

# Schools Bill [HL]

---

## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Third Marshalled List]*

#### **Clause 49**

LORD LUCAS

Clause 49, page 47, line 23, at beginning insert “on the basis of a light-touch judgement by a person or persons with relevant qualifications and experience,”

#### **After Clause 65**

BARONESS WHITAKER

After Clause 65, insert the following new Clause—

#### **“Duty to register protected characteristic based bullying**

- (1) A local authority in England must maintain a register of every instance of a child experiencing bullying that is on the basis of a protected characteristic (within the meaning of Chapter 1 of Part 1 of the Equality Act 2010) which occurs in a relevant school where conditions A to C are met.
- (2) Condition A is that the child is in the authority’s area.
- (3) Condition B is that the child is of compulsory school age.
- (4) Condition C is that the initial reporting to a relevant school of an instance of bullying makes specific reference to any protected characteristic.
- (5) In this section "relevant school" means—
  - (a) a school maintained by a local authority,
  - (b) a non-maintained special school,
  - (c) an academy school or alternative provision academy, or
  - (d) a school not falling within paragraph (c) that is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions).”

*Member's explanatory statement*

**After Clause 65 - continued**

*Public bodies must have due regard to the Public Sector Equality Duty (PSED). This amendment (along with others in the name of Baroness Whitaker) is intended to further the PSED by ensuring that where, why and how children of compulsory school are being bullied because of protected characteristics is accurately identified. The amendments confer a duty to register information about such bullying, and establish frameworks for information sharing with the Department for Education.*

**BARONESS WHITAKER**

After Clause 65, insert the following new Clause –

**“Content and maintenance of registers**

- (1) A register under section (*Duty to register protected characteristic based bullying*) must contain the following information in respect of instances registered in it –
  - (a) the name, date of birth, and home address of the child being bullied,
  - (b) any protected characteristics the child has,
  - (c) details of the means by which the child was bullied, including detail regarding –
    - (i) the geographic location of the instance;
    - (ii) whether the instance was physical in nature;
    - (iii) whether the instance was associated or linked to other incidents,
  - (d) whether the instance of bullying was alleged to have been carried out by a peer, an employee or volunteer of the relevant school, or any third party, and
  - (e) any other information that may be prescribed by regulations made by statutory instrument by the Secretary of State.
- (2) A register may also contain any other information the local authority considers appropriate.
- (3) The Secretary of State must by regulations made by statutory instrument make provision about –
  - (a) how a local authority must maintain the register, including provision relating to –
    - (i) how the register is to be kept up to date;
    - (ii) the making of changes to the register;
  - (b) the form of the register;
  - (c) access to the register by other public bodies.
- (4) 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 is related to the new Clause in the name of Baroness Whitaker with the heading “Duty to register protected characteristic based bullying”.*

**After Clause 65 - continued**

BARONESS WHITAKER

After Clause 65, insert the following new Clause –

**“Provision of information to parents**

- (1) A local authority recording an instance of bullying in the register under section (*Duty to register protected characteristic based bullying*) must, if the child consents –
  - (a) inform the parent of the child that the instance has been recorded, and
  - (b) provide to the parents the information referred to in previous sections.
- (2) A local authority must comply with the duty under subsection (1) within the period of 15 days beginning with the date that the instance of bullying was first reported to the relevant school or local authority.”

***Member's explanatory statement***

*This amendment is related to the new Clause in the name of Baroness Whitaker with the heading “Duty to register protected characteristic based bullying”.*

BARONESS WHITAKER

After Clause 65, insert the following new Clause –

**“Use of information in the register**

- (1) A local authority in England must, on an annual basis, provide the Secretary of State with a summary report of all instances recorded in the register under section (*Duty to register protected characteristic based bullying*) for the preceding period of 12 months.
- (2) The report must contain the following information –
  - (a) the total number of instances recorded in the local authority’s area,
  - (b) the total number of instances recorded in each relevant school in the local authority’s area, and
  - (c) the total number of instances recorded relating to each protected characteristic.
- (3) A local authority in England may provide information from their register to any person if the authority considers it appropriate to do so for the purposes of promoting or safeguarding the education, safety, or welfare of –
  - (a) the child, or
  - (b) any other child under the age of 18.”

***Member's explanatory statement***

*This amendment is related to the new Clause in the name of Baroness Whitaker with the heading “Duty to register protected characteristic based bullying”.*

**After Clause 65 - continued**

BARONESS CHAPMAN OF DARLINGTON  
BARONESS WILCOX OF NEWPORT

After Clause 65, insert the following new Clause—

**“Access to further education**

Within one year of the passing of this Act, the Secretary of State must consult on and establish access to further education for all schoolchildren aged 14 to 16, including—

- (a) T Levels,
- (b) apprenticeships, and
- (c) academic programmes.”



# Schools Bill [HL]

---

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE  
*[Supplementary to the Third Marshalled List]*

---

*15 June 2022*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS