. When the adoption has been agreed they would become the family's adopted child. This is called 'fostering for adoption'. You might hear this called 'concurrent planning.'

In some cases, the court might not agree with the council that the child should be adopted. Or somebody else from the child's own family or a friend might want the child to stay with them and the council agrees. Then the adoption would not go ahead. But for many children, fostering for adoption will mean they can start to live with their new family a lot sooner.

## **Two - Making it easier to find new parents for children who need to be adopted**

In the past, when it is choosing a family to adopt a child, the council had to pay special attention to the child's religion, race, culture and what language they speak. The Government says this is confusing. It makes people think that these things are more important than lots of other things in choosing people to adopt a child.

Under the Act, the council doesn't have to pay more attention to these things than to other important things about the child. Instead, the person deciding who is best to adopt a child would look at all of the child's needs equally. This should mean that children could be adopted more quickly, by new parents who are right for them. Children would not have to wait for a long time while the council looked for parents who have the same religion, race, culture or language.

BUT - people choosing the right family for a child still have to think about the child's needs. And they have to think about anything that matters about the child or the child's background.

SO - they still have to take into account things like the child's religion, race, culture and language, if those things are important for that child.

They must always choose what is best for the child.

AND if the child is able to understand, they have to take the child's wishes and how the child feels about things into account too.

## **Three – Helping to find more people to adopt children**

In many parts of the country there aren't enough adopters for all the children who need them. Under the Act, the Government can tell local councils to let other adoption organisations find, check out, and approve people to adopt children in their area instead of the council doing this itself. The Government would do this if it helps to get more people approved to adopt children everywhere in the country.

## **Four - Giving families themselves a real choice in exactly who gives them help after the adoption**

Councils have to think about what support an adopted person or their new family needs. They might need to talk to someone about their feelings about adoption or any problems they have found. They might need to meet with a medical specialist who helps children who are very upset. They might need help to get through difficult situations in the adoption, like family arguments. If there are practical problems such



as organising contact with members of an adopted person's birth family, then they could get help with that too.

Under the Act, an adopted person or their adoptive parents can ask the local council to agree with them their own 'budget'. This means the amount of money the council will pay to help them after the adoption.

They can then spend this money on the help they need. Or they could decide how the council spends it on helping them. They can have a real say in what help they get, and who gives it to them.

Under the Act, councils have to tell people adopting a child, and people in their area who have already adopted a child, about all the help they can get.

## **Five - Making it easier for people who want to adopt a child to look for the right child for them to adopt**

There is a list of all the children who need new parents to adopt them or to care for them as 'fostering for adoption'. This is called the 'Adoption and Children Act Register'. It also lists all the people who are waiting to adopt a child.

Under the Act, people who have been approved as OK to adopt a child can look at this list. They can look for a child they think they could adopt or care for as 'fostering for adoption'. If they find a child they can tell the people who make the decisions that they'd like to adopt that child. To start with, this will be tested out in some parts of the country to see how well it goes.

The Act says there can be rules about what details people looking for a child to adopt can see about children on the list. There can be rules about what people can and can't do after looking at the list. For example, rules about keeping what they have read confidential. The rules can say what people need to do if they find a child on the list they would like to adopt.

## **What the Act says about contact with birth families for children in care and children who have been adopted**

### **Making sure that the contact children have with their birth families after they've been taken into care or adopted doesn't cause problems for the child**

#### **One - Council arrangements**

Under the Act, councils have to make sure that the arrangements they make for a child in care to have contact with their birth family are safe and right for the child.

New rules can be made saying what councils must think about when they decide what is the right sort of contact for the child to have with their birth parents and some other people.

#### **Two - Court orders**

The Act also lets a court make orders about whether or not a child can have contact with particular people after they've been adopted. The court can only make orders that are best for the child. These orders last until the child is 18 unless the court stops them earlier.

The child, or the people adopting the child, can ask the court to make an order about the child having contact, or not having contact, with particular people. But it is the court's decision whether to make that order.

If anyone else wants to ask the court to make one of these orders, they need to ask the court for special permission first.

The court can only order that the child must be allowed to have contact with somebody if the court has been asked to do that by the child, or by the people adopting them, or by someone else who has got special permission to ask the court.

The court can make an order that a particular person is not to have contact with the child. The court can do that without anyone asking it to, if it thinks it best for the child.

The court's orders can be about an adopted child having, or not having, contact with their birth parents or one of their relatives. They can be about contact with people who used to be their parents or guardians. They can be about contact with anyone the child has lived with for a long time. They can be about contact with someone a court had said they should live with or have contact with in the past.



The court can say exactly how the child must be allowed to keep in touch with particular people. For example by visits, by staying with them, or by other ways of keeping in contact, such as by letter. It can set rules about the way they keep in touch with the child.

If the court makes an order that a child can have contact with someone that means the child must be allowed to it does not mean the child has to.

The child, the parents who have adopted them or someone the court has said can or cannot have contact with the child, can ask the court to change any orders it has made about having contact.

### **Three - Family members of someone previously adopted**

The Act says the Government can make rules to help people like the children or grandchildren of someone who was adopted, to get in touch with the adopted person's birth relatives.

# What the Act says about family courts



## **What the Act says about family courts**

### **(in Part 2 of the Act)**

Sometimes a court has to sort out family problems. A family court can decide when a child needs to go into care to stay safe. And if parents split up but can't agree how to look after their children, a court can decide what happens next.

The Act changes things to make going to the family court quicker and simpler. It aims to make sure that it doesn't take so long for the court to decide what is best for a child. In the past it could take nearly a year to decide whether a child should go into care. This is too long.

There are also parts of the Act to help parents to agree things for their children without having to go to court at all. The Act helps courts and parents to make agreements quickly for the sake of the child. It also helps courts and local councils to work better together.

## **What the Act does for children who go into care**

The Act says FOUR main things about what a family court needs to decide when a child cannot stay with their family and needs to go into care.

These changes do not make any difference to most children. They only make a difference for those children who might need to go into care. The Act does not mean other children coming into care.

These changes are happening in England and Wales, but not in Scotland or Northern Ireland.

### **One - Shorten the time it takes a family court to decide about a child's future**

The Act sets a new time limit of 26 weeks (about six months) for the court to decide whether or not a child is to go into care (or be put under supervision by the local council). The court should decide more quickly than that if it can.

The court is only allowed to take longer than 26 weeks if there is a special reason why it needs longer to get the decision right. New rules can be made saying what sorts of reasons these could be.

The court has to set a timetable for making decisions which is right for each child.



## **Make the court think about the things that are most important for its decision about the child, and not spend time on other things**

### **Two - The care plan**

The Act tells the court to look at what the child's care plan says about where they are going to live. The care plan is where the council writes down how a child will be looked after until they are 18.

Under the Act, the court only needs to look at what the plan says about the child's long term care. This might be for the child to live with their parent, or to live with another member of their family, or to live with a family friend, or to be adopted, or to live permanently somewhere else. The court doesn't need to look at all the other details in the plan, though they can if they want to.

The only other part of the child's care plan which the court needs to look at is the bit about who the child has contact with.

The court doesn't need to look at everything else in the child's care plan. In the past they could spend a lot of time looking at lots of other details.

### **Three - Expert opinion**

Sometimes, an expert is asked to give their opinions to a family court. The expert might be a doctor, or some other specialist person.

The Act says an expert must have the court's permission before they can write a report for the court or come to the court to give their opinions. The expert also needs the court's permission to see a child and give their opinions to the court about the child.

The court will only let an expert give their opinions to the court or see a child, if the court needs this information to make the right decision for the child. The court has to think about whether it would be OK for the child for an expert to give their opinion to the court, or to examine the child. And they have to think about whether having the expert would slow things down.

### **Four - Speeding things up so the court doesn't need to keep making the same decision**

While a court is working out what is best for a child, the child can be put into care (or under supervision by the local council) for a short time, rather than leaving them where they are while the child waits for the court to make a final decision. The court can do this if they think it's best for the child. In the past, there was a time limit so the

court could only put the child into care for a short time. Then the judge had to decide all over again whether the child stayed in care for a bit longer.

Under the Act, the judge can decide whether the child should stay in care (or be supervised) until the final decisions are made about their future, or for a shorter time than that. They no longer have to keep making new decisions about the child staying in care or being supervised every time a time limit runs out.

## **How the Act helps children when parents split up**

The Act says FOUR main things about how family courts decide things when parents split up. These are to help make sure everyone puts children's needs first.

These changes are for England and Wales, but not Scotland or Northern Ireland.

### **One - Helping parents to see if they can sort things out without having to go to court**

The Act says that before they can ask a court to sort things out for them, parents who are splitting up have to go to a special meeting. This is to tell them about ways they can try to sort things out for themselves.

At the meeting, they will be told how they can get help from a 'mediator'. This is someone who can listen without taking sides and help the parents to make a decision which works for their children. They will be told about other ways they could try to sort things out without having to go to a court.

### **Two - It is usually best for both parents to stay involved with their children, even if they have split up**

The Act says that when a court decides about a child's future after their parents have split up, it is usually best for the child if both their parents stay involved in the child's life.

This means that the court will try and find a way to make sure that both parents stay involved in the child's life, if there is a way for this to happen without it being harmful to the child.

Staying involved in a child's life means doing this in ways that are good for the child. It does not mean the child has to spend any particular amount of time with either of their parents.

The court does not have to try to make sure that both the child's parents stay involved in their child's life if that would not be the right thing for the child. Children's views are important when deciding whether it would be right or not.

### **Three - Courts should help parents to do what is right for their child, not what they might want to do for themselves**

In the past, a court could give orders about who a child must live with, or who they must be allowed to have contact with. There have been two different kinds of order about these two different things.

Under the Act, both these things will go in just the one new kind of order. This new order is called a 'Child Arrangements Order'. It can say where the child should live. It can also say who else the child sees and when they should see them. Putting all these things together should help parents focus on what is best for their child.

### **Four - Helping parents to stay involved in their children's lives through courses or special activities**

Courts can already send parents to do a course or special activities to help them learn how to keep in contact with their child.

The Act lets courts send parents to do these courses or activities if they have not done what the court said they should do in their 'Child Arrangements Order'. This should help the parents stay involved in their child's life.

Courts can't send the children on any of these courses or activities, only their parents.



# How the Act helps children and young people with special educational needs or a disability



## **How the Act helps children and young people with special educational needs or a disability**

### **(in Part 3 of the Act)**

The aim is to give good support to children and young people with special educational needs or a disability, and their families. The Act helps children with disabilities too, even if they don't have special educational needs. Under the Act, councils have to find out which children and young people in their area might have special educational needs, and which have a disability.

The Act says things about the help children and parents can get from health care services and social care services, as well as help in education.

Children and young people with special educational needs can find it harder to learn than other people their age. They can need extra help. The Act means that this help could go right up to when they are 25, where the council thinks they need longer to finish their education. It means simpler ways of assessing what children and young people need. It means getting health and social care services to work together better. And it means giving children and young people themselves, as well as their parents, more choices about the help they get.

The Act says NINE main things to help children and young people with special educational needs from birth to age 25. For the first time, young people aged 16-25 have the right to ask for their needs to be assessed, the right to say which college they want to go to, and the right to make appeals about the support they receive.

These changes only happen in England, but they would still happen for a child who comes from England but goes to school in Wales.

### **One - Getting education, health care and social care services working together**

Under the Act, councils must make sure that education, health and social care services all work together, if that helps them do better for children and young people with special educational needs or a disability.

In each part of the country, education, health and social care people have to work together to decide exactly what help they all need to give children and young people with special educational needs or a disability.

The Act says that if health service people think a child under five is disabled, or that they might have special educational needs, they must tell their parents. They must also tell the parents if there is a particular organisation that can give them advice

about the disability or special educational needs their child may have. They must then tell the council. Then the council can check what help the child may need.

Once they have agreed what help there should be for the child or young person, they should work together to make sure it is given to them.

## **Two - Telling children, young people and their parents what they need to know about their disability or special educational needs**

The Act says that councils must tell children and young people, as well as their parents, what they need to know about their disability or special educational needs.

## **Three - Making sure children, young people and families know what help they can get when a child or young person has special educational needs or a disability**

Under the Act, every local council in England must write down what help there is in their area for children and young people with special educational needs or a disability. This is called the 'Local Offer', and everyone can read it.

The Local Offer will tell people what help they can get with their health care, and what help they can get from social care services, as well as what help they can get with their education. It will say what help there is with travelling to school or college. And it will say what help there is with training for work. It will say what help there is for young people becoming adults and starting to live on their own. It will also say what help there is for children and young people from the area who are studying somewhere else.

Children, young people or their parents can tell the council what they think about the help there is in this Local Offer. The council has to tell people what children and young people and parents said about it, and what they are going to do about what they have said.

The Government can make rules about Local Offers. These can say how councils should ask children and young people and their parents what they think about what the council put in its Local Offer. And they can say how children and young people or their parents can complain about the Local Offer.

## **Four - Making sure that different organisations work together to help children and young people with special educational needs**

The Act tells lots of different organisations to work together with the local council to get the right sort of help to children and young people with special educational needs. These are organisations like other councils, schools the council runs,



academy schools, special schools and colleges, nurseries, further education and sixth form colleges, youth offending teams, centres where young offenders are detained, and parts of the health service.

### **Five - Giving children and young people and their parents more say about the help they get**

The Act says councils must take notice of what the children and their parents say about what help they are given. Their wishes and their feelings about their education, training, hobbies and activities have to be taken into account too.

It is important for councils to help children and young people and their parents to take part as much as possible in decisions about what help they get. Children, young people and their parents have to be told the information they need to be able to do that.

Councils have to keep checking whether their Local Offer provides enough help for children and young people with a disability or special educational needs. They have to ask children and young people and their parents what they think when they do this. If children, young people and parents say they don't think there is enough help, the council have to say what they are going to do about that.

### **Six - Having one overall assessment to look at what special help a child or young person needs with their education, and their health and social care needs, all at the same time**

This is a new type of assessment, looking at the child or young person's special educational needs, together with their health and social care needs. A young person or one of their parents can ask the council to do an assessment. Or the child or young person's school or college can ask the council to do an assessment. The council then has to decide whether the child or young person needs special help. It has to ask either the young person, or their parent, what they think. If a young person is aged over 19, the council must consider whether they need more time to complete their education than other young people who do not have special educational needs.

If a child or young person is in a centre for young offenders aged under 18, they, or their parents if they are under 16, can ask for an assessment. The council must consider what education, health or social care help (if any) they will need after they are released.

If the child or young person is still in custody when the assessment has been completed, the council must work with the centre for young offenders to make sure the right support is in place.

The Government can make rules about things like how to do education, health and care assessments, and how quickly they have to be done.

## **Seven - A child or young person to have one plan for meeting their education, health and social care needs, which can run from birth to age 25 if councils agree that a young person needs more time to get ready for adulthood**

The Act brings in one new plan for how different professionals will give the child or young person the help they need with their education, health and social care. This would be called an 'Education, health and care plan'. Or 'EHC' plan for short. This is instead of the 'Statement' of special educational needs or the 'Learning Difficulty Assessment' which children and young people used to get.

As well as saying what help the child or young person needs with their education, the plan will say what they should be able to achieve if they get that help.

The council has to take notice of what the young person, or their parent, said should go in the plan. They have to check the plan with the young person or their parent before it is finished off.

The young person or their parent can ask for their plan to say they should go to a particular school or college. That school or college has to take them unless the council thinks it is not the right school or college for them.

The Act says the council must make sure the child or young person actually gets the help with their education that their plan says they should get. The relevant health care body has to give them the health care that is set out in their plan too.

The council must keep the plan up to date. They must check it each year.

If a person under 18 with an EHC plan goes into a centre for young offenders, the council and health service must carry on giving help.

When the young person is 19 and over, the council must decide whether the young person has achieved the things that they set out to do under their EHC plan.

The help in a young person's EHC plan can carry on up to age 25 if the council thinks the young person still needs that help. When a young person is aged between 19 and 25, the council must take into account whether there are still things in their EHC plan the young person needs to achieve, when deciding if they still need help. The council may help them to get back into college or job training if that is what the young person needs and wants. If a young person is being trained as an apprentice, they can get help through an EHC plan as well.

## **Eight - Making sure children, young people and their parents can choose some of the help they need**

Under the Act, a young person who has an EHC plan, or their parents, can ask the local council to give them their own 'personal budget'. This means the amount of money the council has to pay for the help they need with their education, health and social care.

The young person or one of their parents can be given this money to spend on some of the help they need. Or they can help decide how the council spends it on helping them.

This is to give them a real say in what help they get.

It is up to the young person and their parents to decide whether they want to spend the money on help themselves, or to leave it with the council to spend for them.

The Government can make rules about how this works. The rules could say how the council should give information and advice to young people and parents to help them choose what the money should be spent on.

## **Nine – Providing ways to help sort things out if a child or young person or their parent needs to appeal about the help they get**

Under the Act, if a young person or their parent wants to make an appeal, they will be told about how a 'mediator' can help them sort things out. A mediator is someone who can listen without taking sides and helps people to make the right decision. A mediator can help sort out things to do with education, health services, or social care.

If they don't want a mediator, then the appeal goes to a panel of people called a Tribunal to decide what should happen.

The Act says the Government can let children themselves make their own appeals about their EHC plans to a Tribunal. It can try this out in some parts of the country, and if it works OK, it can make this happen everywhere in England. There would be rules about how old a child has to be to do this, how to decide whether they can manage to do this, what sort of help they'd need, and how someone else could do this for them if they wanted them to.

The Act also says the Government will look at how complaints and appeals work under the new system, and report back to Parliament.



# What the Act says about helping parents by caring for children outside school



## **What the Act says about helping parents by caring for children outside school**

### **(in Part 4 of the Act)**

The idea of these changes is to make sure that there is enough good childcare so that children are looked after while their parents go to work.

The Act says FIVE main things to help parents who need someone to look after their children while they are at work.

### **One - Helping more people to look after children as childminders**

The Act lets approved people or organisations give permission for people to look after children as childminders. In the past only Ofsted, the inspection organisation, could give people permission to work as childminders.

Childminders can be registered with these approved 'agencies', either to look after children up to five years old, or to look after older children up to eight. Ofsted will check that these agencies are working well. It will also check how well the agency makes sure that its childminders are doing a good job for the children they look after.

### **Two - Saving time and money**

The Act says that local councils don't have to write a report every three years about whether there are enough childminders and other people to look after children in their area.

Instead, they should give out information about this in a way that is useful to people living in their areas.

### **Three - Helping more inspections to happen when they need to**

Ofsted inspects nurseries, childminders and other people who provide childcare. Sometimes these providers will want an extra inspection - for example, they might believe that they are doing a better job since the last time the inspectors visited, and they want the inspectors to check on that.

In the past Ofsted couldn't ask people to pay for extra inspections whenever they wanted them. Under the Act, they can.

## **Four - Making it easier for schools to help children before and after school**

Schools that are run by their local councils can do different things to help their pupils and other local people. For example, they can run breakfast clubs or after school clubs.

In the past, schools needed to consult before they could open a club like this, which took time and meant that not as many schools did this. Under the Act they can do this without needing to do this first.

## **Five - Making sure parents have a choice of childcare for their children**

At the moment, parents are able to ask for Government funding to pay for up to 15 hours per week of childcare for their young child. The Act lets parents choose which of the people who look after very young children in their area they want to care for their own child. The childcare provider would need to agree to look after the child and be happy with how much they'll be paid.



# Other new laws to make things better for children



## **Other new laws to make things better for children**

### **(in Part 5 of the Act)**

The Act says new things about how children should be treated right. It adds TEN new things to the law for children. Some of these are for particular groups of children (like children in care). Others are for all children.

### **One - Letting children under 14 take part in more sorts of public performances**

Children under school leaving age usually need permission from the council to take part in performances that people pay to see, or which are to go on television or radio, unless they are put on by their school. A performance can be lots of things, like singing, dancing, acting, playing music, or if you are being paid to model or play sport. The council will only give permission if they are sure that the child is going to be properly looked after and will not miss out on schooling.

In the past, you could only get permission for a child under 14 if they were going to sing or play music, or act or dance in a part that really had to be done by a child their age.

The Act takes away the limits on what the council can let someone under 14 do. The council can now give permission for anyone under school leaving age to take part in any kind of performance. It no longer makes a difference if you are under 14.

This change is for England and Wales.

### **Two - Protecting children from getting addicted to nicotine or harmed by tobacco**

The Act makes it illegal for an adult (someone over 18) to buy cigarettes or other tobacco products for anyone under 18.

The Government can in future make rules that make it illegal to sell electronic cigarettes to anyone under 18.

The Government can make new rules about how cigarettes packs and other tobacco packs must look, for example all packs may have to be the same shape and colour.

The Government can make new rules to make it illegal for people to smoke in cars if anyone under 18 is in the car.

The new laws about buying and selling tobacco and nicotine products and smoking in cars carrying children are for England and Wales only. Any new rules about how

tobacco packs look would be made for England, Wales, Scotland and Northern Ireland if each country agrees.

### **Three - Getting more help for young carers**

Young carers are children or young people who care for another person. This may be someone in their family who needs looking after because they have a disability or an illness. It could be a brother or sister or a parent or grandparent. Young carers should not have to do so much caring that it makes them upset, unwell or miss school.

The Act gives young carers more rights to ask for help. It says that councils must check what help any young carer needs as soon as they know they might need help, or if the young carer asks them to. The check is called a 'Young Carer's Needs Assessment'. In the past, young carers always had to ask first if they wanted their council to check what help they needed.

The council has to do this check whoever the young carer is caring for and whatever sort of care they are giving. As well as the care the young carer is giving to someone else, they must look at what the young carer needs for their own education or work, health, hobbies or activities.

The council must ask the young carer and their parent for their views when they work out what help is needed. They also have to ask anyone else the young carer or their parent wants them to ask.

When it has finished checking what help the young carer needs, the council has to decide what help it should be giving. This could involve giving help to the person that the young carer looks after, so that the young carer does not have to do so much caring.

The Government can make rules about how councils must do all this.

### **Four - Getting more help for parents who are looking after a disabled child**

The Act says that councils must check what help the parent needs as soon as they know they might need help to look after a disabled child, or if the parent asks them to. This check is called a 'Parent Carer's Needs Assessment'. In the past, parents always had to ask first if they wanted their council to check what help they needed to look after a disabled child.



The council has to do this check however much care the parent has to give because the child is disabled. The parent doesn't have to be giving lots of care regularly before they can have this check.

When they check what help is needed, the council must ask the parent, the disabled child if possible, and any other children the parent has, for their views. They also have to ask anyone else the parent wants them to.

When it has finished checking what help the parent needs, the council has to decide what it should do to help them look after their disabled child.

The Government can make rules about all this.

## **Five - Letting foster children carry on living with their former foster carers until they are 21**

Foster children leave care by their 18th birthday. That is often too soon for them to leave their foster family as well. Other young people don't have to leave their families just because they are 18.

The Act says young people in foster care can 'stay put' in their foster families, without having to leave when they get to 18. As long as they want to stay, and the carers who fostered them want them to, they can stay on with their former foster carers as adults until they are 21.

The council has to keep an eye on things to make sure everything is OK for someone staying on with the people who fostered them.

Unless staying put is not right for the young person, the council must give the former foster carers the advice, help and money they need for the young person to stay on until they are 21.

## **Six - Helping children who are looked after by their local councils to do well at school**

Many councils have someone to make sure that staff in schools don't forget they need to help looked after children to enjoy learning and do well at school. This person is sometimes called a 'Virtual School Head'.

Their job is to know where every looked after child goes to school. It is to find out if teachers are giving looked after children the help they need to do well at school.

Looked after children go to lots of different schools. But their 'Virtual School Head' can check on how things are going for them as if they were all in one school, and the 'Virtual School Head' was actually their own Head Teacher.

Having a 'Virtual School Head' has been found to help looked after children do well in their education. It helps looked after children to have the same chance to do well as anyone else.

The Act says that every council in England must appoint a 'Virtual School Head' to help all their looked after children do well at school. Councils can have more than one 'Virtual School Head' if they need to.

## **Seven - Schools should give more help to pupils who have medical problems**

The Act says that schools must give support at school to pupils who have medical problems.

The Government can set guidelines about doing this. These say exactly how schools should help pupils with medical problems. For example, the school could write a plan for the medical help a pupil needs at school. It could train school staff in how to help, and could plan how to deal with an emergency if it happens at school. Schools should then follow those guidelines.

## **Eight - Making sure the Government can sort things out for children if their council isn't doing what it should be doing**

The law already says that the Government can step in to get things sorted out if a council is not doing what it should be doing for children.

The Act makes the law about what the Government can do clearer than ever before.

## **Nine - Doing more to improve children's homes**

The Act says the Government can set new rules for children's homes, fostering services and adoption agencies. These would say what they must do for children, and how they must look after children. For example, they might say what a children's home must do to help the children they look after stay healthy or to make sure that they get a good education. These new rules would be called 'Regulations'. They would have to be followed by law.

There could then be more detailed information (called 'standards') to help explain to children's homes the different things they could do to keep to the rules. When children's homes, fostering services and adoption agencies are visited by Ofsted (the inspection people) inspectors would have to look at how the standards are being followed and how well children are being cared for.

The Act also says that if someone isn't allowed to have other people's children living with them, then they can't run a children's home either.

Lastly, if Ofsted is very worried that a children's home is not looking after children properly, the Act lets Ofsted order the home to close immediately and stop looking after children. (In the past, this could be done in Wales, but not by Ofsted in England.)

## **Ten - Giving free school lunches to all very young pupils**

The Act says that every school and academy which is paid for by the state must give free school lunches to every child who wants one in their reception classes, year one or year two. (Those are the years in which most children will have their fifth, sixth and seventh birthdays.)

Schools have to give these children a free school lunch if the child asks for one, or if someone else (like their parent) asks for them to be given one.

# How the Act changes the Children's Commissioner





# How the Act changes the Children's Commissioner

## (in Part 6 of the Act)

There has been a Children's Commissioner in England since 2004. The Commissioner's job is to make sure that people know about children's needs and views. The Commissioner also stands up for children on big things that make a difference to lots of children. You can find out more about what the Commissioner does by going to the [Children's Commissioner's website](#).

The Act helps the Commissioner make sure that people take proper notice of children's needs and children's rights. It gives the Commissioner stronger powers than before. It makes sure the Commissioner is free to decide what to look into and not be told what work to do for children by the Government.

The Act makes SIX main changes to the Children's Commissioner. These changes are mainly for England. The Commissioner can also look into things that affect children over the whole of the United Kingdom. Children in Wales, Scotland and Northern Ireland have their own Children's Commissioners to look into things that come under their own governments.

## **One - Giving the Children's Commissioner for England the job of looking after the rights of all children in England**

Under the Act, the main job of the Children's Commissioner is to tell people about children's rights, and to help protect the rights of children. The Commissioner can look into anything to do with children's rights or what is best for children.

The Commissioner also has the job of making sure people know about children's needs and views.

One of the things the Commissioner can do is to help the Government take children's rights into account before they bring in new ideas or laws. Another thing the Commissioner could do is to check on how well complaints procedures and children's advocates actually work for children.

All children have rights. Children's rights can come from different places, but the Act says the Commissioner should look especially at the rights in the United Nations' Convention on the Rights of the Child:

[www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx).

## **Two - Giving the Commissioner stronger powers**

The Commissioner could already go into any place where children were, to talk with children. The Act allows the Commissioner to also go there to see how well children



are being cared for, and to talk to anyone who works there, to find out how the children are being looked after. But the Commissioner can't go into anyone's house.

The Commissioner can make recommendations to the Government or people who work with children. They can also ask them what they are going to do about those recommendations.

### **Three - Making sure the Children's Commissioner is independent but lets other people, including children, know what they are doing**

Under the Act, the Children's Commissioner can decide for themselves what they do for children's rights, children's needs and children's views. The Government can no longer give the Commissioner things to do.

The Commissioner has to set up a group of people (the 'Advisory Board') to give them advice about what work to do for children and how it should be done.

The Act says the Children's Commissioner must write a plan about all the big things they want to do the next year. They have to ask children and other people what they think about the plan in case they have other ideas. At the end of the year, they must write a report saying what they have done. They have to write a report that is easy for children to read. The Commissioner can send a copy of this report straight to Parliament to let them know what is going on.

### **Four - The Commissioner must show how they have taken children's views on board in their work**

Under the Act, the Commissioner will have to write in their report each year how they have asked children for their views, how they have listened to them, and how children have taken part in other ways in their work.

The report will also have to say what the Commissioner has done about what children have said each year.

### **Five - The Commissioner will pay particular attention to the rights of children in care or living away from home**

In the past, there has been a Children's Rights Director working specially for children in care, children getting help from children's social care, and children living away from home.

Under the Act, there is no longer a separate Children's Rights Director. Instead, the Children's Commissioner must pay special attention to the rights of these children.

The Act says the Commissioner must say what work they plan to do each year to help these children. And, at the end of each year, they must write in their report what work they have done for these children. The Commissioner can give advice and help to individual children in these groups if their rights are not being met.

### **Six - Making it clear how long the Commissioner's job lasts for and to make sure children have a say in who is chosen to be the Commissioner**

Under the Act the Commissioner can do the job for six years. When a person has been the Commissioner once, they cannot apply to do the job again.

The Government has the final say in who is chosen to be the Commissioner. But they must first ask some children what they think. The Government will also ask people in Parliament.

You can contact the Commissioner online at [the Children's Commissioner's website](#)

If you think the Commissioner may not be able to help you, but you would still like to talk to someone about a problem you have, try talking about it to someone you trust – they could be a parent, a carer or a teacher. Or you can get confidential support and advice from ChildLine, either online at [www.childline.org.uk](http://www.childline.org.uk) or by calling 0800 1111.

# How the Act helps parents when they have a new child



## **How the Act helps parents when they have a new child**

### **(in parts 7 and 8 of the Act)**

This bit of the Act helps both parents of a child to do the best for their child, starting from before the child is born.

It helps both parents take part in looking after their child. It lets them share time off between them after they have a baby.

And it gives parents who are adopting a child the same sort of help and time off work that other parents have.

The Act says THREE main things to help new parents have time off work when they need it.

The Government can make new rules about how they will work.

These changes are for England, Wales and Scotland, but not Northern Ireland.

### **One - For both parents to have time off to go together to clinic appointments before their baby is born**

Under the Act, either the baby's father, or whoever is the mother's partner, can take time off work to go to two clinic appointments with her while she is pregnant. These would be 'ante-natal' appointments, to check on things before the baby is born.

### **Two - Letting people who are going to adopt a child have time off work to see the child and go to meetings about adoption**

Under the Act, people who are going to adopt a child can have time off work to meet the child they are going to adopt. They can also have time off to go to meetings about adopting the child. This is for meetings or visits with the child that a social worker has arranged.

One of the parents adopting the child can take paid time off work five times. The other one can take unpaid time off work twice.

### **Three - Letting each parent take time off work when they have a new baby, so they can both have the chance to look after the baby**

At the moment, mothers get time off work when they have a new baby. This is called 'maternity leave'. Under the Act, mums and dads can share this time off between them.

They can both take time off to look after the baby.

New parents can share the pay they get while they are away from work when they have a new child.

The Act lets people who are adopting a child share their time off and pay in the same way when they adopt their child. They may be able to do this too if the child is already living with them as a foster child before their adoption happens.



# How the Act helps people fit their work times around other things in their lives



## **How the Act helps people fit their work times around other things in their lives**

### **(in Part 9 of the Act)**

The Act makes a change for everyone who has a job. This should help them share their time well between their work and their family.

The change is for England, Wales and Scotland, but not Northern Ireland.

### **People who have a job can ask to change their work times or places if they need to**

Under the Act, anyone who has a job can ask their boss to let them change their work hours. Or they can ask if they can change where they do their work. They can ask for these things after they had been in their job for 26 weeks (about six months).

In the past, the only people who could ask for these things were people who needed to change how they worked so they could look after a child or someone else.

Bosses do not have to agree to change someone's work hours or where they do their job.

The Act takes away the rules bosses had to follow about this in the past. Instead, under the new law bosses have to be reasonable in how they decide whether or not to let someone change their work hours or the place they do their work.

The Government says an organisation called 'ACAS' will write some guidelines for what bosses need to do to be reasonable.





Department  
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