

Schools Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

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 require that each Multi Academy Trust set out the responsibilities to be delegated to the local governing bodies of individual Academies within the Multi Academy Trust.
- (2B) The responsibilities in subsection (2A) include –
- (a) ensuring there is clarity of vision, ethos and strategic direction of the school,
 - (b) holding executive leaders to account for the educational performance of the school and its pupils and the performance management of staff,
 - (c) organising the financial performance of the school and making sure its money is well spent, and
 - (d) ensuring the voices of parents and other stakeholders are heard.”

Member's explanatory statement

This amendment is designed to ensure that, in a Multi Academy Trust, there must be a scheme of delegation to the Local Governing Body of each Academy within the Multi Academy Trust so the LGB has sufficient authority to provide strategic direction of the school.

Clause 3

LORD HUNT OF KINGS HEATH

Lord Hunt of Kings Heath gives notice of his intention to oppose the Question that Clause 3 stand part of the Bill.

Member's explanatory statement

This is to allow for a debate on the comments on this Clause in the recent report from the Delegated Powers and Regulatory Reform Committee.

Clause 33

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 ability of state-funded schools to support pupils whose education was disrupted by the coronavirus pandemic and the adequacy of the funding for that purpose.”

Member's explanatory statement

This amendment requires the funding formula to be accompanied by an assessment of the funding in supporting pupils disrupted by covid, and the ability of schools to support such pupils.

After Clause 45

LORD HUNT OF KINGS HEATH

After Clause 45, insert the following new Clause –

“Funding for specialist education services for children and young people with sensory impairment

- (1) An English local authority must secure that provision of specialist education services to children and young people with sensory impairment and their parents is sufficient to facilitate the development of the child or young person with sensory impairment and to help him or her achieve the best possible educational and other outcomes.
- (2) Specialist education services include support to the parent of a child with sensory impairment, following the point of identification of any sensory impairment.
- (3) The Secretary of State must ensure that funding to local authorities for provision of services under this Part is sufficient.
- (4) In discharging their duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.”

Member's explanatory statement

Part 2 of the Schools Bill makes a number of changes to school and local education funding. This amendment seeks to introduce a new duty for local authorities and the Secretary of State to ensure there is sufficient funding for specialist education services for children and young people with sensory impairments.

Clause 48

LORD HUNT OF KINGS HEATH

Clause 48, page 41, line 27, at end insert –

“(ba) details of any special educational needs or disability that the child has,”

Member's explanatory statement

Clause 48 introduces a number of new clauses to the Education Act 1996, including a new clause 436C of the Education Act 1996 on the content and maintenance of registers for children not being educated in schools. This amendment adds to the requirements about what must be included in any register by stating that it must also include information about any special educational need or disability that the child may have.

LORD HUNT OF KINGS HEATH

Clause 48, page 44, line 27, at end insert –

“(1A) The support to be provided includes support for any special educational need or disability that a child or their teacher would ordinarily expect to receive if the child was attending school, regardless of whether the child has an Education, Health and Care plan.”

Member's explanatory statement

Clause 48 introduces a number of new clauses to the Education Act 1996, including a new clause 436G of the Education Act 1996 on support that the local authority must or may provide a child being educated at home, if requested by a parent. This amendment seeks to make clear that this includes any support that would ordinarily be provided in a school by the local authority for a child's special educational need or disability.

After Clause 65

LORD STOREY

After Clause 65, insert the following new Clause –

“Local authorities: strategic education functions

- (1) The Secretary of State must, by regulations, provide that a local authority in England must perform the functions listed in subsection (2) on behalf of all state-funded schools in its authority area.
- (2) The functions are –
 - (a) to ensure that every child of compulsory school age living in the local authority area has a school place;
 - (b) to coordinate the provision of education to children who are at risk of exclusion from school;
 - (c) to coordinate the provision of support to children with special educational needs or disabilities;

After Clause 65 - continued

- (d) to act as the admissions authority for all state-funded schools in the local authority area, including by managing in-year admissions;
 - (e) to administer the appeals process against individual admissions decisions;
 - (f) to prevent pupils from being removed from the pupil roll of a school unlawfully;
 - (g) to monitor the performance of schools; and
 - (h) to monitor how schools engage with their local community.
- (3) The Secretary of State must, by regulations, provide that a local authority in England is given such powers as are reasonably necessary to perform the functions listed in subsection (2).
- (4) The powers conferred by regulations under subsection (3) must include, but not be limited to—
- (a) the power to request that the Secretary of State directs an Academy school to increase or reduce the number of pupils it admits; and
 - (b) the power to require the proprietor of an Academy school to appear before a committee of the local authority to answer questions about the performance of the school or about how the school engages with the local community.
- (5) The Secretary of State must, by regulations, impose a duty on schools not maintained by the local authority to cooperate with the local authority in the performance of the functions listed in subsection (2).
- (6) The duty under subsection (5) must include, but not be limited to—
- (a) a requirement to inform the local authority of any plans that the school has to increase the number of pupils it admits; and
 - (b) a requirement to provide pupil attendance data to the local authority when requested.
- (7) In this section —
- “local authority in England” has the same meaning as in section 579 of the Education Act 1996 (general interpretation);
- “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 gives local authorities new strategic functions in relation to all schools in their area.

After Clause 65 - continued

LORD HOLMES OF RICHMOND

After Clause 65, insert the following new Clause –

“Closing of education attainment gap for young people with SEND

- (1) Within six months of the passing of this Act, the Secretary of State must publish a strategy setting out how the education attainment gap will be closed for young people of school age who –
 - (a) are disabled,
 - (b) have special educational needs, or
 - (c) have an Education, Health and Care Plan.
- (2) Within 12 months of the publication of the strategy, and every 12 months thereafter, the Secretary of State must publish a report on how the strategy is being implemented.
- (3) In particular, reports under subsection (2) must include information on –
 - (a) how many people under subsection (1)(a) to (c) have been entered to sit, and
 - (b) the grades people under subsection (1)(a) to (c) have received in, the exams listed under subsection (4).
- (4) The exams in subsection (3) are –
 - (a) Standard Assessment Tests (SATs),
 - (b) General Certificate of Secondary Education (GCSEs),
 - (c) International Baccalaureate (IB), and
 - (d) Advanced Level qualifications (A-levels).
- (5) The strategy must set out how the education attainment gap will be closed by 31 December 2027.”

LORD HOLMES OF RICHMOND

After Clause 65, insert the following new Clause –

“Provision of information about the Disabled Students’ Allowance

- (1) The Secretary of State must ensure that information about the Disabled Students’ Allowance (DSA) is provided at every school and education institution educating young people of school age.
- (2) In particular, the Secretary of State must ensure that information is provided to –
 - (a) schools,
 - (b) colleges, and
 - (c) local authority special educational needs departments.
- (3) The Secretary of State must –
 - (a) provide sufficient resources to ensure all schools can receive the information, and

After Clause 65 - continued

- (b) fully involve stakeholders including –
- (i) the Student Loans Company,
 - (ii) Student Finance England,
 - (iii) higher education providers,
 - (iv) the Universities and Colleges Admissions Service,
 - (v) the National Union of Students, and
 - (vi) disabled peoples' organisations.”

LORD HOLMES OF RICHMOND

After Clause 65, insert the following new Clause –

“SEND passport

- (1) Within 6 months of the passing of this Act, the Secretary of State must publish a report setting out a strategy for the provision of a document to be carried by young people of school age with special educational needs or disabilities.
- (2) The document must contain the details of the person's special educational needs or disabilities.
- (3) The details included in the document must be provided by the person's school or educational institution.”

LORD HOLMES OF RICHMOND

After Clause 65, insert the following new Clause –

“Consistency of terminology in reference to SEND students

- (1) Within 6 months of the passing of this Act, the Secretary of State must publish a report setting out how schools and educational institutions should use consistent and coherent terminology in reference to young people of school age with special educational needs or disabilities.
- (2) In preparing the report, the Secretary of State must consult a variety of academics, including those who subscribe to the social model of disability.”

LORD MOYNIHAN

After Clause 65, insert the following new Clause –

“Provision of defibrillators in schools and Academies

The Secretary of State must ensure that all schools and Academies are provided with sufficient numbers of defibrillators so that the defibrillators are easily accessible from each classroom and sports facility.”

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26 May 2022

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS