



Children and Families Act 2014

CHAPTER 6

CHILDREN AND FAMILIES ACT 2014

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- 117 Shared parental leave

Status: This is the original version (as it was originally enacted).

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- 119 Statutory shared parental pay
120 Exclusion or curtailment of other statutory rights to pay

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123 Statutory paternity pay: notice requirement and period of payment
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137 Transitional, transitory or saving provision
138 Financial provision
139 Commencement
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SCHEDULES

SCHEDULE 1 — The Adoption and Children Act Register

- 1 The Adoption and Children Act 2002 is amended as follows....
2 (1) Section 125 (Adoption and Children Act Register) is amended...
3 (1) Section 126 (use of an organisation to establish the...

- 4 (1) Section 127 (use of an organisation as agency for...
- 5 (1) Section 128 (supply of information for the register) is...
- 6 (1) Section 129 (disclosure of information) is amended as follows....
- 7 Section 130 (territorial application) is repealed.
- 8 (1) Section 131 (supplementary) is amended as follows.
- 9 In section 142 (supplementary and consequential provision), in subsection (4)...
- 10 In section 144 (general interpretation etc), in subsection (2)—
- 11 (1) Sections 125 to 131 cease to have effect in...

SCHEDULE 2 — Child arrangements orders: amendments

PART 1 — AMENDMENTS OF THE CHILDREN ACT 1989

- 1 The Children Act 1989 is amended as follows.
- 2 (1) Section 5 (appointment of guardians) is amended as follows....
- 3 In the title of section 8 for “Residence, contact” substitute...
- 4 (1) Section 9 (restrictions on making section 8 orders) is...
- 5 (1) Section 10 (power of court to make section 8...
- 6 (1) Section 11 (section 8 orders: general principles and supplementary...
- 7 (1) Section 11A (contact activity directions) is amended as follows....
- 8 (1) Section 11B (further provision about contact activity directions) is...
- 9 (1) Section 11C (contact activity conditions) is amended as follows....
- 10 (1) Section 11D (further provision about contact activity conditions) is...
- 11 (1) Section 11E (making of contact activity directions and conditions)...
- 12 (1) Section 11F (contact activity: financial assistance) is amended as...
- 13 (1) Section 11G (contact activity: monitoring) is amended as follows....
- 14 (1) Section 11H (monitoring contact) is amended as follows.
- 15 In section 11I (warning notices to be attached to contact...
- 16 (1) Section 11J (enforcement orders where contact order not complied...
- 17 (1) Section 11K (enforcement orders: further provisions) is amended as...
- 18 (1) Section 11L (making of enforcement orders) is amended as...
- 19 (1) Section 11O (compensation for financial loss arising from breach...
- 20 (1) Section 11P (compensation orders under section 11O(2): further provision)...
- 21 (1) Section 12 (residence orders and parental responsibility) is amended...
- 22 (1) Section 13 (effect of residence order on change of...
- 23 Omit section 14 (enforcement of residence orders in magistrates’ courts)....
- 24 In section 14A(5) (persons eligible to apply for special guardianship...
- 25 (1) Section 14B (making of special guardianship orders) is amended...
- 26 In section 14D(1) (persons eligible to apply for variation or...
- 27 (1) Section 16 (family assistance orders) is amended as follows....
- 28 For section 20(9)(a) (if accommodation under section 20 provided for...
- 29 In section 22C(3)(c) (where residence order in favour of a...
- 30 In section 23(4) (persons not referred to as local authority...
- 31 In section 34(1)(c) (child in care to be allowed reasonable...
- 32 (1) Section 38 (interim care or supervision orders) is amended...
- 33 (1) Section 41 (representation of child: meaning of “specified proceedings”)...
- 34 In section 43(11) (persons to be given notice of application...
- 35 In section 44(13) (persons to be allowed reasonable contact with...
- 36 In section 46(10) (persons to be allowed reasonable contact with...

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- 37 (1) Section 91 (effect and duration of orders etc.) is...
- 38 (1) Section 105 (interpretation) is amended as follows.
- 39 (1) Schedule A1 (enforcement orders) is amended as follows.
- 40 (1) Schedule 1 (financial provision for children) is amended as...
- 41 In Schedule 14, omit paragraph 10 (certain orders made under...
PART 2 — AMENDMENTS IN OTHER LEGISLATION
- 42 Marriage Act 1949 (c. 76)
- 43 Children and Young Persons Act 1969 (c. 54)
- 44 Local Authority Social Services Act 1970 (c. 42)
- 45 Domicile and Matrimonial Proceedings Act 1973 (c. 45)
- 46 Mental Health Act 1983 (c. 20)
- 47 Child Abduction Act 1984 (c. 37)
- 48 Child Abduction and Custody Act 1985 (c. 60)
- 49 Family Law Act 1986 (c. 55)
- 50 (1) Section 5 (which contains references to contact activity directions)...
- 51 (1) Section 6 (which includes provision for a family assistance...)
- 52 Child Support Act 1991 (c. 48)
- 53 Armed Forces Act 1991 (c. 62)
- 54 In section 17(4) (persons who may apply for assessment order)...
- 55 In section 18(7) (persons who may apply to vary or...)
- 56 In section 20(8) (persons who are to be allowed reasonable...)
- 57 In section 22A(7) (persons who are to be allowed reasonable...)
- 58 (1) Section 23(1) (interpretation of Part 3) is amended as...
- 59 Adoption and Children Act 2002 (c. 38)
- 60 (1) Section 26 (placement of children by adoption agency for...)
- 61 (1) Section 28 (further consequences of placement) is amended as...
- 62 (1) Section 29 (further consequences of placement orders) is amended...
- 63 (1) Section 32 (recovery of child from placement) is amended...
- 64 (1) Section 35 (return of placed child in certain cases)...
- 65 (1) Schedule 6 (glossary) is amended as follows.
- 66 Civil Partnership Act 2004 (c. 33)
- 67 Income Tax (Trading and Other Income) Act 2005 (c. 5)
- 68 (1) Section 744 (payments to adopters, etc: England and Wales)...
- 69 In section 806(5) (persons who are not foster carers for...)
- 70 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

SCHEDULE 3 — Special educational needs: consequential amendments

PART 1 — AMENDMENTS TO THE EDUCATION ACT 1996

- 1 The Education Act 1996 is amended as follows.
- 2 (1) Section 6 (nursery schools and special schools) is amended...
- 3 (1) Section 13 (general responsibility for education) is amended as...
- 4 In section 13A (duty to promote high standards and fulfilment...)
- 5 (1) Section 15ZA (duty in respect of education and training...)
- 6 In section 15A (powers in respect of education and training...)
- 7 In section 15B (functions in respect of education for persons...)
- 8 In section 18A (provision of education for persons subject to...)
- 9 In the title of Chapter 1 of Part 4 (children...)
- 10 Before section 312 (meaning of special educational needs etc) insert—...
- 11 (1) Section 312 (meaning of “special educational needs” and “special...)
- 12 (1) Section 313 (code of practice) is amended as follows....
- 13 (1) Section 314 (making and approval of code) is amended...
- 14 (1) Section 316A (education otherwise than in mainstream schools) is...
- 15 In section 317 (duties of governing body or local authority...)

- 16 (1) Section 318 (provision of goods and services in connection...
- 17 In section 326 (appeal against contents of statement), in subsection...
- 18 (1) Section 326A (unopposed appeals) is amended as follows.
- 19 (1) Section 328A (appeal against determination of local authority in...
- 20 (1) Section 329A (review or assessment of educational needs at...
- 21 (1) Section 332ZA (right of a child to appeal to...
- 22 In section 332ZB (notice and service of documents on a...
- 23 (1) Section 332ZC (case friends—Wales) is amended as follows.
- 24 (1) Section 332A (advice and information for parents—England) is repealed....
- 25 (1) Section 332AA (advice and information— Wales) is amended as...
- 26 (1) Section 332B (resolution of disputes—England) is repealed.
- 27 (1) Section 332BA (resolution of disputes—Wales) is amended as follows....
- 28 (1) Section 332BB (independent advocacy services—Wales) is amended as follows....
- 29 (1) Sections 332C to 332E (information about children in England...
- 30 In the cross-heading which precedes section 333 (Special Educational Needs...
- 31 (1) Section 333 (constitution of Welsh Tribunal) is amended as...
- 32 In section 335 (remuneration and expenses), in subsection (1) and...
- 33 (1) Section 336 (Tribunal procedure) is amended as follows.
- 34 (1) Section 336ZB (appeals from the Welsh Tribunal to the...
- 35 In section 336A (compliance with orders), in subsection (2)—
- 36 For section 337 (special schools) substitute— Special schools A school is a special school if it is specially...
- 37 In section 342 (approval of non-maintained special schools), in subsection...
- 38 (1) Section 348 (provision of special education at non-maintained schools)...
- 39 (1) Section 438 (choice of school: child without statement of...
- 40 (1) Section 440 (amendment of order at request of parent:...
- 41 (1) Section 441 (choice of school: child with statement of...
- 42 In section 442 (revocation of order at request of parent),...
- 43 In section 463 (meaning of “independent school”)—
- 44 (1) Section 483A (city colleges and academies: special educational needs)...
- 45 In section 507B (local authorities in England: functions in respect...
- 46 In section 508F (local authorities in England: provision of transport...
- 47 In the title of section 508I (complaints about transport arrangements...
- 48 (1) Section 509AB (local authorities in England: further provision about...
- 49 In section 509AC (interpretation of sections 509AA and 509AB), in...
- 50 (1) Section 514A (provision of boarding accommodation for persons subject...
- 51 In section 517 (payment of fees at schools not maintained...
- 52 (1) Section 532A (direct payments: persons with special educational needs...
- 53 In section 532B (direct payments: pilot schemes), in subsection (9)...
- 54 In section 560A (work experience for persons over compulsory school...
- 55 (1) Section 562C (detained persons with special educational needs) is...
- 56 In section 562D (appropriate special educational provision: arrangements between local...

Status: This is the original version (as it was originally enacted).

- 57 (1) Section 562G (information to be provided where statement of...
 58 (1) Section 562H (release of detained person appearing to host...
 59 In section 579 (general interpretation)— (a) in subsection (1), after...
 60 In section 580 (index)— (a) after the entry for “education...
 61 In Schedule 35B (meaning of “eligible child” for purposes of...
 62 (1) In Schedule 36A (education functions), the table in paragraph...
 PART 2 — AMENDMENTS TO OTHER ACTS
 63 Local Government Act 1974 (c. 7)
 64 Disabled Persons (Services, Consultation and Representation) Act 1986
 (c. 33)
 65 Children Act 1989 (c. 41)
 66 Value Added Tax Act 1994 (c. 23)
 67 School Standards and Framework Act 1998 (c. 31)
 68 (1) Section 98 (admission for nursery education or to nursery...
 69 (1) Section 123 (nursery education: children with special educational
 needs)...
 70 In Part A1 of Schedule 22 (disposals of land in...
 71 Learning and Skills Act 2000 (c. 21)
 72 In section 35 (conditions imposed by Welsh Ministers on financial...
 73 In section 41 (discharge by the Welsh Ministers of certain...
 74 Sections 139A, 139B and 139C (assessments relating to learning
 difficulties)...
 75 In consequence of the repeals made by paragraphs 72, 73...
 76 Education Act 2002 (c. 32)
 77 In section 92 (pupils with statements of special educational needs:...
 78 (1) Section 94 (information concerning directions under section 93) is...
 79 Nationality, Immigration and Asylum Act 2002 (c. 41)
 80 Children Act 2004 (c. 31)
 81 Education and Inspections Act 2006 (c. 40)
 82 Education and Skills Act 2008 (c. 25)
 83 In section 4 (meaning of appropriate full-time education or training)—...
 84 In section 17 (sharing and use of information held for...
 85 In section 47 (attendance notice: description of education or training)
 —...
 86 In section 78(1) (Part 2: supplementary), in the definition of...
 87 In section 132 (providers of independent education or training for...
 88 Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)
 89 In section 83 (power to secure provision of apprenticeship training)—...
 90 In section 86 (education and training for persons aged 19...
 91 In section 87 (learning aims for persons aged 19 or...
 92 In section 101 (financial resources: conditions), in subsection (5)(f)—
 93 In section 115 (persons with learning difficulties)—
 94 In section 129 (general duties of Ofqual)—
 95 Academies Act 2010 (c. 32)
 96 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

SCHEDULE 4 — Childminder agencies: amendments

PART 1 — THE CHILDCARE REGISTERS

- 1 The Childcare Act 2006 is amended as follows.
 2 (1) Section 32 (childcare registration in England: maintenance of the...
 PART 2 — EARLY YEARS CHILDMINDER AGENCIES
 3 The Childcare Act 2006 is amended as follows.
 4 In section 33 (requirement to register: early years childminders), in...

- 5 (1) Section 34 (requirement to register: other early years providers)...
- 6 (1) Section 35 (applications for registration: early years childminders)
is...
- 7 (1) Section 36 (applications for registration: other early years
providers)...
- 8 (1) Section 37 (entry on the register and certificates) is...
- 9 After section 37 insert— Early years childminder agencies: registers
and...
- 10 In section 38 (conditions on registration), in subsections (1) and...
- 11 (1) Section 44 (instruments specifying learning and development or
welfare...
- 12 In section 49 (inspections), in subsection (1) for “under this...
- 13 After Chapter 2 (regulation of early years provision) insert—
CHAPTER...
- PART 3 — LATER YEARS CHILDMINDER AGENCIES
- 14 The Childcare Act 2006 is amended as follows.
- 15 In section 52 (requirement to register: later years childminders for...
- 16 (1) Section 53 (requirement to register: other later years providers...
- 17 (1) Section 54 (applications for registration: later years childminders)
is...
- 18 (1) Section 55 (applications for registration: other later years
providers)...
- 19 (1) Section 56 (entry on the register and certificates) is...
- 20 After section 56 insert— Later years childminder agencies: registers
and...
- 21 In section 57 (special procedure for registered early years providers),...
- 22 After section 57 insert— Special procedure for providers registered
with...
- 23 In section 58 (conditions on registration), in subsections (1) and...
- 24 (1) Section 59 (regulations governing activities) is amended as
follows....
- 25 In section 60 (inspections), in subsection (1) for “under this...
- 26 After Chapter 3 (regulation of later years provision for children...
PART 4 — VOLUNTARY REGISTRATION WITH CHILDMINDER AGENCY
- 27 The Childcare Act 2006 is amended as follows.
- 28 In section 65 (special procedure for persons already registered), in...
- 29 After section 65 insert— Voluntary registration of persons registered
with...
- 30 In section 66 (conditions on registration), in subsections (1) and...
- 31 (1) Section 67 (regulations governing activities) is amended as
follows....
- PART 5 — PROVISIONS APPLYING IN RELATION TO ALL CHILDMINDER
AGENCIES
- 32 The Childcare Act 2006 is amended as follows.
- 33 (1) Section 68 (cancellation of registration) is amended as follows....
- 34 (1) Section 69 (suspension of registration) is amended as follows....
- 35 After section 69 insert— Cancellation, termination and suspension of
registration...
- 36 After section 69A (as inserted by paragraph 35) insert— Cancellation...
- 37 (1) Section 70 (voluntary removal from register) is amended as...
- 38 After section 70 insert— Voluntary removal from a childcare register:...
- 39 In section 71 (termination of voluntary registration on expiry of...
- 40 In section 72 (protection of children in an emergency), in...

Status: This is the original version (as it was originally enacted).

- 41 (1) Section 73 (procedure for taking certain steps) is amended...
- 42 (1) Section 74 (appeals) is amended as follows.
- 43 In the italic heading before section 75 (disqualification from registration),...
- 44 In the title of section 75, at the end insert...
- 45 (1) Section 76 (consequences of disqualification) is amended as follows....
- 46 After section 76 insert— Disqualification from registration: childminder agencies Disqualification...
- 47 (1) Section 77 (powers of entry) is amended as follows....
- 48 For the title of section 78 substitute “Powers of entry...
- 49 After section 78 insert— Chief Inspector’s powers of entry: childminder...
- 50 In section 79 (power of constable to assist in exercise...
- 51 (1) Section 82 (supply of information to the Chief Inspector),...
- 52 (1) Section 83 (supply of information to HMRC and local...
- 53 After section 83 insert— Supply of information to the Secretary...
- 54 In the title of section 84 (disclosure of information for...
- 55 After section 84 insert— Disclosure of information for certain purposes:...
- 56 In section 85 (offence of making false or misleading statement),...
- 57 (1) Section 87 (offences by bodies corporate) is amended as...
- 58 In section 89 (fees), in subsection (1) after “to 4”...
- 59 (1) Section 90 (cases where consent to disclosure is withheld)...
- 60 (1) Section 93 (notices) is amended as follows.
- 61 In section 94 (power to amend Part 3: applications in...
- 62 (1) Section 98 (interpretation of Part 3) is amended as...

PART 6 — OTHER AMENDMENTS

- 63 In section 99 of the Childcare Act 2006 (provision of...
- 64 In the Employment Agencies Act 1973, in section 13(7) (exemptions)...

SCHEDULE 5 — Children’s Commissioner: minor and consequential amendments

- 1 Inquiries
- 2 (1) Section 4 of the Children Act 2004 (inquiries held...
- 3 Functions of Commissioner: children in Wales, Scotland and Northern Ireland
- 4 (1) Section 6 of the Children Act 2004 (functions of...
- 5 (1) Section 7 of the Children Act 2004 (functions of...
- 6 Young persons
- 7 Appointment and tenure of Children’s Commissioner
- 8 In Schedule 1 to the Children Act 2004, after paragraph...
- 9 Deputy Children’s Commissioner

SCHEDULE 6 — Repeal of requirement to appoint Children’s Rights Director: transfer schemes

- 1 Staff transfer schemes
- 2 Property transfer schemes
- 3 The Chief Inspector
- 4 Continuity
- 5 Supplementary provisions
- 6 Interpretation

SCHEDULE 7 — Statutory rights to leave and pay: further amendments

- 1 Social Security Act 1989 (c. 24)
- 2 (1) Paragraph 5A (schemes that contain unfair paternity leave provisions)...
- 3 (1) Paragraph 5B (schemes that contain unfair adoption leave provisions)...
- 4 After paragraph 5B there is inserted— Unfair shared parental leave...
- 5 Finance Act 1989 (c. 26)
- 6 Social Security Contributions and Benefits Act 1992 (c. 4)
- 7 In section 1 (outline of contributory system), in subsection (5)...
- 8 In section 4 (payments treated as remuneration and earnings), in...
- 9 In section 4C (power to make provision in consequence of...
- 10 In the title of Part 12ZA, the words “Ordinary and...
- 11 The italic cross-heading preceding section 171ZA is repealed.
- 12 (1) Section 171ZA (entitlement to ordinary statutory paternity pay: birth)...
- 13 (1) Section 171ZB (entitlement to ordinary statutory paternity pay: adoption)...
- 14 (1) Section 171ZC (entitlement to ordinary statutory paternity pay: general)...
- 15 (1) Section 171ZD (liability to pay ordinary statutory paternity pay)...
- 16 (1) Section 171ZE (rate and period of pay) is amended...
- 17 The italic cross-heading preceding section 171ZEA is repealed.
- 18 The italic cross-heading preceding section 171ZF is repealed.
- 19 In section 171ZF (restrictions on contracting out), in subsection (2)...
- 20 In section 171ZG (relationship with contractual remuneration), subsection (4) is...
- 21 (1) Section 171ZJ (provision supplementary to Part 12ZA) is amended...
- 22 In section 176 (Parliamentary control of subordinate legislation), in subsection...
- 23 Social Security Administration Act 1992 (c. 5)
- 24 In section 5 (regulations about claims for and payments of...
- 25 In section 122AA (disclosure of contributions information etc by HMRC),...
- 26 In section 150 (annual up-rating of benefits), in subsection (1)...
- 27 In section 163 (general financial arrangements), in subsection (1) (payments...
- 28 (1) Section 165 (adjustments between the National Insurance Fund and...
- 29 Employment Rights Act 1996 (c. 18)
- 30 In section 27 (meaning of “wages”), in subsection (1) (sums...
- 31 In section 47C (right not to be subjected to detriment...
- 32 In section 80A (entitlement to ordinary paternity leave: birth), in...
- 33 In section 80B (entitlement to ordinary paternity leave: adoption), in...
- 34 (1) Section 80C (rights during and after ordinary and additional...
- 35 In section 80D (provision as to redundancy or dismissal), in...
- 36 (1) Section 80E (supplemental to Chapter 3 of Part 8)...
- 37 (1) Section 88 (liability of employer to pay employee during...
- 38 (1) Section 89 (effect of notice of termination: employments without...
- 39 In section 99 (dismissal to be regarded as unfair where...
- 40 In section 106 (dismissal of employee engaged as replacement for...
- 41 In section 230 (meaning of “employee”, etc), after subsection (6)...
- 42 In section 235 (other definitions), in subsection (1)—
- 43 In section 236 (orders and regulations), in subsection (3) (affirmative...

- 44 Social Security Contributions (Transfer of Functions, etc.) Act 1999
(c. 2)
- 45 (1) Section 8 (decisions by officers of Revenue and Customs)...
- 46 In section 11 (appeals against decisions of officers of Revenue...
- 47 (1) Section 14 (matters arising as respects decisions) is amended...
- 48 Finance Act 1999 (c. 16)
- 49 Finance Act 2000 (c. 17)
- 50 Employment Act 2002 (c. 22)
- 51 (1) Section 7 (funding of employers' liabilities as regards certain...
- 52 (1) Section 8 (regulations about payment) is amended as follows....
- 53 (1) Section 10 (powers to require information) is amended as...
- 54 In section 11 (penalties for failure to comply), in subsection...
- 55 (1) Section 12 (penalties for fraud or negligence) is amended...
- 56 In section 13 (supply of information held by Her Majesty's...
- 57 (1) Section 14 (supply of information held by the Secretary...
- 58 In section 15 (use of information by Her Majesty's Revenue...
- 59 In section 55 (short title etc), in subsection (8) (references...
- 60 Proceeds of Crime Act 2002 (c. 29)
- 61 Income Tax (Earnings and Pensions) Act 2003 (c. 1)
- 62 (1) Section 660 (taxable benefits: UK benefits - Table A)...
- 63 (1) Schedule 5 (enterprise management incentives) is amended as
follows....
- 64 Commissioners for Revenue and Customs Act 2005 (c. 11)
- 65 Work and Families Act 2006 (c. 18)
- 66 Sections 3 to 10 (additional paternity leave and additional statutory...
- 67 Section 11(2) (treatment of references to statutory paternity pay) is...
- 68 In Schedule 1 (leave and pay related to birth or...
- 69 Income Tax Act 2007 (c. 3)
- 70 In section 186A (enterprise investment schemes: the number of
employees...
- 71 In section 257DJ (seed enterprise investment schemes: the number of...
- 72 In section 297A (venture capital trusts: the number of employees...
- 73 Welfare Reform Act 2007 (c. 5)
- 74 Pensions Act 2008 (c. 30)
- 75 Welfare Reform Act 2012 (c. 5)