

Schools Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

This amendment is an updated version of the amendment tabled on HL Bill 1(c)

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 devolved 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) enhancing the distinctive character of the school,
 - (c) protecting the professional autonomy of teachers over curriculum and content,
 - (d) holding executive leaders to account for the educational performance of the school and its pupils and the performance management of staff,
 - (e) organising the financial performance of the school and making sure its money is well spent,
 - (f) promoting an understanding and appreciation of different cultures through Spiritual, Moral, Social and Cultural development and Personal, Social, Health and Economic education, and
 - (g) 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

THE LORD BISHOP OF DURHAM

Clause 3, page 4, line 15, at end insert –

“(aa) about the designation of Academy schools with a religious character by the Secretary of State;”

Member's explanatory statement

This amendment ensures that the religious designation of church schools could not be removed by secondary legislation.

After Clause 4LORD HUNT OF KINGS HEATH
BARONESS BLOWER

After Clause 4, insert the following new Clause –

“Multi Academy Trusts: dispute resolution

The Secretary of State must, by regulations, establish an independent scheme of arbitration to resolve disputes between a Multi Academy Trust and the local governing bodies of individual Academies within the Multi Academy Trust. ”

Clause 20

THE LORD BISHOP OF DURHAM

Clause 20, page 14, line 30, at end insert –

“(1A) In the application of this section to the proprietor of a Church of England school, subsection (1) has effect as if the power to make regulations were a requirement to do so.”

Clause 25

BARONESS BURT OF SOLIHULL

Clause 25, page 18, line 24, at end insert –

“(3A) Where in accordance with subsection (3) a pupil at an Academy school has been wholly excused from receiving religious education, the school must offer religion and worldviews education as an alternative.

(3B) The religion and worldviews education required under subsection (3A) must—
(a) reflect the fact that the religious traditions in Great Britain are in the main Christian;

Clause 25- continued

- (b) take account of the teachings of the other principal religions and non-religious beliefs represented in Great Britain, and the beliefs and practices of their adherents; and
 - (c) be designed and taught in a manner that is objective, critical and pluralistic.
- (3C) In subsection (3B), the reference to non-religious beliefs is to the non-religious philosophical convictions, within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights, that are analogous to religions.
- (3D) In this section, “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the United Kingdom; “the First Protocol”, in relation to that Convention, means the protocol to the Convention agreed at Paris on 20th March 1952.”

Member's explanatory statement

This requires academies with a religious character to offer pupils religion and worldviews education that is objective, critical and pluralistic, if they or their parents request that they are withdrawn from the religious education prescribed by the school's religious ethos.

After Clause 27

BARONESS BLOWER
LORD HUNT OF KINGS HEATH

After Clause 27, insert the following new Clause –

“Consultation before joining a religious Multi Academy Trust

After section 14 of the Academies Act 2010, insert –

“14A Application by a secular Academy to join a religious Multi Academy Trust

- (1) Before an Academy Trust without a religious character can make an application to join a Multi Academy Trust with a religious character it must consult, in a comprehensive and timely fashion, the parents and staff of the school that is the subject of the application.
- (2) In particular, the Academy Trust must consult parents and staff on how joining the Multi Academy Trust would affect –
 - (a) children's education, and
 - (b) the secular ethos of the school, including whether any changes to this ethos are desirable.”

Member's explanatory statement

The amendment is designed to ensure that before an Academy Trust without a religious character can make an application to join a Multi Academy Trust with a religious character there must be a comprehensive consultation which in particular is focussed on the impact on the children's education, and the secular ethos of the school.

After Clause 27 - continued

BARONESS BURT OF SOLIHULL

After Clause 27, insert the following new Clause—

“Academy schools without a religious character

Religion and worldviews education

- (1) The proprietor of an Academy school without a religious character must exercise its functions with a view to securing, and its principal must secure, that religion and worldviews education is provided to all pupils at the school.
- (2) The religion and worldviews education required under this section must—
 - (a) reflect the fact that the religious traditions in Great Britain are in the main Christian;
 - (b) take account of the teachings of the other principal religions and non-religious beliefs represented in Great Britain, and the beliefs and practices of their adherents; and
 - (c) be designed and taught in a manner that is objective, critical and pluralistic.
- (3) In subsection (2)(b), the reference to non-religious beliefs is to explicitly non-religious philosophical convictions, within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights, that are analogous to religions.
- (4) In this section, “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the United Kingdom; “the First Protocol”, in relation to that Convention, means the protocol to the Convention agreed at Paris on 20th March 1952.
- (5) A provision of an Academy agreement or master agreement (including an agreement entered into before this section comes into force) is void so far as it is inconsistent with any provision made by or under this section. ”

Member's explanatory statement

This replaces religious education in Academies without a religious character with religion and worldviews education, which is explicitly inclusive of non-religious beliefs and is explicitly required to be objective, critical and pluralistic.

Clause 29

THE LORD BISHOP OF DURHAM

Clause 29, page 23, line 23, leave out “of its maintained schools” and insert “maintained schools in its area”

Member's explanatory statement

Clause 29 - continued

This amendment makes the language in this section consistent with language used elsewhere in legislation relating to maintained schools in a church context.

THE LORD BISHOP OF DURHAM

Clause 29, page 23, line 36, at end insert –

- “(c) if the school is a Church of England or Roman Catholic school but the appropriate diocesan authority does not fall within paragraph (a) or (b), the appropriate diocesan authority.”

Member's explanatory statement

This amendment reflects the expectation as set out in Section 8 of the Diocesan Boards of Education Measure 2021, that the consent of the DBE is required before seeking an academy order on a school for which it is the religious authority.

THE LORD BISHOP OF DURHAM

Clause 29, page 23, line 38, at end insert –

“3B Application for Academy order by trustees etc.

- (1) The appropriate authority may apply to the Secretary of State for an Academy order in respect of a foundation or voluntary school in England that has a foundation.
- (2) In this section, “the appropriate authority”, in relation to a school, means –
 - (a) in a case other than that of a Church of England school –
 - (i) the trustees of the school, or
 - (ii) the appropriate religious body (as defined by section 4(8));
 - (b) in the case of a Church of England school, the appropriate diocesan authority.
- (3) Before making an application under this section, the appropriate authority must consult –
 - (a) the governing body of the school that is the subject of the application, and
 - (b) the local authority.
- (4) The appropriate authority may make an application under this section only with the consent of the person or persons by whom the foundation governors are appointed (except where the foundation governors are themselves appointed by the appropriate authority).
- (5) Expressions used in both this section and the School Standards and Framework Act 1998 have the same meaning as in that Act.”

Member's explanatory statement

Clause 29 - continued

To reflect the position of the church as a partner in state education, this amendment enables the religious authority for church schools through establishing an equivalent power to that of the LA, to apply for an Academy Order for church schools for which it acts as the religious authority.

THE LORD BISHOP OF DURHAM

Clause 29, page 24, line 2, leave out “or 3A” and insert “, 3A or 3B”

Member's explanatory statement

A consequential amendment required to incorporate the amendment to Clause 29, page 23, line 38, in the name of the Bishop of Durham.

THE LORD BISHOP OF DURHAM

Clause 29, page 24, line 4, leave out “or 3A” and insert “, 3A or 3B”

Member's explanatory statement

A consequential amendment required to incorporate the amendment to Clause 29, page 23, line 38, in the name of the Bishop of Durham.

THE LORD BISHOP OF DURHAM

Clause 29, page 24, line 8, leave out “(application by local authority)” and insert “or 3B (application by local authority or trustees etc.)”

Member's explanatory statement

A consequential amendment required to incorporate the amendment to Clause 29, page 23, line 38, in the name of the Bishop of Durham.

THE LORD BISHOP OF DURHAM

Clause 29, page 24, line 14, leave out “under section 3A has been made by a local authority” and insert “has been made under section 3A or 3B (local authority or trustees etc.)”

Member's explanatory statement

A consequential amendment required to incorporate the amendment to Clause 29, page 23, line 38, in the name of the Bishop of Durham.

THE LORD BISHOP OF DURHAM

Clause 29, page 24, line 24, leave out “under section 3A has been made by a local authority” and insert “has been made under section 3A or 3B (local authority or trustees etc.)”

Member's explanatory statement

A consequential amendment required to incorporate the amendment to Clause 29, page 23, line 38, in the name of the Bishop of Durham.

Clause 29 - continued

THE LORD BISHOP OF DURHAM

Clause 29, page 24, line 32, leave out “or 3A” and insert “, 3A or 3B”

Member's explanatory statement

A consequential amendment required to incorporate the amendment to Clause 29, page 23, line 38, in the name of the Bishop of Durham.

After Clause 30

LORD SHIPLEY

After Clause 30, insert the following new Clause –

“Provision of school places by academies

The Secretary of State must, within six months of this Act being passed, lay regulations which provide local authorities in England with a power to direct academies within their area to admit students or expand school places.”

Member's explanatory statement

Councils have a statutory duty to ensure there is a local school place for every child that needs one, but they currently do not have the power to direct academy trusts to expand school places or admit pupils. This amendment introduces a new backstop power for local authorities to direct trusts to admit children as a safety net.

Clause 32LORD HUNT OF KINGS HEATH
BARONESS BLOWER

This amendment is an updated version of the amendment tabled on HL Bill 1(b)

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

- “(2A) Regulations under sections 1 and 3 are subject to the “super affirmative procedure” set out in subsections (2B) to (2I).
- (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.

Clause 32- continued

- (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 other amendments to Clause 32 in the name of Lord Hunt of Kings Heath, is to ensure that regulations made under Sections 1 and 3 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 25, leave out paragraph (b)

Member's explanatory statement

This, together with the other amendments to Clause 32 in the name of Lord Hunt of Kings Heath, is to ensure that regulations made under Sections 1 and 3 are subject to the super affirmative procedure rather than the affirmative procedure as currently prescribed in the Bill.

After Clause 38

LORD SHIPLEY

After Clause 38, insert the following new Clause—

“Creation and funding of careers programme for primary schools in areas of disadvantage

- (1) The Secretary of State must work with sector experts to develop a framework for careers education in primary schools that is aligned with the eight Gatsby benchmarks.
- (2) The Secretary of State must provide financial assistance available to support the delivery of a careers programme for primary schools in areas of disadvantage.
- (3) In this section—
 - “areas of disadvantage” include areas with primary schools with the top 10% proportion of pupils with free school meal eligibility;
 - “the eight Gatsby benchmarks” means the benchmarks set out in the report “Good Career Guidance” published by the Gatsby charitable foundation in 2014.”

Member's explanatory statement

This amendment requires the Secretary of State to create a framework for careers education in primary schools and to give financial assistance to primary schools in areas of disadvantage to deliver the programme.

Clause 40

LORD SHIPLEY

Clause 40, page 34, line 2, at end insert—

- “(A1) A local authority in England may make a national-to-local budget reallocation, up to a certain percentage of the national funding formula without the requirement to apply to and receive the agreement of the Secretary of State.
- (A2) The percentage of the national funding formula budget that can be reallocated to the local authority’s locally determined education budget, without the requirement to apply to and receive the agreement of the Secretary of State, must be agreed between the local authority and all local schools that will be impacted by the national-to-local budget reallocation.”

Member's explanatory statement

This amendment, along with Lord Shipley's amendment to page 34, line 4, is a probing amendment to enable debate on the flexibility of the National Funding Formula to address local needs.

Clause 40- continued

LORD SHIPLEY

Clause 40, page 34, line 4, at end insert “when the reallocation is higher than the amount agreed by a local authority and their local schools.”

Member's explanatory statement

This amendment, along with Lord Shipley's amendment to page 34, line 2, is a probing amendment to enable debate on the flexibility of the National Funding Formula to address local needs.

After Clause 43

LORD SHIPLEY

After Clause 43, insert the following new Clause –

“Publication of information on funding by Multi Academy Trusts

The proprietor of a Multi Academy Trust must annually publish information setting out the quantum of funding they have reallocated from schools’ budgets within their Trust and for what purpose.”

Member's explanatory statement

This amendment aims to increase transparency regarding MAT funding arrangements and expenditure.

Clause 48

THE LORD BISHOP OF ST ALBANS

Clause 48, page 41, leave out lines 28 and 29 and insert –

- “(c) such details that demonstrate the child is receiving a suitable education in accordance with section 7 of the Education Act 1996 (duty of parents to secure education of children of compulsory school age), and”

Member's explanatory statement

This amendment ensures that a local authority does not interfere with parental choice and discretion in determining the means and standard of their child’s education providing it is suitable.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 41, line 30, at end insert “for the purposes of safeguarding the child in question”

Member's explanatory statement

This amendment ensures that any other information required must solely be for the purposes of safeguarding the child.

Clause 48- continued

THE LORD BISHOP OF ST ALBANS

Clause 48, page 41, leave out lines 31 and 32 and insert –

- “(2) A register under section 436B may only collect special category data, on a limited case by case basis, where the local authority has sufficient reason to believe that the collection of such information is necessary for the safeguarding of the child in question.”

Member's explanatory statement

This amendment prevents local authorities from collecting special category data such as sexual orientation, ethnic origin, religious or philosophical beliefs, unless they have sufficient reason to believe that the collection of such information is necessary for the safeguarding of the child.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 42, line 2, at end insert –

- “(f) details on when the data must be deleted after the child has been re-enrolled at school or has attained the age of 16;
(g) data sharing information for data subjects and parents.”

Member's explanatory statement

This amendment allows for regulations concerning how and when data should be deleted, and how the sharing of information relating to the data subject will be communicated to the parents.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 42, line 2, at end insert –

- “(4) Regulations relating to subsection (3)(c) must inform the parents or legal guardian of a data subject before the data controller can proceed with permitting access to, or the publication of, the register.”

Member's explanatory statement

This amendment requires that the parents or legal guardians are informed when information relating to the data subject is to be shared or published.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 42, line 27, leave out “15” and insert “30”

Member's explanatory statement

This amendment extends the relevant period by which parents must register their child and provide the information requested by the local authority.

Clause 48- continued

THE LORD BISHOP OF ST ALBANS

Clause 48, page 42, line 30, leave out “15” and insert “30”

Member's explanatory statement

This amendment extends the relevant period by which parents must register their child and provide the information requested by the local authority.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 42, line 32, leave out “15” and insert “30”

Member's explanatory statement

This amendment extends the relevant period by which parents must register their child and provide the information requested by the local authority.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 42, line 35, leave out “15” and insert “30”

Member's explanatory statement

This amendment extends the relevant period by which parents must register their child and provide the information requested by the local authority.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 44, line 9, leave out “(whether that is information relating to an individual child or aggregated information)” and insert “, in the form of –

- “(a) aggregated or pseudonymised information, or
- (b) information relating to an individual child where the Secretary of State believes it is appropriate to do so for the purposes of –
 - (i) the safeguarding or wellbeing of the child, or
 - (ii) necessity in a democratic society, public safety, the prevention of crime, or protection of health or morals.”

Member's explanatory statement

This amendment requires to Secretary of State to require sufficient reason to access information relating to an individual child.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 45, line 26, leave out “14” and insert “28”

Member's explanatory statement

This amendment extends the payment window following a monetary penalty from 14 days to 28 days.

Clause 48 - continued

THE LORD BISHOP OF ST ALBANS

Clause 48, page 45, line 29, leave out “28” and insert “42”

Member's explanatory statement

This amendment extends the payment window following a monetary penalty from 28 days to 42 days, where the person has provided notice of their intention to pay.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 46, line 8, at end insert “, which may not exceed the equivalent level 2 amount on the standard scale”

Member's explanatory statement

This amendment prevents the local authority from imposing a monetary penalty of more than £500.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 46, line 23, leave out “First-tier Tribunal” and insert “independent review authority”

Member's explanatory statement

This amendment allows parents a first right of appeal to an independent body without incurring a financial penalty.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 46, line 30, leave out “First-tier Tribunal” and insert “independent review authority”

Member's explanatory statement

This amendment allows parents a first right of appeal to an independent body without incurring a financial penalty.

THE LORD BISHOP OF ST ALBANS

Clause 48, page 46, line 37, at end insert –

- “6A (1) A person to whom a penalty notice is given may further appeal to the First-Tier Tribunal on the grounds under paragraph 6(2).
- (2) On an appeal under this paragraph the First-Tier Tribunal may act in accordance with paragraph 6(3).
- (3) Where an appeal under this paragraph is made, the requirement to pay the monetary penalty is suspended pending the final determination or withdrawal of the appeal.”

Clause 48- continued***Member's explanatory statement***

This amendment gives parents the right to appeal to a First-Tier Tribunal if they fail to overturn their notice via the independent review authority.

Clause 49

LORD SHIPLEY

Clause 49, page 48, line 18, leave out “expedient” and insert “in the best interest of the child”

Member's explanatory statement

This amendment aims to clarify the provisions on school attendance orders to ensure that school attendance orders should only be issued when in the opinion of the local authority this course of action is in the best interest of the child.

Schools Bill [HL]

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