

# Schools Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 23rd May 2022, as follows –*

Clauses 1 to 3	Clauses 45 to 51
Schedule 1	Schedule 4
Clauses 4 to 7	Clauses 52 to 62
Schedule 2	Schedule 5
Clauses 8 to 44	Clauses 63 to 69
Schedule 3	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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**Clause 1**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

**1** Clause 1, page 1, line 5, leave out “may” and insert “must”

***Member's explanatory statement***

*This amendment explicitly lists the academy standards the Secretary of State must regulate for, namely those set out in section 94 of the Education and Skills Act 2008 for independent schools.*

LORD ADDINGTON  
LORD HUNT OF KINGS HEATH

**2** Clause 1, page 1, line 6, at end insert –

“(1A) The Secretary of State may not lay a draft statutory instrument before Parliament containing regulations under subsection (1) (see section 32(3)) unless the Secretary of State has –

- (a) at least 26 weeks prior, published the draft statutory instrument with a description of the justification for the proposed regulations,
- (b) consulted for a period of at least 13 weeks after that publication, and
- (c) published a detailed response to that consultation.”

**Clause 1 - continued**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

3 Clause 1, page 1, leave out line 7 and insert –

“(2) Under subsection (1) the Secretary of State must set standards about the following matters –”

***Member's explanatory statement***

*This amendment explicitly lists the academy standards the Secretary of State must regulate for, namely those set out in section 94 of the Education and Skills Act 2008 for independent schools.*

LORD ADDINGTON

4 Clause 1, page 1, line 7, leave out “examples” and insert “an exclusive list”

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

5 Clause 1, page 1, line 8, leave out paragraph (a) and insert –

“(a) the quality of education provided;”

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

6 Clause 1, page 1, line 8, leave out paragraphs (a) to (t) and insert –

- “(a) the quality of education provided;
- (b) the spiritual, moral, social and cultural development of students;
- (c) the welfare, health and safety of students;
- (d) the suitability of proprietors and staff;
- (e) the premises and accommodation;
- (f) the provision of information by the Academy;
- (g) the manner in which the Academy handles complaints;
- (h) the quality of the leadership and management.”

***Member's explanatory statement***

*This amendment explicitly lists the academy standards the Secretary of State must regulate for, namely those set out in section 94 of the Education and Skills Act 2008 for independent schools.*

**Clause 1 - continued**

LORD LUCAS

- 7 Clause 1, page 1, line 8, leave out “, and the curriculum followed”

***Member's explanatory statement***

*This and the other amendments tabled to this Clause, Clause 2 and Clause 3 in the name of Lord Lucas are intended to protect some of the freedoms currently enjoyed by academies.*

LORD STOREY  
BARONESS BRINTON

- 8 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

- 9 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.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 10 Clause 1, page 1, line 11, leave out paragraph (c)

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

LORD STOREY  
LORD ADDINGTON

- 11 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 LUCAS

- 12 Clause 1, page 1, line 13, leave out paragraph (e)

***Member's explanatory statement***

*This and the other amendments tabled to this Clause, Clause 2 and Clause 3 in the name of Lord Lucas are intended to protect some of the freedoms currently enjoyed by academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT  
BARONESS BENNETT OF MANOR CASTLE

- 13 Clause 1, page 1, line 13, leave out paragraph (e) and insert –

“(e) the amount of teaching across the school year;”

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 14 Clause 1, page 1, line 15, leave out paragraph (f)

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

LORD LUCAS

- 15 Clause 1, page 1, line 20, leave out paragraph (j)

***Member's explanatory statement***

*This and the other amendments tabled to this Clause, Clause 2 and Clause 3 in the name of Lord Lucas are intended to protect some of the freedoms currently enjoyed by academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 16 Clause 1, page 2, line 1, leave out paragraph (k)

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

**Clause 1 - continued**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 17 Clause 1, page 2, line 4, leave out “and of staff”

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT  
LORD LUCAS

- 18 Clause 1, page 2, line 5, leave out paragraph (m)

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT  
LORD LUCAS

- 19 Clause 1, page 2, line 7, leave out paragraph (n)

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 20 Clause 1, page 2, line 8, leave out paragraph (o)

***Member's explanatory statement***

*This amendment limits the power of the Secretary of State to intervene in the day-to-day management of individual Academies.*

LORD LUCAS

- 21 Clause 1, page 2, line 8, after “admission” insert “but not including matters relating to the Published Admission Number”

***Member's explanatory statement***

*This and the other amendments tabled to this Clause, Clause 2 and Clause 3 in the name of Lord Lucas are intended to protect some of the freedoms currently enjoyed by academies.*

**Clause 1 - continued**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

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

“(2A) The Secretary of State must, within 6 months of this Act being passed, exercise the power under subsection (1) to set standards in relation to work experience, which must be equivalent to at least two weeks’ duration.”

LORD HUNT OF KINGS HEATH  
BARONESS BLOWER

**23** 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  
BARONESS CHAPMAN OF DARLINGTON

**24** 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  
BARONESS BENNETT OF MANOR CASTLE

**25★** 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 elected by parents of children at the school.”

***Member's explanatory statement***

**Clause 1 - continued**

*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 elected by parents of children at the school.*

LORD HUNT OF KINGS HEATH

26 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 –
- (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

27 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***

**Clause 1 - continued**

*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.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT  
BARONESS BENNETT OF MANOR CASTLE

28 Clause 1, page 3, line 10, at end insert –

- “(9) The Secretary of State must publish –
- (a) an annual report on the exercise of the powers under subsection (1), and
  - (b) an annual impact assessment on the exercise of those powers.
- (10) Before exercising the powers under subsection (1), the Secretary of State must consult relevant groups, including parents, teachers and governors, on the use of such regulations.”

***Member's explanatory statement***

*This amendment would require the Department for Education to seek the views of groups including parents, teachers and governors on how academy regulations are implemented, and then allow sight and scrutiny of the use of the new powers.*

LORD HUNT OF KINGS HEATH  
BARONESS BLOWER  
BARONESS MEACHER  
LORD BAKER OF DORKING

*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 2**

LORD LUCAS

29 Clause 2, page 3, line 12, leave out “including an agreement” and insert “with the exception of agreements”

***Member's explanatory statement***

*This and the other amendments tabled to this Clause, Clause 1 and Clause 3 in the name of Lord Lucas are intended to protect some of the freedoms currently enjoyed by academies.*

**Clause 2 - continued**

BARONESS BARRAN

- 30 Clause 2, page 3, line 35, leave out subsection (6)

***Member's explanatory statement***

*This amendment removes clause 2(6), bringing the treatment of secure 16 to 19 Academies under that clause in line with that of other Academies. This means that if an Academy standard applies to secure 16 to 19 Academies, this can trump any corresponding contractual provisions.*

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 2 stand part of the Bill.*

**Clause 3**

LORD ADDINGTON

- 31 Clause 3, page 4, line 2, leave out subsection (1)

BARONESS MEACHER  
BARONESS CHAPMAN OF DARLINGTON  
LORD HUNT OF KINGS HEATH

- 32 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.*

THE LORD BISHOP OF DURHAM

- 33 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.*

**Clause 3 - continued**

LORD LUCAS

34 Clause 3, page 4, line 22, at end insert—

“(d) about any existing legislation or regulations relating to the curriculum except insofar as it explicitly includes reference to Academies.”

***Member's explanatory statement***

*This and the other amendments tabled to this Clause, Clause 1 and Clause 2 in the name of Lord Lucas are intended to protect some of the freedoms currently enjoyed by academies.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

35 Clause 3, page 4, line 31, leave out paragraph (c)

***Member's explanatory statement***

*This amendment would remove the inclusion of further education institutions within the definition of “educational institution”. This would remove the power of the Secretary of State to apply any statutory provision relating to further education colleges to academies.*

LORD HUNT OF KINGS HEATH  
BARONESS MEACHER  
LORD ADDINGTON  
LORD BAKER OF DORKING

*The above-named Lords give notice of their 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.*

**Schedule 1**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

36 Schedule 1, page 88, line 34, after “Academy” insert “until September 2024”

***Member's explanatory statement***

*This amendment puts a time limit on the exemption teachers in academies have from needing to have qualified status, to give schools and teachers sufficient time to adjust.*

**Clause 4**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

37 Clause 4, page 5, line 7, at end insert –

“(d) the obligations of schools to safeguard the mental health of pupils.”

***Member's explanatory statement***

*This amendment would give a duty to academy proprietors to have regard to current and future government guidance on mental health in schools.*

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 4 stand part of the Bill.*

**After Clause 4**

LORD STOREY  
LORD SHIPLEY

38 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;
  - (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***

**After Clause 4 - continued**

*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.*

LORD HUNT OF KINGS HEATH  
BARONESS BLOWER

39 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.”

***Member's explanatory statement***

*The amendment introduces an independent disputes arbitration scheme to resolve disputes between a Multi Academy Trust and the local governing bodies of individual Academies within the Multi Academy Trust.*

**Clause 5**

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 5 stand part of the Bill.*

**Clause 6**

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 6 stand part of the Bill.*

**Clause 7**

BARONESS BARRAN

40 Clause 7, page 8, line 7, at end insert –

“(3A) Where the Secretary of State proposes to give an interim trustee notice to the proprietor of one or more Academy schools with a religious character, the Secretary of State must first consult the relevant religious body for each Academy school with a religious character in the proprietor’s care.”

**Clause 7 - continued*****Member's explanatory statement***

*This amendment requires the Secretary of State, before giving an interim trustee notice to the proprietor of an Academy school with a religious character, to consult the relevant religious body for the school.*

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 7 stand part of the Bill.*

**After Clause 7**

LORD STOREY  
LORD SHIPLEY  
BARONESS BENNETT OF MANOR CASTLE

**41** 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.*

**Clause 8**

BARONESS BARRAN

42 Clause 8, page 8, line 28, at end insert –

“(3) Subsection (2) applies to an Academy agreement in respect of a secure 16 to 19 Academy (see section 1B of the Academies Act 2010) as if the reference to the seventh Academy financial year were a reference to the second Academy financial year.”

***Member's explanatory statement***

*This amendment provides for a two-year notice period for terminating an Academy agreement in respect of a secure 16 to 19 Academy (in contrast to the seven-year notice period which applies to other types of Academy).*

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 8 stand part of the Bill.*

**Clause 9**

BARONESS BARRAN

43 Clause 9, page 8, line 29, at end insert –

“(A1) The Secretary of State may by notice terminate an Academy agreement with the proprietor of an Academy if any of subsections (1) to (1B) applies.”

***Member's explanatory statement***

*This amendment, and the other amendments to clauses 9 and 14 in Baroness Barran's name, allow the Secretary of State to terminate an Academy agreement without first issuing a termination warning notice in certain cases where the Academy is failing.*

BARONESS BARRAN

44 Clause 9, page 8, line 30, leave out subsection (1) and insert –

“(1) This subsection applies if the Chief Inspector has given a notice in relation to the Academy under section 13(3)(a) of the Education Act 2005 (special measures required to be taken or significant improvement required).”

***Member's explanatory statement***

*See the explanatory statement to the amendment in Baroness Barran's name at page 8, line 29.*

**Clause 9 - continued**

BARONESS BARRAN

45 Clause 9, page 8, line 34, at end insert –

“(1A) This subsection applies if –

- (a) the Academy is a 16 to 19 Academy, and
- (b) a report made under section 124(3) or 125(3) of the Education and Inspections Act 2006 (inspections of education and training and of further education institutions) states that the Chief Inspector does not consider the education or training inspected at the Academy to be of a quality adequate to meet the reasonable needs of those receiving it.

(1B) This subsection applies if a pupil is provided with board and lodging at the Academy and –

- (a) the Chief Inspector has made a notification in relation to the Academy under section 87(4)(c) of the Children Act 1989 (duty to notify Secretary of State of welfare failure in boarding schools), or
- (b) the Secretary of State considers that a national minimum standard published under section 87C of that Act (boarding schools: national minimum standards) is not being met in relation to the Academy.”

***Member's explanatory statement****See the explanatory statement to the amendment in Baroness Barran's name at page 8, line 29.*

BARONESS BARRAN

46 Clause 9, page 8, line 35, leave out subsection (2)

***Member's explanatory statement****See the explanatory statement to the amendment in Baroness Barran's name at page 8, line 29.*

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 9 stand part of the Bill.***Clause 10**

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 10 stand part of the Bill.*

**Clause 11**

BARONESS BARRAN

47 Clause 11, page 9, line 23, leave out “a” and insert “an Academy agreement or”

***Member's explanatory statement***

*This amendment allows the Secretary of State to terminate an Academy agreement as well as a master agreement if there is a change of control or insolvency event (so that an Academy agreement in respect of a single-Academy trust could be terminated on those grounds).*

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.*

**Clause 12**

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 12 stand part of the Bill.*

**Clause 13**

LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 13 stand part of the Bill.*

**Clause 14**

BARONESS BARRAN

48 Clause 14, page 12, line 11, leave out subsections (6) and (7)

***Member's explanatory statement***

*See the explanatory statement to the amendment in Baroness Barran's name at page 8, line 29.*

LORD BAKER OF DORKING  
LORD NASH

**Clause 14 - continued**

LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 14 stand part of the Bill.*

**Clause 15**LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 15 stand part of the Bill.*

**Clause 16**LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 16 stand part of the Bill.*

**Clause 17**LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 17 stand part of the Bill.*

**Clause 18**LORD BAKER OF DORKING  
LORD NASH  
LORD AGNEW OF OULTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 18 stand part of the Bill.*

**After Clause 18**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

49 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).”

BARONESS BLOWER  
LORD HUNT OF KINGS HEATH  
BARONESS BENNETT OF MANOR CASTLE

50 After Clause 18, insert the following new Clause –

**“Withdrawal from a Multi Academy Trust**

- (1) The Secretary of State must establish a procedure whereby the local governing body of an individual Academy within a Multi Academy Trust may withdraw from the Multi Academy Trust to –
  - (a) join another Multi Academy Trust, or
  - (b) establish itself as a separate Academy Trust.
- (2) The procedure under subsection (1) must specify requirements regarding –
  - (a) a consultation process that must include parents and staff of the school,
  - (b) a statement by the local governing body setting out the reasons for wishing to withdraw from the Multi Academy Trust including a statement explaining how this will benefit children’s education in the school, and
  - (c) a timetable and financial framework under which such a withdrawal can be undertaken.”

***Member's explanatory statement***

*The amendment is designed to establish a procedure for a school to leave a Multi Academy Trust.*

**Clause 20**

THE LORD BISHOP OF DURHAM

51 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.”

***Member's explanatory statement***

**Clause 20 - continued**

*This amendment ensures that regulations are made for Church of England schools in minority trusts.*

**Clause 23**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

52 Clause 23, page 17, line 20, at end insert –

“(4) In this Act, “parents” has the meaning given by section 576 of the Education Act 1996 (meaning of “parent”).”

***Member's explanatory statement***

*This amendment would ensure that “parents” referenced throughout the Bill would cover different kinds of legal guardian.*

**Clause 25**

BARONESS MEACHER  
BARONESS WHITAKER

53★ Clause 25, page 18, line 20, at end insert –

“(2A) For any pupils who have withdrawn from collective worship in accordance with subsection (1) or subsection (2), the Academy school must provide an assembly of equal educational worth, which must be principally directed towards furthering the spiritual, moral, social and cultural education of the pupils.”

***Member's explanatory statement***

*This requires academies with a religious character to provide pupils with a meaningful alternative to collective worship if they or their parents request that they are withdrawn, so as to ensure that all pupils enjoy the benefits of the full length of the school day, irrespective of religious belief.*

BARONESS BURT OF SOLIHULL  
BARONESS BAKEWELL

54 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;
- (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

**Clause 25 - continued**

- (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  
BARONESS BENNETT OF MANOR CASTLE

55

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  
BARONESS BAKEWELL

56 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.*

BARONESS MEACHER  
BARONESS WHITAKER

57★ After Clause 27, insert the following new Clause –

**“Academy schools without a religious character: spiritual, moral, social and cultural education in assemblies**

- (1) Each pupil in attendance at an Academy school without a religious character must on each school day take part in an assembly which is principally directed

**After Clause 27 - continued**

towards furthering the spiritual, moral, social and cultural education of the pupils regardless of religion or belief.

- (2) Subject to subsection (3), an Academy school without a religious character must not arrange any acts of worship or other religious observance (whether or not forming part of the curriculum).
- (3) Staff or pupils of an Academy school without a religious character may arrange voluntary acts of worship on the school premises, provided that—
  - (a) subject to paragraph (b), pupils are permitted to decide whether to attend any such acts of worship,
  - (b) for pupils aged under 16, a parent or guardian may request that their child should not attend, and
  - (c) the staff or pupils arranging the worship are not acting on behalf of the school.
- (4) 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 subsections (1) and (2) are complied with.
- (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 removes the requirement for a daily act of collective worship in academy schools without a religious character, and replaces it with an inclusive assembly focused on furthering the spiritual, moral, social and cultural education of pupils. Voluntary acts of worship in academies without a religious character would be permitted.*

BARONESS MEACHER

58★

After Clause 27, insert the following new Clause—

**“Repeal of certain exemptions for academies with a religious character**

- (1) In section 124A(1) of the School Standards and Framework Act 1998 omit “, other than an Academy to which section 124AA applies”.
- (2) Omit section 124AA of the School Standards and Framework Act 1998 (staff at certain Academies with religious character).
- (3) In Schedule 22 to the Equality Act 2010, omit paragraph 4(d).”

**Member's explanatory statement**

*This amendment would repeal certain exemptions found in the School Standards and Framework Act 1998 and Equality Act 2010 for the purposes of appointment, promotion, remuneration or termination of employment of teachers.*

**Clause 28**

LORD HUNT OF KINGS HEATH

*Lord Hunt of Kings Heath gives notice of his intention to oppose the Question that Clause 28 stand part of the Bill.*

**Clause 29**

## THE LORD BISHOP OF DURHAM

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

***Member's explanatory statement***

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

BARONESS BLOWER  
LORD HUNT OF KINGS HEATH

- 60 Clause 29, page 23, line 24, at end insert “only with the consent of the governing body that is the subject of the application”

***Member's explanatory statement***

*This amendment ensures that a local authority cannot apply for an Academy order to be made unless it has the consent of the governing body.*

BARONESS BLOWER  
LORD HUNT OF KINGS HEATH

- 61 Clause 29, page 23, line 30, at end insert –  
“(c) the parents and staff of the school that is the subject of the application.”

***Member's explanatory statement***

*This amendment ensures that parents and staff of the school must be added to the list of those who have to be consulted by a local authority before making an application to the Secretary of State for an Academy order.*

LORD HUNT OF KINGS HEATH

- 62★ Clause 29, page 23, line 30, at end insert –  
“(c) the parents and staff of the school that is the subject of the application, in a comprehensive and timely fashion, showing how the proposal will benefit children’s education and what alternatives have been considered.”

***Member's explanatory statement***

*This amendment seeks to ensure that before a local authority can apply to the Secretary of State for an Academy order to be made in respect of any of its maintained schools, the parents and staff of the school must be properly consulted.*

**Clause 29 - continued**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

63 Clause 29, page 23, line 30, at end insert –

“(2A) If –

- (a) a governing body opposes the application in the consultation under subsection (2), and
- (b) the Secretary of State intends nonetheless to accept the application, the Secretary of State must lay before Parliament a statement explaining how the application will benefit children’s education.”

THE LORD BISHOP OF DURHAM

64 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

65 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.

**Clause 29 - continued**

- (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***

*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

- 66 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

- 67 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.*

## BARONESS BARRAN

- 68 Clause 29, page 24, line 6, leave out paragraphs (a) and (b) and insert –

“(a) in subsection (1), after “Academy” insert “following an application under section 3 (application for Academy order by governing body)”;

(b) after subsection (1) insert –

5 “(1A) Before a maintained school in England is converted into an Academy following an application under section 3A (application for Academy order by local authority), the local authority must consult such persons as they think appropriate about whether the conversion should take place.”;

10 (c) for subsection (2) substitute –

“(2) But this section ceases to apply where, following an application under section 3 or 3A in respect of a school, an Academy order is made in respect of the school under –

**Clause 29 - continued**

15

- (a) section 4(A1) (duty to make Academy order in respect of school requiring significant improvement or special measures), or
- (b) section 4(1)(b) (power to make Academy order in respect of school otherwise eligible for intervention).”

**Member's explanatory statement**

*This amendment would require the local authority to carry out a consultation in relation to an application under new section 3A for conversion of a maintained school into an Academy. As with consultations by governing bodies who apply for Academy conversion, the consultation may be carried out before or after the application, or any Academy order, is made.*

LORD HUNT OF KINGS HEATH

*As an amendment to Amendment 68.*

- 69★** In paragraph (a), leave out “following” and insert “before”

**Member's explanatory statement**

*This amendment seeks to ensure that before a maintained school is converted into an Academy, the parents and staff of the school must be properly consulted.*

LORD HUNT OF KINGS HEATH

*As an amendment to Amendment 68.*

- 70★** In paragraph (b), in inserted subsection (1A), leave out from “consult” to end and insert “the parents and staff of the school that is the subject of the application, in a comprehensive and timely fashion, showing how the proposal will benefit children’s education and what alternatives have been considered.”

**Member's explanatory statement**

*This amendment seeks to ensure that before a maintained school is converted into an Academy, the parents and staff of the school must be properly consulted.*

THE LORD BISHOP OF DURHAM

- 71** 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

- 72** 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.)”

**Clause 29 - continued*****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

- 73 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.*

THE LORD BISHOP OF DURHAM

- 74 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 29**

BARONESS BLOWER  
LORD HUNT OF KINGS HEATH  
BARONESS BENNETT OF MANOR CASTLE

- 75 After Clause 29, insert the following new Clause –

**“Consultation before joining a Multi Academy Trust**

After section 14 of the Academies Act 2010, insert –

**“14A Application by an Academy to join a Multi Academy Trust**

- (1) Before an Academy Trust can make an application to join a Multi Academy Trust it must consult, in a comprehensive and timely fashion, the parents and staff of the school that is the subject of the application.
- (2) The consultation under section (1) must show how the proposal will benefit children's education and what alternatives have been considered.”

***Member's explanatory statement***

*This amendment is designed to ensure that a governing body cannot apply to join a Multi Academy Trust before a full and proper consultation takes place with parents and staff.*

**After Clause 30**

BARONESS BARRAN

76 After Clause 30, insert the following new Clause –

**“Secure 16 to 19 Academies**

- (1) The Academies Act 2010 is amended as follows.
- (2) In section 2 (payments under Academy agreements), after subsection (2) insert –
  - “(2A) Subsection (2) applies to an Academy agreement in respect of a secure 16 to 19 Academy as though the references to 7 years were references to 2 years.”
- (3) In section 9 (impact: new and expanded educational institutions), in subsection (1), after paragraph (b) (and on a new line) insert –
 

“except where the institution, if the arrangements are entered into, is to be a secure 16 to 19 Academy.”
- (4) In section 10 (consultation: new and expanded educational institutions) –
  - (a) after subsection (2) insert –
    - “(2A) But where the educational institution, if the arrangements are entered into, is to be a secure 16 to 19 Academy –
      - (a) the person is not required to carry out a consultation on that question, and
      - (b) they must instead carry out a consultation on the question of how they should cooperate with potential local partners in connection with the establishment and carrying on of the Academy.
    - (2B) “Potential local partners” in subsection (2A)(b) means –
      - (a) public authorities (within the meaning of section 6 of the Human Rights Act 1998), and
      - (b) so far as not falling within paragraph (a), proprietors of educational institutions,
 

with whom the person carrying out the consultation thinks it appropriate to cooperate.”;
  - (b) in subsection (3), for “The consultation” substitute “A consultation under this section”.

***Member's explanatory statement***

*This amendment makes special provision for secure 16 to 19 Academies as to the period for which funding must continue, the requirement to consider the impact of new or expanded educational institutions on other local institutions, and the consultation requirements applicable to new or expanded educational institutions.*

**After Clause 30 - continued**

LORD STOREY  
BARONESS GARDEN OF FROGNAL

77 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 the 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.*

LORD SHIPLEY

78 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, make 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.*

LORD HUNT OF KINGS HEATH

79★ After Clause 30, insert the following new Clause –

**“School reserves and income raising**

- (1) Where an academy or maintained school comes under the control of a Multi Academy Trust, the reserves of the school must be –
  - (a) independently audited to arrive at an agreed level;

**After Clause 30 - continued**

- (b) ring-fenced for the exclusive use of the school for the benefit of that school's pupils with any expenditures required to be agreed by the Local Governing Body of the school.
- (2) Where an academy or maintained school comes under the control of a Multi Academy Trust, any income generated by the school including the renting out of premises when under the control of the Multi Academy Trust must be used exclusively for the benefit of that school's pupils with expenditures required to be agreed by the Local Governing Body of the school.”

**Member's explanatory statement**

*The amendment is designed to ensure that where an academy or maintained school comes under the control of a Multi Academy Trust, the reserves and income generating activities of the school can only be used with the agreement of the Local Governing Body of the school exclusively for the benefit of that school's pupils.*

**Clause 32**

LORD HUNT OF KINGS HEATH  
BARONESS BLOWER

80

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.
- (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);

**Clause 32 - continued**

- (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

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

***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

- 82 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.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 83 Clause 32, page 28, line 28, at end insert –

“(d) regulations under section 1(7) (assessing or monitoring compliance with an Academy standard).”

***Member's explanatory statement***

**Clause 32 - continued**

*This amendment would subject to the affirmative procedure the Secretary of State's power to give any person they choose responsibility over judging an academy's compliance with standards.*

**Clause 33**

LORD STOREY  
BARONESS GARDEN OF FROGNAL

84 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  
BARONESS HUMPHREYS  
BARONESS BENNETT OF MANOR CASTLE

85 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.*

LORD STOREY  
BARONESS BRINTON

86 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.*

**Clause 33 - continued**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

87 Clause 33, page 30, line 3, at end insert –

- “(11) Within the period of one year beginning with the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of this section, which must include analysis of the distribution of funding by geographical location and comparative deprivation.”

***Member's explanatory statement***

*This amendment would require analysis of the changes made to the National Funding Formula that remove the role of local authorities in allocation.*

**After Clause 38**

LORD STOREY  
BARONESS BRINTON

88 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.
- (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.*

**After Clause 38 - continued**

LORD STOREY  
BARONESS HUMPHREYS

89 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  
LORD SHIPLEY

90 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;
    - (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;

**After Clause 38 - continued**

“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.*

LORD SHIPLEY  
BARONESS GARDEN OF FROGNAL

91 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

92 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

**Clause 40 - continued**

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.*

LORD SHIPLEY

- 93 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**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 94 After Clause 43, insert the following new Clause –

**“Financial health of Academies**

- (1) Every year the Secretary of State must report on the financial health of all Academies, and set out any measures necessary to address disparities, including around financial reserves.
- (2) Academies must provide this information to the Secretary of State, and set out their intentions for any reserves over £250,000.”

***Member's explanatory statement***

*This amendment is intended to increase transparency around academies' financial arrangements, and require them to account for any inexplicably large financial reserves.*

LORD SHIPLEY  
BARONESS BENNETT OF MANOR CASTLE

- 95 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.*

### Schedule 3

BARONESS BARRAN

96 Schedule 3, page 93, line 18, at end insert—

*“Education Act 1996*

- A1 (1) Section 494 of the Education Act 1996 (recoupment: excluded pupils) is amended as follows.
- (2) In subsection (1)—
- (a) after “maintained by” (in the first place it occurs) insert “, or from any Academy located in the area of,”;
  - (b) after “provided with education by” insert “or in the area of”;
  - (c) for “or otherwise than at school” substitute “, at an Academy located in that authority’s area, or by that authority otherwise than at school”.
- (3) In subsection (3)—
- (a) after “maintained by” (in the first place it occurs) insert “, or from any Academy located in the area of,”;
  - (b) in paragraph (b)—
    - (i) after “education by” insert “or in the area of”;
    - (ii) for “or otherwise than at school” substitute “, at an Academy located in that authority’s area, or by that authority otherwise than at school”.
- (4) After that subsection insert—
- “(3A) For the purposes of this section references to an Academy do not include a 16-19 Academy.””

### After Clause 45

LORD HUNT OF KINGS HEATH  
LORD BLUNKETT  
LORD ADDINGTON

97 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.

**After Clause 45 - continued**

- (3) The Secretary of State must ensure that funding to local authorities for provision of services under this section 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**

BARONESS GARDEN OF FROGNAL

98★ Clause 48, page 41, leave out line 27 and insert—

“(b) the parent or parents responsible for the education of the child,”

**Member's explanatory statement**

*This amendment ensures that the information contained in the register relates to the parent or parents responsible for the education of the child.*

LORD HUNT OF KINGS HEATH  
LORD BLUNKETT  
LORD ADDINGTON

99 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.*

BARONESS JONES OF MOULSECOOMB

100 Clause 48, page 41, leave out lines 28 and 29

**Member's explanatory statement**

*This amendment probes what details about a child's home education are intended to be included in registers of children not in school.*

**Clause 48 - continued**

THE LORD BISHOP OF ST ALBANS

**101** 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.*

LORD STOREY  
BARONESS BRINTON**102** 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**103** 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.*

BARONESS JONES OF MOULSECOOMB

**104** Clause 48, page 41, leave out line 30***Member's explanatory statement***

*This amendment probes what “other information” is intended to be included in registers of children not in school.*

THE LORD BISHOP OF ST ALBANS

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

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

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

BARONESS GARDEN OF FROGNAL

- 106★** Clause 48, page 41, line 30, at end insert “and having reasonable relevance to the education of the child”

***Member's explanatory statement***

*This amendment limits any further information that may be prescribed to information that is reasonably relevant to the education of the child.*

BARONESS GARDEN OF FROGNAL

- 107★** Clause 48, page 41, leave out lines 31 and 32

THE LORD BISHOP OF ST ALBANS

- 108** 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.*

BARONESS JONES OF MOULSECOOMB

- 109** Clause 48, page 41, line 32, leave out “appropriate” and insert “necessary and in the child’s best interests”

***Member's explanatory statement***

*This amendment probes what “other information” is intended to be included in registers of children not in school.*

BARONESS GARDEN OF FROGNAL

- 110★** Clause 48, page 41, line 40, leave out “and publication of”

***Member's explanatory statement***

**Clause 48 - continued**

*This amendment removes the ability of regulations to make provisions about the publication of the register.*

## THE LORD BISHOP OF ST ALBANS

**111** 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

**112** 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.*

## BARONESS GARDEN OF FROGNAL

**113★** Clause 48, page 42, line 10, after “information” insert “reasonably”

***Member's explanatory statement***

*This amendment is intended to probe the type of information that may be prescribed.*

## BARONESS GARDEN OF FROGNAL

**114★** Clause 48, page 42, line 18, after “information” insert “reasonably”

***Member's explanatory statement***

*This amendment is intended to probe the type of information that may be prescribed.*

## THE LORD BISHOP OF ST ALBANS

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

***Member's explanatory statement***

**Clause 48 - continued**

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

BARONESS GARDEN OF FROGNAL

**116★** Clause 48, page 42, line 27, leave out “15” and insert “28”

***Member's explanatory statement***

*This amendment, and others to Clause 48 in Baroness Garden's name, are intended to lengthen the “relevant period”.*

THE LORD BISHOP OF ST ALBANS

**117** 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.*

BARONESS GARDEN OF FROGNAL

**118★** Clause 48, page 42, line 30, leave out “15” and insert “28”

***Member's explanatory statement***

*This amendment, and others to Clause 48 in Baroness Garden's name, are intended to lengthen the “relevant period”.*

THE LORD BISHOP OF ST ALBANS

**119** 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.*

BARONESS GARDEN OF FROGNAL

**120★** Clause 48, page 42, line 32, leave out “15” and insert “28”

***Member's explanatory statement***

*This amendment, and others to Clause 48 in Baroness Garden's name, are intended to lengthen the “relevant period”.*

**Clause 48 - continued**

## THE LORD BISHOP OF ST ALBANS

**121** 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.*

## BARONESS GARDEN OF FROGNAL

**122★** Clause 48, page 42, line 35, leave out “15” and insert “28”

***Member's explanatory statement***

*This amendment, and others to Clause 48 in Baroness Garden's name, are intended to lengthen the “relevant period”.*

LORD STOREY  
LORD SHIPLEY

**123** 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.*

## BARONESS GARDEN OF FROGNAL

**124★** Clause 48, page 43, line 37, leave out “15” and insert “28”

***Member's explanatory statement***

*This amendment, and others to clause 48 in Baroness Garden's name, are intended to lengthen the “relevant period”.*

## BARONESS GARDEN OF FROGNAL

**125★** Clause 48, page 43, line 39, at end insert “and may include Forest Schools and Farm Schools.”

***Member's explanatory statement***

*This amendment is intended to probe the protection for less structured education such as Forest Schools and Farm Schools.*

**Clause 48 - continued**

## BARONESS GARDEN OF FROGNAL

- 126★** Clause 48, page 44, line 3, at beginning insert “and where a person has not made reasonable efforts to provide that information,”

***Member's explanatory statement***

*This amendment is intended to ensure that parents who have made a reasonable effort to provide the information required of them are not subject to a monetary penalty.*

## THE LORD BISHOP OF ST ALBANS

- 127** 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.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

- 128** Clause 48, page 44, line 23, at end insert –
- “(4) In collection and use of this data, local authorities in England must have regard to child protection and the safety of their parents.”

LORD HUNT OF KINGS HEATH  
LORD BLUNKETT  
LORD ADDINGTON

- 129** 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*

**Clause 48 - continued**

*includes any support that would ordinarily be provided in a school by the local authority for a child's special educational need or disability.*

BARONESS GARDEN OF FROGNAL

**130★** Clause 48, page 44, line 36, at end insert –

- “(e) guaranteed local places to sit national examinations for children educated otherwise than in school, including access arrangements where necessary, and
- (f) provision of financial assistance towards the cost of sitting national examinations for children educated otherwise than in school.”

***Member's explanatory statement***

*This amendment ensures that support is available to help parents with the cost and process of securing places for their children to sit national examinations.*

LORD HUNT OF KINGS HEATH

**131** Clause 48, page 45, line 5, after “may” insert “by regulations”

***Member's explanatory statement***

*This amendment together with the amendment in Clause 48, page 45, line 7, is aimed at ensuring that guidance given to local authorities in relation to school attendance under sections 436B and 436G of the Education Act 1996 must be subject to the affirmative regulation making process.*

LORD HUNT OF KINGS HEATH

**132** Clause 48, page 45, line 7, at end insert –

- “(3) A statutory instrument containing regulations under this section 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 amendment together with the amendment in Clause 48, page 45, line 5, is aimed at ensuring that guidance given to local authorities in relation to school attendance under sections 436B and 436G of the Education Act 1996 must be subject to the affirmative regulation making process.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

**133** Clause 48, page 45, line 9, at end insert “, and

- (b) after “section” insert “436F,.”

***Member's explanatory statement***

**Clause 48 - continued**

*This amendment provides that regulations on the detail of what data the Secretary of State requires local authorities to share on children not in school will be subject to the affirmative procedure.*

BARONESS GARDEN OF FROGNAL

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

***Member's explanatory statement***

*This amendment extends the period in which to pay a monetary penalty from 14 days to 28.*

BARONESS KENNEDY OF CRADLEY  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 48 stand part of the Bill.*

***Member's explanatory statement***

*This is to probe the government's intentions around the children not in school provisions, particularly concerning home-schooled children.*

**After Clause 48**

LORD STOREY  
BARONESS BRINTON

**135** 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 49**

BARONESS GARDEN OF FROGNAL

- 136★ Clause 49, page 47, line 18, after the first “notice” insert “of at least 28 days”

***Member's explanatory statement***

*This amendment specifies that the period within which a person must satisfy a local authority that a child is receiving education is a minimum of 28 days.*

BARONESS GARDEN OF FROGNAL

- 137★ Clause 49, page 48, line 6, leave out “ten” and insert “28”

***Member's explanatory statement***

*This amendment is consequential on Baroness Garden's amendment to page 47, line 18.*

BARONESS GARDEN OF FROGNAL

- 138★ Clause 49, page 48, line 15, leave out “specified in the notice” and insert “of at least 28 days”

***Member's explanatory statement***

*This amendment is consequential on Baroness Garden's amendment to page 47, line 18.*

BARONESS GARDEN OF FROGNAL

- 139★ Clause 49, page 48, line 18, after “authority” insert “, and if it is deemed necessary by a suitably qualified independent adviser,”

***Member's explanatory statement***

*This amendment is intended to probe how a local authority will determine that a child should attend school, and by whom the determination will be made.*

LORD SHIPLEY

- 140 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.*

BARONESS GARDEN OF FROGNAL

- 141★ Clause 49, page 50, line 4, leave out “10” and insert “28”

**Clause 49 - continued*****Member's explanatory statement***

*This amendment increases the period of time in which a person can select an alternative school.*

BARONESS GARDEN OF FROGNAL

142★ Clause 49, page 52, line 24, leave out “10” and insert “28”

***Member's explanatory statement***

*This amendment increases the period of time in which a person can apply to the Secretary of State for a direction.*

BARONESS GARDEN OF FROGNAL

143★ Clause 49, page 52, line 31, leave out “10” and insert “28”

***Member's explanatory statement***

*This amendment increases the period in which a person can serve a school nomination notice.*

BARONESS JONES OF MOULSECOOMB

*Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 49 stand part of the Bill.*

**Clause 50**

BARONESS JONES OF MOULSECOOMB

*Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 50 stand part of the Bill.*

**Clause 51**

BARONESS JONES OF MOULSECOOMB

*Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 51 stand part of the Bill.*

**Schedule 4**

BARONESS JONES OF MOULSECOOMB

*Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Schedule 4 be the 4th Schedule to the Bill.*

**Clause 53**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

144 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.*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

145 Clause 53, page 57, line 23, at end insert –

“(f) the extent to which mental illness has contributed to truancy, and how mental health will be considered in developing the policy.”

**After Clause 55**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT  
BARONESS BENNETT OF MANOR CASTLE

146★ After Clause 55, insert the following new Clause –

**“Attendance fines and penalty notices: data collection**

Within the period of one year beginning with the day on which this Act is passed, the Secretary of State must publish an impact assessment of fines and penalty notices issued by virtue of this Part, and set out any measures necessary to address any disproportionate impact on those receiving fines or penalty notices.”

***Member's explanatory statement***

*This amendment would ensure the public has access to a breakdown of those fined to assess whether attendance fines are skewed against women or ethnic minorities, and would compel the Secretary of State to consider measures to address this.*

**Clause 56**

BARONESS MEACHER

147★ Clause 56, page 59, line 20, at end insert –

“(c) amend subsections (1) to (1B) so as to replace the requirement for education to be full-time with a requirement for it to be of a lower number of hours per week, but not less than one quarter of a child’s education.”

**Clause 56 - continued*****Member's explanatory statement***

*This amendment would give the Government the power, by regulations, to change the definition of an independent educational institution from one providing full-time education for children, to one providing a lower portion of children's education, albeit no less than one quarter.*

**After Clause 57**

BARONESS BARRAN

148 After Clause 57, insert the following new Clause –

**“Education and childcare behaviour orders**

- (1) The Education and Skills Act 2008 is amended as set out in subsections (2) and (3).
- (2) In section 96 (unregistered independent educational institutions: offence), at the end insert –
  - “(5) Schedule A1 makes provision enabling a court to make an education and childcare behaviour order where a person is convicted of an offence under this section.”
- (3) Before Schedule 1 insert –

“SCHEDULE A1

Section 96

## EDUCATION AND CHILDCARE BEHAVIOUR ORDERS

*Making an education and childcare behaviour order*

- 1 (1) Where a person (the “defendant”) is convicted of an offence under section 96 (conducting an unregistered independent educational institution) after the coming into force of this Schedule, the prosecution may apply for an education and childcare behaviour order.
- (2) On an application under sub-paragraph (1), the court may make an education and childcare behaviour order if it thinks it is appropriate to do so for the purpose of protecting children from the risk of harm arising from the defendant conducting an unregistered independent educational institution or otherwise providing children with education, childcare, instruction or supervision.
- (3) An education and childcare behaviour order is an order which, for the purpose mentioned in sub-paragraph (2) –
  - (a) requires the defendant to do anything specified in the order, or
  - (b) prohibits the defendant from doing anything specified in the order.
- (4) The court may make an education and childcare behaviour order in respect of the defendant only if it is made in addition to –

- (a) a sentence imposed in respect of the offence under section 96, or
  - (b) an order discharging the offender conditionally.
- (5) If, following an application by the prosecution for an education and childcare behaviour order, the court decides not to make such an order, it must state in open court its reasons for that decision.

*Duration of education and childcare behaviour order*

- 2
- (1) An education and childcare behaviour order takes effect on the day on which it is made.
  - (2) An education and childcare behaviour order must specify the period for which it has effect, which must be a fixed period of at least six months and not more than three years.
  - (3) Where a court makes an education and childcare behaviour order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.

*Application for variation or discharge of education and childcare behaviour order*

- 3
- (1) The defendant may apply to the appropriate court for an order varying or discharging an education and childcare behaviour order.
  - (2) On an application under this paragraph, the court may by order vary or discharge the education and childcare behaviour order.
  - (3) A defendant may not make an application under this paragraph—
    - (a) before the end of the period of three months beginning with the day on which the order was made, or
    - (b) before the end of the period of three months beginning with the day on which any previous application under this paragraph was refused.
  - (4) In this paragraph, the “appropriate court” means—
    - (a) the court that made the order, or
    - (b) a magistrates’ court for the area in which the defendant lives.

*Offence of breaching education and childcare behaviour order*

- 4
- (1) A person who breaches an education and childcare behaviour order is guilty of an offence.
  - (2) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine (or to both).
  - (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, for “51 weeks” in sub-paragraph (2), substitute “six months”.

**After Clause 57 - continued**

- (4) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.”
- (4) In section 379 of the Sentencing Act 2020, in the table in subsection (1), after the entry for the Serious Crime Act 2007 insert –
- “Education and Skills Act 2008
- |             |                                         |                                                                            |
|-------------|-----------------------------------------|----------------------------------------------------------------------------|
| Schedule A1 | education and childcare behaviour order | offence of conducting an unregistered independent education institution”.” |
|-------------|-----------------------------------------|----------------------------------------------------------------------------|

**Member's explanatory statement**

*This amendment would enable a court, after having convicted a person of the offence of operating an unregistered independent educational institution, to make an order requiring or prohibiting certain behaviour by that person, if the court considers it appropriate in order to protect children from a risk of harm. Breach of an order would constitute a further criminal offence.*

**After Clause 58**

LORD STOREY  
LORD SHIPLEY

**149** 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.*

**Clause 60**

BARONESS BRINTON

**150** Clause 60, page 66, line 4, leave out from beginning to end of line 42 on page 70

**Member's explanatory statement**

*This is a probing amendment aimed at understanding the protections that are in place for day pupils where a school has already been found not to be safe for boarding pupils.*

## Schedule 5

BARONESS BARRAN

- 151 Schedule 5, page 103, line 40, leave out ““refusal” substitute “decision not”” and insert ““104(1) (refusal” substitute “104 (decision not””

*Member's explanatory statement*

*This amendment corrects a missed consequential amendment.*

## Clause 63

BARONESS MEACHER

- 152★ Clause 63, page 73, line 20, leave out “used as a dwelling” and insert “that are visibly being used as a dwelling, without consent,”

*Member's explanatory statement*

*This amendment would clarify that a warrant will only be required where consent has not been given for entry, and where the setting visibly appears to be a dwelling.*

BARONESS BARRAN

- 153 Clause 63, page 74, line 33, at end insert –  
 “(g) paragraph 4 of Schedule A1 (breach of education and childcare behaviour order).”

*Member's explanatory statement*

*This amendment adds the offence of breaching an education and childcare behaviour order to the list of offences in clause 63, meaning that the new powers of entry and investigation in the Bill would be exercisable in respect of a suspected offence under this Schedule.*

## After Clause 64

BARONESS CHAPMAN OF DARLINGTON  
 BARONESS WILCOX OF NEWPORT  
 BARONESS BENNETT OF MANOR CASTLE

- 154 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*

**After Clause 64 - continued**

*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.*

**Clause 65**

BARONESS BARRAN

155 Clause 65, page 78, line 14, at end insert “that is not a school”

***Member's explanatory statement***

*This is a drafting clarification to make it clear that the reference to independent educational institutions inserted into s.141A(1) (teachers to whom the misconduct provisions apply) only catches such institutions that are not schools. Schools are already covered by s.141A(1)(a), so this amendment avoids an overlap between existing paragraph (a) and new paragraph (bb).*

**After Clause 65**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

156 After Clause 65, insert the following new Clause –

**“School land and buildings**

The Secretary of State must, within one year of this Act being passed, report on –

- (a) the condition of all school land and buildings, and
- (b) the amount of capital investment that would be required to provide all pupils with access to key amenities, including but not limited to computer provision, sports fields, and science and technology laboratories.”

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

157 After Clause 65, insert the following new Clause –

**“Amalgamation of regional commissioners and Education and Skills Funding Agency**

Within one year of the day on which this Act is passed, the Secretary of State must have consulted on the merits of the functions of the Education and Skills Funding Agency and regional schools commissioners being combined and given to one entity.”

***Member's explanatory statement***

*This amendment is intended to ensure education scrutiny functions are joined up.*

*After Clause 65 - continued*

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

**158** After Clause 65, insert the following new Clause –

**“Mandatory curriculum subjects**

- (1) All Academies must follow the national curriculum.
- (2) All Academies and maintained schools, as part of their curriculum, must teach –
  - (a) digital skills;
  - (b) financial literacy, including how to apply for a mortgage and an understanding of credit scores;
  - (c) life skills, including but not limited to understanding employment, rental and mortgage contracts.”

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

**159** After Clause 65, insert the following new Clause –

**“Digital records**

Academies and maintained schools must maintain a digital record for pupils, updated quarterly, which may include an assessment of –

- (a) grades,
- (b) effort, and
- (c) behaviour.”

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

**160** After Clause 65, insert the following new Clause –

**“Admissions**

- (1) Local authorities are the admissions authority for state-funded schools.
- (2) Local authorities’ admissions policies must include reference to how they will ensure the best interests of looked after children.”

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

**161** 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.”

**After Clause 65 - continued**

LORD STOREY  
LORD SHIPLEY

162 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;
  - (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 manage 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);

**After Clause 65 - continued**

“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.*

## LORD HOLMES OF RICHMOND

**163** 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

**164** 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.

**After Clause 65 - continued**

- (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
  - (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

**165** 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

**166** 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.”

**After Clause 65 - continued**

LORD MOYNIHAN

**167** 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.”

LORD HARRIES OF PENTREGARTH

LORD BLUNKETT

LORD WALLACE OF SALTAIRE

LORD NORTON OF LOUTH

**168** After Clause 65, insert the following new Clause—**“British values**

- (1) In any statement relating to British values for education purposes at primary and secondary level in England and Wales, the Secretary of State, OFSTED and any other public authority must include—
  - (a) democracy,
  - (b) the rule of law,
  - (c) freedom,
  - (d) equal respect for every person, and
  - (e) respect for the environment.
- (2) Any statement under subsection (1) must refer to British values as “values of British citizenship”.
- (3) The values listed under subsection (1)(a) to (1)(e) must be taught as part of citizenship, at the first to fourth key stages.
- (4) In section (1)(a) “democracy” includes—
  - (a) an independent judiciary,
  - (b) in a Parliamentary system, a Government that is accountable to Parliament,
  - (c) regular elections, and
  - (d) decentralised decision-making, accountable at an appropriate level to the electorate.
- (5) In subsection (1)(c) “freedom” includes—
  - (a) freedom of thought, conscience and religion,
  - (b) freedom of expression, and
  - (c) freedom of assembly and association.
- (6) In subsection (1)(e) “respect for the environment” means taking into account the systemic effect of human actions on the health and sustainability of the environment both within the United Kingdom and over the planet as a whole, for present and future generations. ”

**After Clause 65 - continued**

LORD TRIESMAN

**169** After Clause 65, insert the following new Clause –**“School admissions for children adopted from overseas**

- (1) The Secretary of State must revise the code of practice for school admissions in accordance with sections 84 and 85 of the School Standards and Framework Act 1998 (code for school admissions), to contain provision that children adopted from overseas must receive the same priority for admission as children looked after or previously looked after by a local authority in England.
- (2) The Secretary of State must lay the revision under subsection (1) before each House of Parliament within four months of the passing of this Act.
- (3) In subsection (1) of section 88B of the School Standards and Framework Act 1998 (admission arrangements relating to children looked after by local authority), after the second “England” insert “, and those adopted from overseas,”.
- (4) In this section and the School Standards and Framework Act 1998, a child “adopted from overseas” means a child that was born overseas or was previously in care outside the United Kingdom and has since been legally adopted by UK citizens and currently resides in the United Kingdom.”

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT**170** After Clause 65, insert the following new Clause –**“Ofsted inspections: mental health**

- (1) When inspecting schools, Ofsted must make an assessment of the mental health of the student body.
- (2) Schools with an “inadequate” mental health rating cannot be rated “good” or “outstanding” overall.”

BARONESS BERRIDGE

**171★** After Clause 65, insert the following new Clause –**“Secretary of State’s responsibility for school building safety**

- (1) Where the trustees or governors of a school or academy determine a building on their grounds to be unsafe, the Secretary of State may by regulations made by statutory instrument take responsibility for the safety of the building.
- (2) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Clause 68**

BARONESS JONES OF MOULSECOOMB

**172** Clause 68, page 81, line 9, at end insert –

- “(3A) Sections 48 to 51 come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3B) Regulations under subsection (3A) may not be made until the Secretary of State has completed a review of home education and laid a copy of the review before both Houses of Parliament.
- (3C) The review under subsection (3B) must be led by an expert and must consider –
- (a) the policy intention behind sections 48 to 51,
  - (b) whether less intrusive measures can achieve the stated policy intention, and
  - (c) the current and anticipated availability of resources to achieve the policy intention, including the financial cost of implementing sections 48 to 51.”

***Member's explanatory statement***

*This amendment would require the Government to complete a review into its home education policy, considering less intrusive measures and the financial cost of implementation.*

# Schools Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*6 June 2022*

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