

Schools Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD STOREY

Clause 1, page 1, line 10, after “health” insert “(including mental health)”

Member's explanatory statement

This amendment ensures that the mental health of pupils is considered in any standards set relating to health.

LORD STOREY
LORD ADDINGTON

Clause 1, page 1, line 10, at end insert –

“(ba) the nature and quality of special educational needs and disabilities support;”

Member's explanatory statement

This amendment ensures that standards may be set relating to SEND provision.

LORD STOREY
LORD ADDINGTON

Clause 1, page 1, line 11, at end insert –

“(ca) the nature and quality of extracurricular activities;”

Member's explanatory statement

This amendment ensures that standards may be set relating to extracurricular activities.

Clause 1 - continued

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

Clause 1, page 2, line 18, at end insert –

“(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must require that each Academy Trust, and Multi Academy Trust, has at least two parent trustees.”

Member's explanatory statement

This is to make mandatory a requirement that all Academy trusts have a minimum of two parent trustees.

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

Clause 1, page 2, line 18, at end insert –

“(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must require that each Academy Trust, Multi Academy Trust, and each academy within a Multi Academy Trust, prepares and revises a strategic policy on parental and community engagement at least once every three years.”

Member's explanatory statement

This is to make mandatory that every Academy must have a policy on parental and community engagement.

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

Clause 1, page 2, line 18, at end insert –

“(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must require that each Multi Academy Trust establishes a local governing board for each of the Academies in the Multi Academy Trust with at least two parent members.”

Member's explanatory statement

This is to make mandatory that every Academy within a Multi Academy Trust must establish a local governing board for each of the Academies in the Multi Academy Trust with at least two parent members.

LORD HUNT OF KINGS HEATH

Clause 1, page 2, line 18, at end insert –

“(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must –

Clause 1 - continued

- (a) require that each Academy Trust, Multi Academy Trust and each academy within a Multi Academy Trust must establish a parents council, and
 - (b) set out in regulations the composition, role and support of such parent councils.
- (2B) A statutory instrument containing regulations under subsection (2A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This is to ensure that every Academy must establish a parents council with regulations setting out the composition, role and support of such parent councils.

LORD HUNT OF KINGS HEATH
BARONESS BLOWER
BARONESS MEACHER

The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.

Member's explanatory statement

This is to probe the powers being taken by the Secretary of State to lay regulations to set standards in relation to Academies.

Clause 3

BARONESS MEACHER

Clause 3, page 4, line 2, leave out subsections (1) to (3)

Member's explanatory statement

The aim of this amendment is to enable a debate about provisions relating to Academies being set out on the face of the Bill rather than being decided by Ministers with delegated powers.

After Clause 4

LORD STOREY

After Clause 4, insert the following new Clause—

“Academies: local governing bodies

- (1) A proprietor of two or more Academies must establish a committee (“a local governing body”) for each Academy in its care.
- (2) A local governing body must comprise the following persons—
 - (a) the headteacher of the Academy;
 - (b) at least one person appointed by the proprietor of the Academy;

After Clause 4 - continued

- (c) at least one person employed by the proprietor to work at the Academy, elected by those persons employed by the proprietor to work at that Academy;
 - (d) at least one parent or guardian of a pupil registered at the Academy, elected by the parents and guardians of pupils registered at that Academy;
 - (e) at least one person appointed by the local authority in England in which the Academy is located.
- (3) A local governing body may apply to the Secretary of State to transfer the Academy for which it is responsible to the care of a different proprietor.
 - (4) Regulations may make further provision about the powers of a local governing body.
 - (5) In this section “local authority in England” has the same meaning as in section 579 of the Education Act 1996 (general interpretation).”

Member's explanatory statement

This amendment ensures that there is a governing body for each individual Academy with a role for parents and the local authority on each governing body.

After Clause 7

LORD STOREY

After Clause 7, insert the following new Clause—

“Geographical spread of multi-academy trusts

- (1) The Secretary of State must not—
 - (a) enter into an Academy agreement with a proprietor to fund a new Academy school, or
 - (b) authorise the transfer of an existing Academy school to another proprietor, unless the condition in subsection (2) is met.
- (2) The condition is that the Secretary of State is satisfied that the geographical spread of the Academy schools that would be in the care of that proprietor is appropriate, having regard to, amongst other things—
 - (a) the number of schools that would be in the care of that proprietor;
 - (b) the number of pupils registered at each school that would be in the care of that proprietor;
 - (c) whether the schools in the care of that proprietor predominantly would comprise primary schools; and
 - (d) whether the schools in the care of that proprietor predominantly would comprise secondary schools.”

Member's explanatory statement

This amendment is aimed at ensuring that schools within a multi-academy trust must be within a similar geographical area rather than spread across the country.

After Clause 18

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

After Clause 18, insert the following new Clause –

“Leaving an Academy trust

Within one year of this Act being passed, the Secretary of State must consult on whether the provisions of this Act provide an adequate mechanism for schools to relinquish Academy status or to leave an Academy trust (where the Academy trust is the proprietor of more than one school).”

After Clause 30

LORD STOREY
BARONESS GARDEN OF FROGNAL

After Clause 30, insert the following new Clause –

“Academy autonomy powers: report

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must lay a report before Parliament identifying which powers are available to the proprietor of an Academy to determine how an Academy is run autonomously that are not available to the governing body of a maintained school.
- (2) The powers to be considered in the report under subsection (1) include, but are not limited to –
 - (a) the ability to set term dates;
 - (b) admissions criteria;
 - (c) the ability to depart from the national curriculum; and
 - (d) staffing arrangements.
- (3) A report under subsection (1) must assess which, if any, powers available to the proprietor of an Academy should be made available to the governing body of a maintained school.”

Member's explanatory statement

This amendment requires the Secretary of State to report on the powers of autonomy available to Academies and to assess whether such autonomy should be available to maintained schools.

Clause 32

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

Clause 32, page 28, line 20, at end insert –

- “(2A) Regulations under section 1 are subject to the “super affirmative procedure” set out in subsections (2B) to (2I).

Clause 32 - continued

- (2B) The Secretary of State must lay before Parliament –
 - (a) a draft of the regulations, and
 - (b) a document which explains the draft regulations.
- (2C) Where a draft of the regulations is laid before Parliament under subsection (2B), no statutory instrument containing the regulations may be laid before Parliament until after the expiry of the 30-day period.
- (2D) The Secretary of State must request a committee of either House of Parliament whose remit includes education to report on the draft regulations within the 30-day period.
- (2E) In preparing a draft statutory instrument containing the regulations, the Secretary of State must take account of –
 - (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee under subsection (2D) made within the 30-day period with regard to the draft regulations.
- (2F) If, after the 30-day period, the Secretary of State wishes to make regulations in the terms of the draft or a revised draft, he or she must lay before Parliament a statement –
 - (a) stating whether any representations, resolutions or recommendations were made under subsection (2E);
 - (b) giving details of any representations, resolutions or recommendations so made; and
 - (c) explaining any changes made in any revised draft of the regulations.
- (2G) The Secretary of State may make a statutory instrument containing the regulations (whether or not revised) if, after the laying of the statement required under subsection (2F), a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (2H) In this section, references to “the 30-day period” in relation to any draft regulations is to the period of 30 days beginning with the day on which the original draft regulations were laid before Parliament.
- (2I) For the purposes of subsection (2H) no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.”

Member's explanatory statement

This, together with the amendment to Clause 32, page 28, line 24, in the name of Lord Hunt of Kings Heath, is to ensure that regulations made under Section 1 are subject to the super affirmative procedure rather than the affirmative procedure as currently prescribed in the Bill.

LORD HUNT OF KINGS HEATH

Clause 32, page 28, line 24, leave out paragraph (a)

Clause 32 - continued***Member's explanatory statement***

This, together with the amendment to Clause 32, page 28, line 20, in the name of Lord Hunt of Kings Heath, is to ensure that regulations made under Section 1 are subject to the super affirmative procedure rather than the affirmative procedure as currently prescribed in the Bill.

Clause 33

LORD STOREY
BARONESS GARDEN OF FROGNAL

Clause 33, page 29, line 20, at end insert –

- “(6A) A formula published under subsection (6) must provide that each school to which this section applies is allocated funding for the purpose of providing home-to-school transport for eligible children as if the meaning of “compulsory school age” under section 8(3)(a) of the Education Act 1996 (compulsory school age) were 18 rather than 16.”

Member's explanatory statement

This amendment requires the funding formula to provide for transport costs for 16-18 year-olds on the same basis as those eligible children up to the age of 16.

LORD STOREY

Clause 33, page 29, line 20, at end insert –

- “(6A) A formula published under subsection (6) must be accompanied by an assessment of the impact of that formula on state-funded schools in rural areas.”

Member's explanatory statement

This amendment requires the funding formula to be accompanied by an impact assessment on state-funded schools in rural areas.

After Clause 38

LORD STOREY

After Clause 38, insert the following new Clause –

“Duty of Secretary of State to give financial assistance for purposes related to mental health provision in schools

- (1) The Secretary of State must give, or must make arrangements for the giving of, financial assistance to any person for or in connection with the purpose mentioned in subsection (2).
- (2) The purpose is the provision of –
 - (a) an education mental health practitioner, or
 - (b) a school counsellor,
 in every state-funded school.

After Clause 38 - continued

(3) In this section –

“education mental health practitioner” means a person who possesses a graduate-level or postgraduate-level qualification of that name accredited by Health Education England;

“state funded school” means a school in England funded wholly or mainly from public funds, including, but not limited to –

- (a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010;
- (b) community, foundation and voluntary schools (within the meaning of the School Standards and Framework Act 1998).”

Member's explanatory statement

This amendment requires the Secretary of State to give financial assistance in respect of mental health provision in schools.

LORD STOREY

After Clause 38, insert the following new Clause –

“Universal infant free school meals grant: annual up-rating

- (1) The Secretary of State must, for the financial year beginning 1 April 2023, provide that at least £520.60 is payable from the universal infant free school meals grant to schools and local authorities for each registered pupil who is entitled to it under the terms and conditions of the grant.
- (2) The Secretary of State must, for the financial year beginning 1 April 2024 and for each financial year thereafter, provide that the amount payable under subsection (1) is increased in line with inflation as measured by the consumer price index.
- (3) In this section “universal infant free school meals grant” means the grant of that name paid to a school or a local authority by the Secretary of State under section 14 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or children etc).”

Member's explanatory statement

This amendment increases the free school meals grant in 2023-24 to reflect the increase in inflation since September 2014, before pegging it to inflation thereafter.

LORD STOREY

After Clause 38, insert the following new Clause –

“Pupil premium grant: annual up-rating

- (1) The Secretary of State must, for the financial year beginning 1 April 2023, provide that the following amounts are payable from the pupil premium grant to schools and local authorities in respect of each registered pupil who is entitled to it under the terms and conditions of the grant –
 - (a) for a pupil who is eligible for free school meals, or who has been recorded as eligible for free school meals at any point in the last six years –
 - (i) if the pupil is of primary school age, at least £1,545;

After Clause 38 - continued

- (ii) if the pupil is of secondary school age, at least £1,112;
 - (b) for a pupil who is a looked after child, at least £2,700; and
 - (c) for a pupil who has ceased to be a looked after child in England or Wales because of adoption, a special guardianship order, or a child arrangements order, at least £2,700.
- (2) The Secretary of State must, for the financial year beginning 1 April 2024 and for each financial year thereafter, provide that the amounts payable under subsection (1) are increased in line with inflation as measured by the consumer price index.
- (3) In this section –
- “looked after child” has the same meaning as in the Children Act 1989;
 - “pupil premium grant” means the grant of that name paid to a school or a local authority by the Secretary of State under section 14 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or children etc).”

Member's explanatory statement

This amendment increases the pupil premium in 2023-24 by £160 per primary pupil and £127 per secondary pupil from 2022-23 levels, before pegging it to inflation thereafter. It also increases 'Pupil Premium Plus', made available to children in care, by a similar amount.

Clause 48

LORD STOREY

Clause 48, page 41, line 29, at end insert –

“(ca) the reason why the child is not a registered pupil at a relevant school,”

Member's explanatory statement

This amendment requires the register to contain information about why a child is not registered at a school.

LORD STOREY

BARONESS GARDEN OF FROGNAL

Clause 48, page 41, line 29, at end insert –

“(ca) a Unique Pupil Number allocated to that child,”

Member's explanatory statement

Unique Pupil Numbers (UPNs) enable the accurate and timely sharing of data between schools, local authorities and central government. This amendment aims to complement the powers in the Bill to reduce the number of children missing from education by ensuring that the register of children not in school contains UPNs.

Clause 48 - continued

LORD STOREY

Clause 48, page 43, line 32, at end insert “, and

- (c) if the person is doing so, unless they are a parent or legal guardian of the child, to provide the authority with confirmation that they are not a barred person under section 3 of the Safeguarding Vulnerable Groups Act 2006 (barred persons).”

Member's explanatory statement

This amendment ensures that if a person is providing out-of-school education to a child without any parent of the child being present, that person must confirm to a local authority that they have the required DBS checks.

After Clause 48

LORD STOREY

After Clause 48, insert the following new Clause –

“School attendance: report

- (1) The Education Act 1996 is amended as follows.
 (2) After section 436A insert –

“436B School attendance: report

- (1) Within twelve months of the day on which the Schools Act 2022 is passed, and every twelve months thereafter, the Secretary of State must lay before Parliament an assessment of why such children as are identified under section 436A (duty to make arrangements to identify children not receiving education) are not receiving education.
 (2) In preparing a report under subsection (1), the Secretary of State must consult such persons as they consider appropriate.””

Member's explanatory statement

This amendment requires the Secretary of State to assess and report, on an annual basis, on the reasons for children not attending school regularly. It requires such reports to be laid before Parliament.

Clause 53

BARONESS CHAPMAN OF DARLINGTON
 BARONESS WILCOX OF NEWPORT

Clause 53, page 57, line 21, at end insert –

- “(da) the training and support staff are to be given to help them fulfil these responsibilities, and”

Member's explanatory statement

This amendment would ensure that attendance policies consider how to support staff given new responsibilities.

Clause 53 - continued**After Clause 58**

LORD STOREY

After Clause 58, insert the following new Clause –

“Unregulated schools

- (1) The Education Act 1996 is amended as follows.
- (2) In section 19 (exceptional provision of education in pupil referral units or elsewhere), after subsection (1) insert –
 - “(1ZA) In subsection (1) “suitable education at school” does not include a school which is not regulated under section 92 of the Education and Skills Act 2008 (independent educational institutions).”

Member's explanatory statement

This amendment aims to prevent the practice of placing excluded children in unregistered schools.

After Clause 64BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

After Clause 64, insert the following new Clause –

“Removal of charitable status for independent schools

An independent educational institution is not a charity for the purposes of the law of England and Wales, notwithstanding section 1 of the Charities Act 2011 (meaning of “charity”), unless the institution provides education only to children with special educational needs.”

Member's explanatory statement

This amendment provides that independent, fee-paying schools – not including independent special schools – do not qualify for the tax exemptions that come with charitable status.

After Clause 65BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

After Clause 65, insert the following new Clause –

“Food standards

The Secretary of State must review standards relating to food in schools every three years, having regard to quality, nutritional value, and value for money.”

Schools Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

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