

SUPPORT FOR INFANTS AND PARENTS ETC (INFORMATION) BILL [HL]

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Support for Infants and Parents etc (Information) Bill [HL] as introduced in the House of Lords on 26 July 2024 (HL Bill 6).

- These Explanatory Notes have been prepared by Lord Farmer, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

Table of Contents

Subject	Page of these Notes
Overview of the Bill	2
Policy background	3
Legal background	5
Previous legislative attempts	5
Territorial extent and application	5
Commentary on provisions of Bill	6
Clause 1: English local authorities: duties relating to Start for Life offer	6
Clause 2: Guidance	6
Clause 3: Secretary of State's duty to report	7
Clause 4: Data protection	7
Clause 5: Interpretation	7
Clause 6: Extent, commencement and short title	7
Commencement	7
Financial implications of the Bill	8
Parliamentary approval for financial costs or for charges imposed	8
Compatibility with the European Convention on Human Rights	8

These Explanatory Notes relate to the Support for Infants and Parents etc (Information) Bill [HL] as introduced in the House of Lords on 26 July 2024

Overview of the Bill

- 1 The Bill is intended to support a baby's cognitive, emotional and physical development during the 1,001 critical days from pregnancy up to the age of two.
- 2 The Bill specifically achieves this by:
 - a. Ensuring that local authorities publish a Start for Life offer on their website and via other means. This is information on a number of specified services available in the local authority's area for infants, parents and carers of infants, or prospective parents and carers, that are provided by public authorities, and that will provide the best start in life for infants. In particular, the focus is on services that will support the physical and mental health and development of infants, and support parents, carers, or prospective parents and carers including in providing such support to their infants. Local authorities will publish the information about local support available across five services, plus provide information across other services that they consider appropriate, this may include services provided by private bodies, and provide information on additional services as prescribed by the Secretary of State in regulations. The Secretary of State will publish guidance to local authorities in regard to their duties set out in this Bill. The services are:
 - i. Maternity Services
 - ii. Health Visiting Services for prospective parents and carers, and parents and carers of infants
 - iii. Services promoting positive relationships between infants and their parents or carers
 - iv. Mental Health Services
 - v. Breastfeeding and other Infant Feeding Services
 - vi. Other services as the local authority considers appropriate that are likely to support or benefit infants, parents or carers of infants, or prospective parents or carers
 - b. Requiring Government to publish an annual report on a Government website that sets out information about support that is being provided in England for infants and their parents and carers, and prospective parents and carers through services of the kind in (i) to (vi) above. The report will also include information the Secretary of State considers is appropriate to include, such as information about the impacts of support on outcomes for such persons or steps being taken in relation to collection of information relating to the impacts.

Policy background

- 3 In July 2020, the then Prime Minister asked Andrea Leadsom MP to chair a review into improving health and development outcomes for babies in England. Subsequently, the best start for life: a vision for the 1,001 critical days report¹ ('the Vision') was published on 25 March 2021.
- 4 The report highlighted that the services offered to families in the critical period between pregnancy and age two are often disjointed, making it hard for families to navigate and access the support available. In order to address this, the report sets out:
 - a. Six 'action areas' to achieve this aim (including giving families access to the right information when they need it), including
 - b. An action that every local authority develop and make accessible a coherent and joined up "Start for Life offer" that sets out the support that families may need
- 5 This report was published as Government policy after going through a successful cross-Government process prior to publication.
- 6 In Autumn 2021 the then Government announced a £300million joint Department for Education (DfE) and Department for Health and Social Care (DHSC) Family Hubs and Start for Life programme. The programme funds 75 local authorities in England to implement elements of the Vision.
- 7 On 9 February 2023 the then Government published 'The best start for life: a progress report on delivering the vision'². This set out Government progress on delivering the Vision, as well as that Government's three priority areas for further work. The three priorities identified for further work were:
 - a. To ensure that the Family Hubs and Start for Life programme delivers rapid, visible support for families.
 - b. To develop a digital version of the personal child health record to give parents easy access to information about their child and to aid professionals to support families.
 - c. To develop a Start for Life outcomes framework, review the regulatory framework for children's health services and ensure there is a proportionate and effective inspection regime.
- 8 Alongside this, how to publish your local Start for Life offer: local authority guidance³ was also published to support all local authorities in England to develop and promote their local Start for Life offers.
- 9 The non-statutory guidance stated that Start for Life offers should include the essential support that any family might need, including information on both universal services and additional, targeted or specialist services. The universal services include in particular: midwifery, health visiting, mental health support, infant-feeding and specialist breastfeeding support, safeguarding, and services relating to Special Educational Needs and Disability (SEND). The additional, targeted or specialist services could include, but are not limited to: support for domestic abuse, help with drug and alcohol use or smoking cessation, debt advice

¹ [The best start for life: a vision for the 1,001 critical days - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92421/best_start_for_life_a_vision_for_the_1001_critical_days_report.pdf)

² [The best start for life: a progress report on delivering the vision - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111421/best_start_for_life_a_progress_report_on_delivering_the_vision.pdf)

³ [How to publish your local Start for Life offer: local authority guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111421/how_to_publish_your_local_start_for_life_offer_local_authority_guidance.pdf)

and help overcoming language barriers.

- 10 The non-statutory guidance suggested what helpful information to include on each service could be: details of the service, which organisation runs it, when and where it is available, appropriate contact details, a link to a website and any associated costs. Local authorities are also encouraged in the non-statutory guidance to publish their Start for Life offers through a variety of routes, including online, physically and via outreach.
- 11 This Bill will ensure that local authorities publish a Start for Life offer on their website and via other means. This is information on a number of specified services available in the local authority's area for infants, parents and carers of infants, or prospective parents and carers, that are provided by public authorities, and that will provide the best start in life for infants. In particular, the focus is on services that will support physical and mental health and development of infants, and support parents, carers, or prospective parents and carers, including to provide such support. Local authorities will publish the information about local support available across five services, plus provide information across other services that they consider appropriate, this may include services provided by private bodies. The services (provided by or on behalf of a public authority) are:
 - a. Maternity Services
 - b. Health Visiting Services for prospective parents and carers, and parents and carers of infants
 - c. Services promoting positive relationships between infants and their parents or carers
 - d. Mental Health Services
 - e. Breastfeeding and other Infant Feeding Services
 - f. Other services as the local authority considers appropriate that are likely to support or benefit infants, parents or carers of infants, or prospective parents or carers.
- 12 In addition to the services above, local authorities will publish information on any other services that are likely to support or benefit infants, parents and carers of infants, or prospective parents and carers as the Secretary of State may specify by regulations made by statutory instrument.
- 13 This Bill will require that local authorities take action to make this information available to parents and carers, and prospective parents and carers, and keep the information up to date.
- 14 The Bill requires Government to produce guidance to local authorities relating to their duties set out in the Bill. The Secretary of State will consult local authorities and other persons as appropriate before publishing the guidance, and on any substantive revisions to it, and local authorities must have regard to the guidance when complying with their duties.
- 15 This Bill will also require the Secretary of State to publish a report detailing the support available for infants, parents and carers of infants, and prospective parents and carers. The report will include, at a minimum, information about support available through services of the kind covered by the Start for Life offer, which local authorities must publish. The report will also include other information the Secretary of State considers appropriate to include, such as information about the impacts of support on outcomes for such persons or steps being taken in relation to the collection of information relating to impacts. This will enable the public to understand how the Government is supporting infants.

Legal background

- 16 The legal background of the draft Bill is set out in the Commentary on Provisions of the draft Bill section of this document.

Previous legislative attempts

- 17 This Bill was tabled in the House of Commons in the 2023-24 session, by Sally-Ann Hart MP. The Bill had a Second Reading in the House of Commons on 15 March 2024 but proceeded no further. The Government produced explanatory notes on the Bill, which form the basis of these notes.

Territorial extent and application

- 18 Clause 6, subsection (1) sets out the territorial extent of the Bill, which describes the jurisdictions in which the Bill forms part of the law. The extent of a Bill can be different from its application. Application is about where an Act produces a practical effect.
- 19 The Bill extends to (that is, forms part of the law of) England and Wales but applies only in relation to England.

Commentary on provisions of Bill

Clause 1: English local authorities: duties relating to Start for Life offer

- 20 Subsection (1) places a duty on English local authorities to publish a Start for Life offer for its area on its website under the heading 'Start for Life'.
- 21 Subsection (2) defines a "Start for Life offer" as information about a set of services provided that are available to infants, parents and carers of infants, or prospective parents and carers, in an English local authority's area. Services listed, which must be provided by or on behalf of a public authority, include maternity services, health visiting services for prospective parents and carers, and parents and carers of infants, services promoting positive relationships between infants and their parents or carers, mental health services, and breastfeeding and other infant feeding services.
- 22 Section (2)(f) provides for a regulation making power for the Secretary of State to add, through regulations, additional services provided by or on behalf of a public authority for these groups to be included in the offer published by English local authorities under subsection (1). The intention of this provision is to ensure this publication requirement can adapt as new services that fit the Start for Life agenda emerge in the future, gaps in services may become apparent over time and the understanding of what Start for Life duties should encompass will develop to cover other services.
- 23 Subsection (2)(g) also provides that the "Start for Life offer" also includes other services that the local authority considers are appropriate to include that are likely to support or benefit infants, parents or carers of infants, or prospective parents or carers, whether or not provided by or on behalf of a public authority. This is intended to capture other services the local authority is aware of that are likely to support these groups.
- 24 Subsection (3) sets out that services referred to in subsection (2) include services available to infants, parents or carers of infants, or prospective parents or carers, as well as to others.
- 25 Subsection (4) provides detail to English local authorities on how they should publish their Start for Life offer and details the subsequent updating of the published information on the offer. This includes that, in addition to a local authority publishing their Start for Life offer on their website (Subsection (1)), the offer must be published by such other means as the local authority considers appropriate. English local authorities must also take appropriate steps to bring the offer to the attention of parents or carers of infants, and prospective parents or carers, in its area and take reasonable steps to ensure that the information is kept up to date.
- 26 Subsection (5) requires an English local authority to have regard to the guidance published under clause 2 when complying with its duties under this section.
- 27 Subsection (6) provides that regulations under subsection (2) (f) must be made by statutory instrument and subsection (7) sets out that these regulations are subject to the affirmative procedure

Clause 2: Guidance

- 28 Subsection (1) requires the Secretary of State to publish guidance to English local authorities relating to their duties to publish their Start for Life offer under clause 1.
- 29 Subsection (2) sets out that prior to publishing guidance under Subsection (1), and any revisions to the guidance the Secretary of State deems substantive, the Secretary of State must consult English local authorities and any other persons the Secretary of State considers appropriate.

- 30 Subsection (3) provides that the Secretary of State’s duty to consult on the guidance is satisfied if a consultation is undertaken prior to clause 2 coming into force that would have satisfied the consultation criteria under subsection (2)

Clause 3: Secretary of State’s duty to report

- 31 Subsection (1) places a requirement on the Secretary of State to publish a report annually relating to support available in England for infants, parents and carers of infants, and prospective parents and carers.
- 32 Subsection (2) details the information the report must include.
- 33 Subsection (2)(a) sets out that the report must include an overview of the support available through services of the kind in clause 1, subsection (2) (a) to (f) - services available for infants, parents and carers of infants, and prospective parents and carers.
- 34 Subsection (2)(b) sets out the report must include other information the Secretary of State considers appropriate to include in the report, such as information about any impacts of support on outcomes for such persons, or steps that are being taken in relation to the collection of information on the impacts.
- 35 Subsection (3) provides that the report must be published on a Government website as soon as reasonably practicable after 1 April in the relevant year.

Clause 4: Data protection

- 36 Clause 4 provides that any publication of information under sections 1 and 3 is subject to the UK’s data protection legislation which is defined in section 3 (9) of the Data Protection Act 2018.

Clause 5: Interpretation

- 37 Clause 5 contains a list of relevant definitions that appear in the Bill. An infant is a child under the age of two.
- 38 Subsection (2) provides detail on when a service is deemed as being ‘provided by or on behalf of a public authority’ in relation to the Bill.

Clause 6: Extent, commencement and short title

- 39 Clause 6 provides the extent, commencement and short title of the Bill.
- 40 Subsection (1) provides that the territorial extent of measures in the Bill is England and Wales. However, this Bill will apply to England only as set out in the definition of local authority in Clause 5.
- 41 Subsection (2), (3) and (4) make provision for the commencement of the Bill.
- 42 Subsection (5) sets out the short title which would apply to this Bill if enacted.

Commencement

- 43 Clause 6 subsection (2) provides for sections 4, 5 and the regulation making power of section 1 to come into force on the day on which the Act is passed.
- 44 Clause 6 subsection (3) provides for section 2, section 3 and the remainder of Clause 1 to come into force on a date to be appointed by the Secretary of State.

Financial implications of the Bill

- 45 The assessment of the then Government in the 2023-24 Parliamentary session was that the Bill would have some financial implications for local authorities and Government, but that these were not expected to be significant.
- 46 The financial implications would include:
- a. The requirement for local authorities in England to publish their Start for Life offers on their website and via other means. There will be further costs for subsequent publication to ensure the information is kept up to date periodically. (To note, some local authorities already publish their Start for Life offers online and via physical copies using existing budgets.)
 - b. The requirement for Government to publish an annual report. This will be published online, with some physical versions available. This will be a new cost and will reoccur annually.
 - c. The cost to the Department of Health and Social Care to produce and publish statutory guidance. This is expected to be a one-off cost.
- 47 The Bill is not expected to have any financial implications for businesses or charities.

Parliamentary approval for financial costs or for charges imposed

- 48 The assessment of the then Government when the Bill was introduced in the 2023-24 Parliamentary session was that a money resolution would be needed for the Bill, because the Bill could lead to new public expenditure.

Compatibility with the European Convention on Human Rights

- 49 Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the Convention rights (as defined in section 1 of the Act). However, it is not necessary for Ministers to sign a statement under section 19(1)(a) of the Human Rights Act 1998 in respect of compatibility with the European Convention on Human Rights if the Bill is a Private Member's Bill.
- 50 Nevertheless, in the 2023-24 session, the then Government was of the view that the Support for Infants and Parents etc (Information) Bill [HL] was compatible with the European Convention on Human Rights.

SUPPORT FOR INFANTS AND PARENTS ETC (INFORMATION) BILL [HL]

EXPLANATORY NOTES

These Explanatory Notes relate to the Support for Infants and Parents etc (Information) Bill [HL] as introduced in the House of Lords on 26 July 2024 (HL Bill 6).

Ordered by the House of Lords to be printed, 26 July 2024

© Parliamentary copyright 2024

This publication may be reproduced under the terms of the Open Parliament Licence which is published at www.parliament.uk/site-information/copyright

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS