

Schools Bill [HL]

FOURTH 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.**

After Clause 38

LORD SHIPLEY
BARONESS GARDEN OF FROGNAL
LORD ABERDARE

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.”

After Clause 38 - continued***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.

LORD SHIPLEY

91A After Clause 38, insert the following new Clause –

“Funding: 14 to 16 school-college partnership fund

The Secretary of State must make arrangements within the nationally determined funding formula to establish a ‘14-16 school-college partnership fund’ to enable school children aged 14-16 to access college courses, where this is agreed by their school and the local college as benefitting the student and their learning.”

Member's explanatory statement

This amendment establishes a 14-16 school-college partnership fund to ensure that students can benefit from being able to study periodically in a college setting.

LORD SHIPLEY

91B After Clause 38, insert the following new Clause –

“Funding: further education providers

The Secretary of State must make arrangements within the nationally determined funding formula to ensure that further education providers are funded at the pre-16 rate for courses delivered to 14- to 16-year-olds enrolled on full-time courses.”

Member's explanatory statement

This amendment is intended to ensure that colleges delivering 14- to 16-year-old education are funded at the same level as schools who are delivering the same.

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 between the local authority and all local schools that will be impacted by the national-to-local budget reallocation.”

Clause 40 - continued***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 43BARONESS 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.

LORD KNIGHT OF WEYMOUTH

97ZA After Clause 45, insert the following new Clause –

“Pupil fund for sustainability

- (1) The Secretary of State must hypothecate funds to all schools on a per pupil basis for investment in sustainability and climate change mitigation.
- (2) Schools must establish a pupil council to make decisions on how to invest the funds.
- (3) The initial level of funding is £1 per pupil per year.
- (4) The Secretary of State must, by regulations made by statutory instrument, in each tax year increase the amount in subsection (3) in line with the Consumer Price Index.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 48LORD LUCAS
LORD KNIGHT OF WEYMOUTH

97A Clause 48, page 40, line 34, after the second “is” insert “mainly or wholly resident”

Member's explanatory statement

This amendment is to enable the meaning of “is” in this context to be clarified.

LORD LUCAS

97B Clause 48, page 41, line 2, after “school” insert “and the school has received no notification that the child is to be removed from the school roll”

Member's explanatory statement

This amendment is to make it clear that permission is not required to remove a child from the school roll.

Clause 48 - continued

LORD KNIGHT OF WEYMOUTH

97BA★ Clause 48, page 41, leave out lines 3 to 14***Member's explanatory statement***

This is a probing amendment to allow discussion of the dangers of double registering children, and the responsibilities on schools to monitor the wellbeing and education of pupils registered but not attending schools.

LORD LUCAS

97C Clause 48, page 41, line 22, at end insert –**“436BA Publicity about registers**

- (1) At least six months before the coming into force of a register a local authority must take steps to publicise the register widely in all media likely to be used by parents of children to whom the register may apply, in the formats and languages that they may use.
- (2) The local authority must in particular publicise to –
 - (a) hard to reach groups,
 - (b) people with protected characteristics,
 - (c) people with reading difficulties,
 - (d) people without access to the internet.
- (3) A local authority must provide telephone help during business hours and at weekends for the entirety of this period, staffed by people with a clear understanding of the operation of the register, with translation facilities available to them, in sufficient numbers so that, after the first month, waiting times are no more than 15 minutes.
- (4) The Secretary of State must publish guidance for local authorities as to how to comply with this duty, and must publish that and all regulations related to the register at least 12 months before the coming into force of the register.”

Member's explanatory statement

This amendment is intended to ensure that those subject to the duty have time to become aware of this fact, to understand what is expected of them, and to make necessary preparations.

BARONESS WHITAKER
LORD KNIGHT OF WEYMOUTH**97D** Clause 48, page 41, line 26, at end insert “gender, and ethnicity,”***Member's explanatory statement***

Inserted section 436C relates to the content of children not in school registers. This amendment is to ensure that data on the ethnicity and gender of such children is recorded adequately so that disparities can be kept under review.

Clause 48 - continued

LORD LUCAS
LORD KNIGHT OF WEYMOUTH

- 97E** Clause 48, page 41, line 26, at end insert “, confirmation by the parents as to whether they are electively home educating the child or not, and the pupil reference number assigned to them by the Department for Education”

Member's explanatory statement

This amendment is intended to ensure that a child's previous educational history can be securely connected to their current record, and their status as home educated recorded.

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 LUCAS
LORD KNIGHT OF WEYMOUTH

- 98A** Clause 48, page 41, line 27, at beginning insert “if not reasonably withheld,”

Member's explanatory statement

This amendment, along with amendments to Clause 48, page 41, lines 28 and 30, in the name of Lord Lucas, allow for circumstances when such information should not be on the register, e.g. in some cases of domestic abuse.

LORD HUNT OF KINGS HEATH
LORD BLUNKETT
LORD ADDINGTON
LORD KNIGHT OF WEYMOUTH

- 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.

Clause 48 - continued

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.

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 LUCAS

LORD KNIGHT OF WEYMOUTH

101A Clause 48, page 41, line 28, at beginning insert “if not reasonably withheld,”***Member's explanatory statement***

This amendment, along with amendments to Clause 48, page 41, lines 27 and 30, in the name of Lord Lucas, allow for circumstances when such information should not be on the register, e.g. in some cases of domestic abuse.

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

101B Clause 48, page 41, line 29, after “prescribed” insert “, including in particular whether the child's parents regard the child as being electively home educated, and if so –

- (i) whether it is primarily family members who are providing the education, and
 - (ii) the names and addresses of any organisations who provide a substantial part of the child's education including any schools which are providing “flexischooling”,
- or if not so –
- (iii) the reasons why the child is on the register, and
 - (iv) a statement by the local authority as to the actions being taken by them to secure a proper education for the child,”

Member's explanatory statement

Clause 48 - continued

This amendment is to enable discussion as to the intended use of paragraphs (c) and (d), and as to why such a broad wording (and therefore permitting uses that Parliament may not have intended) is appropriate.

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.

LORD LUCAS

104A Clause 48, page 41, line 30, at beginning insert “if not reasonably withheld,”

Member's explanatory statement

This amendment, along with amendments to Clause 48, page 41, lines 27 and 28, in the name of Lord Lucas, allow for circumstances when such information should not be on the register, e.g. in some cases of domestic abuse.

Clause 48 - continued

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”

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

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

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

THE LORD BISHOP OF ST ALBANS

LORD KNIGHT OF WEYMOUTH

- 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.

Clause 48 - continued

BARONESS WHITAKER
LORD KNIGHT OF WEYMOUTH

109A Clause 48, page 41, line 33, leave out “may” and insert “must”

Member's explanatory statement

The Bill as introduced states that regulations relating to the not in the school register “may” make provision relating to access to and publication of register. This amendment would make this consideration mandatory, for the purposes of safeguarding and privacy.

BARONESS GARDEN OF FROGNAL
LORD KNIGHT OF WEYMOUTH

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

Member's explanatory statement

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

LORD LUCAS

110A Clause 48, page 41, line 41, at end insert –

“(da) time limits for retention of data;”

Member's explanatory statement

This amendment is intended to comply with GDPR.

THE LORD BISHOP OF ST ALBANS
LORD KNIGHT OF WEYMOUTH

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.

Clause 48 - continued

THE LORD BISHOP OF ST ALBANS
LORD KNIGHT OF WEYMOUTH

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.

LORD LUCAS
LORD KNIGHT OF WEYMOUTH

112A Clause 48, page 42, line 2, at end insert –

“(4) Regulations must, in relation to a register under section 436B, make provision about the right of appeal to an independent body against any interpretation or discretion applied by a local authority in compiling the register or in taking action based on information contained in or requested for the register.”

Member's explanatory statement

This amendment is intended to ensure that parents have the ability to argue effectively with a local authority who refuses to accept good reasons for not complying with their requests.

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.

LORD LUCAS
LORD KNIGHT OF WEYMOUTH

114A Clause 48, page 42, line 26, leave out from “1(a),” to “days” in line 27 and insert “the period of 30 school”

Member's explanatory statement

Clause 48 - continued

This amendment, along with other amendments to Clause 48, page 42, and Clause 49, page 47, in the name of Lord Lucas, are intended to simplify the immediate duty to one of registration, leaving it to the local authority to then inform the parents of the other requirements, and to increase the timescale to accommodate for additional responsibilities on parents. “School days” are used to exempt parents from having to disrupt holidays to provide the required information.

THE LORD BISHOP OF ST ALBANS

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

Member's explanatory statement

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

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”.

LORD LUCAS
LORD KNIGHT OF WEYMOUTH

- 118A** Clause 48, page 42, line 30, leave out “15” and insert “30 school”

Member's explanatory statement

This amendment, along with other amendments to Clause 48, page 42, and Clause 49, page 47, in the name of Lord Lucas, are intended to simplify the immediate duty to one of registration,

Clause 48 - continued

leaving it to the local authority to then inform the parents of the other requirements, and to increase the timescale to accommodate for additional responsibilities on parents. “School days” are used to exempt parents from having to disrupt holidays to provide the required information.

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”.

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

120A Clause 48, page 42, line 32, leave out “15” and insert “30 school”

Member's explanatory statement

This amendment, along with other amendments to Clause 48, page 42, and Clause 49, page 47, in the name of Lord Lucas, are intended to simplify the immediate duty to one of registration, leaving it to the local authority to then inform the parents of the other requirements, and to increase the timescale to accommodate for additional responsibilities on parents. “School days” are used to exempt parents from having to disrupt holidays to provide the required information.

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

Clause 48 - continued

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

LORD LUCAS
LORD KNIGHT OF WEYMOUTH

122A Clause 48, page 42, line 38, at end insert –

“(4A) In this Act, “school days” are days on which most maintained and academy schools within the local authority are teaching a full school day.”

Member's explanatory statement

This amendment, along with other amendments to Clause 48, page 42, and Clause 49, page 47, in the name of Lord Lucas, are intended to simplify the immediate duty to one of registration, leaving it to the local authority to then inform the parents of the other requirements, and to increase the timescale to accommodate for additional responsibilities on parents. “School days” are used to exempt parents from having to disrupt holidays to provide the required information.

LORD LUCAS

122B Clause 48, page 42, leave out line 42

Member's explanatory statement

This amendment, along with the amendment to Clause 48, page 45, line 1, in the name of Lord Lucas, would restore checks on provision for SEN students.

LORD LUCAS

122C Clause 48, page 43, line 11, after "present" insert ", excluding tutors in the family home,"

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.

Clause 48 - continued

BARONESS GARDEN OF FROGNAL
LORD KNIGHT OF WEYMOUTH

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.

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 probe whether the reasonable effort of an out of school provider of education to provide information will be taken into account when an authority determines whether or not they should be subjected to a monetary penalty.

LORD LUCAS

126A Clause 48, page 44, line 5, at end insert –

“(9) Subsection (7) does not apply where a person can demonstrate that –

- (a) they are a member of an association certified for this purpose by the Secretary of State, and
- (b) that they have notified the local authority of all clients to whom they believe the duties in this Part apply.”

Member's explanatory statement

This amendment is intended to look at how the Bill intends to deal with tutors, and the benefits of registering private tutors for the purposes of the Bill and more generally.

LORD LUCAS

126B Clause 48, page 44, leave out lines 6 to 23

Member's explanatory statement

This amendment is intended to enable discussion of this inserted section.

Clause 48 - continued

THE LORD BISHOP OF ST ALBANS
LORD KNIGHT OF WEYMOUTH

- 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 LUCAS
LORD KNIGHT OF WEYMOUTH

- 128A** Clause 48, page 44, line 24, at end insert –
- “(A1) Local authorities must –
- (a) recognise that the first responsibility for educating a child lies with its parents,
 - (b) be supportive of those who elect to educate their children at home,
 - (c) recognise that home education is of itself not a safeguarding issue, and
 - (d) acknowledge that in many instance the decision to home educate reflects failures by other institutions of the state.”

Member's explanatory statement

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and visa versa.

LORD HUNT OF KINGS HEATH
LORD BLUNKETT
LORD ADDINGTON

Clause 48 - continued

LORD KNIGHT OF WEYMOUTH

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

LORD LUCAS

129A Clause 48, page 44, line 29, at end insert “and the child's need”***Member's explanatory statement***

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and visa versa.

BARONESS BRINTON

129AA★ Clause 48, page 44, line 29, at end insert “and taking account of the advice of an independent expert familiar with the particular circumstances of the child.

(2A) In providing support to a child under subsection (2), a local authority must take account of the medical advice provided by an individual child's doctor.

(2B) In subsection (2) an independent expert includes –

- (a) a doctor;
- (b) a social worker;
- (c) a youth offending officer.”

Member's explanatory statement

This amendment requires a local authority to take account of an independent expert and the medical advice of a child's doctor when providing support to promote the education of a child. The expert must be familiar with the particular circumstances of the child.

LORD LUCAS

129B Clause 48, page 44, line 30, leave out “may” and insert “on offer should generally”***Member's explanatory statement***

Clause 48 - continued

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and visa versa.

LORD LUCAS

129C Clause 48, page 44, line 33, at end insert –

“(ba) support in relation to special educational needs, and in particular for the support for which the local authority would have responsibility if the child were in a maintained school,”

Member's explanatory statement

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and visa versa.

LORD LUCAS

129D Clause 48, page 44, line 34, after “including” insert “support with literacy and numeracy, procuring facilities for the taking of public examinations, the payment of the relevant fees and the costs of externally-assessed components, for example in physics, and”

Member's explanatory statement

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and vice versa.

LORD LUCAS

129E Clause 48, page 44, line 36, after “to” insert “all”

Member's explanatory statement

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and vice versa.

LORD LUCAS

129F Clause 48, page 44, line 36, at end insert “provided by the local authority to children who are registered pupils at local schools”

Member's explanatory statement

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and vice versa.

Clause 48 - continued

BARONESS GARDEN OF FROGNAL
LORD KNIGHT OF WEYMOUTH

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 LUCAS

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

- “(e) provision of an annual copy of data held by the local authority.”

Member's explanatory statement

This amendment, along with amendments to pages 44 and 45 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and vice versa.

LORD LUCAS

130B Clause 48, page 45, leave out lines 1 to 3

Member's explanatory statement

This amendment, along with the amendment to Clause 48, page 42, line 42, in the name of Lord Lucas, would restore checks on provision for SEN students.

LORD HUNT OF KINGS HEATH
LORD KNIGHT OF WEYMOUTH

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.

Clause 48 - continued

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.

LORD LUCAS

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

“436I Provision of registration information by non-maintained special schools and independent educational institutions

- (A1) A relevant school must provide to the Secretary of State the prescribed information in the prescribed manner within the prescribed timescale as to pupils who are registered at the school.
- (A2) The Secretary of State must make that information available as part of the National Pupil Database.
- (A3) In this section “relevant school” means –
- (a) a non-maintained special school (within the meaning given by section 337A),
 - (b) a school that is not an Academy school or alternative provision academy and is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions).”

Member's explanatory statement

This amendment is intended to ensure that every child in the UK is on a register that is available to the DfE, using common formats and reference numbers, so that their educational history and current status is known, and complete data is available to aid policy formulation and child safeguarding.

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

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.

Clause 48 - continued

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.*

LORD LUCAS

134A Clause 48, page 47, line 6, at end insert –

“8 Local authorities must provide prescribed aggregated details of the numbers of fines and penalty notices served on parents to the Secretary of State on an annual basis for review and publication, which must be published no later than two calendar months after receipt by the Secretary of State.”

Member's explanatory statement*This amendment is intended to provide the DfE and the public with comparable data on local authority relationships with home educators.*

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.”

After Clause 48 - continued***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.

LORD LUCAS

136ZA 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,”

LORD LUCAS

136A Clause 49, page 47, line 34, leave out “15” and insert “30 school”

Member's explanatory statement

This amendment, along with amendments to Clause 48, page 42, in the name of Lord Lucas, are intended to simplify the immediate duty to one of registration, leaving it to the local authority to then inform the parents of the other requirements, and to increase the timescale to accommodate for additional responsibilities on parents. “School days” are used to exempt parents from having to disrupt holidays to provide the required information.

LORD LUCAS

136B Clause 49, page 47, line 39, leave out line 39 and insert –

“(a) has repeatedly failed to provide the information, or”

Member's explanatory statement

This amendment, along with other amendments to pages 48 and 49 in the name of Lord Lucas, is intended to put the parent in a stronger position when faced with a local authority, and thus tilt the balance towards good behaviour by local authorities.

LORD LUCAS

136C Clause 49, page 48, line 1, after “has” insert “repeatedly”

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

This amendment, along with other amendments to pages 48 and 49 in the name of Lord Lucas, is intended to put the parent in a stronger position when faced with a local authority, and thus tilt the balance towards good behaviour by local authorities.

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.

LORD LUCAS

137A Clause 49, page 48, line 6, leave out “ten” and insert “15 working”

Member's explanatory statement

This amendment, along with other amendments to pages 48 and 49 in the name of Lord Lucas, is intended to put the parent in a stronger position when faced with a local authority, and thus tilt the balance towards good behaviour by local authorities.

LORD LUCAS

137B Clause 49, page 48, line 8, at end insert –

“(8) Except in circumstances of deliberate rule breaking, the school attendance order process must be preceded by a process of communication where the education being provided can be adjusted and services under section 436G offered.”

Member's explanatory statement

This amendment, along with other amendments to pages 48 and 49 in the name of Lord Lucas, is intended to put the parent in a stronger position when faced with a local authority, and thus tilt the balance towards good behaviour by local authorities.

LORD LUCAS

137C Clause 49, page 48, line 8, at end insert –

“(8) A parent who is give a notice under this section may appeal to the First-tier Tribunal.”

Member's explanatory statement

This amendment, along with other amendments to pages 48 and 49 in the name of Lord Lucas, is intended to put the parent in a stronger position when faced with a local authority, and thus tilt the balance towards good behaviour by local authorities.

Clause 49 - continued

BARONESS BRINTON

137D★ Clause 49, page 48, line 8, at end insert –

- “(8) In exercising their functions under this section a local authority must take account of any advice from an independent expert familiar with the particular circumstances of the child.
- (9) In exercising their functions under this section a local authority must take account of the medical advice provided by an individual child’s doctor.
- (10) In subsection (8) an independent expert includes –
 - (a) a doctor;
 - (b) a social worker;
 - (c) a youth offending officer.”

Member's explanatory statement

This amendment requires a local authority to take account of an independent expert familiar with the particular circumstances of the child, and medical advice provided by the child’s doctor, when considering whether to make a preliminary notice for a school attendance order.

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.

LORD LUCAS

138ZA Clause 49, page 48, line 16, at end insert –

- “(ia) the child has been recommended by a school for a special educational needs assessment but such an assessment has not yet been completed,
- (ib) the child has been referred by a medical practitioner for a mental health assessment but such an assessment has not yet been made,
- (ic) a medical practitioner has recommended that the child should not attend school,”

Member's explanatory statement

This amendment is intended to ensure that a proper assessment of a child’s special educational needs and mental health has been made before a school attendance order is served.

Clause 49 - continued

LORD LUCAS

138A Clause 49, page 48, line 17, at end insert –

- “(ba) the matters at issue are of sufficient concern to justify the disruption to the child’s and the family’s life,
- (bb) the opinions of the child on attending school have been ascertained and recorded, and”

Member's explanatory statement*This amendment is intended to ensure a local authority has full justification in serving an order.*

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.*

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

140A Clause 49, page 48, line 33, at end insert –

- “(4A) If the child ceases to reside in the local authority area, the local authority must either revoke the order or, if the child now resides in another English local authority area, arrange for the transfer of the order to the new local authority.”

Member's explanatory statement*This amendment, along with other amendments to pages 54 and 55 in the name of Lord Lucas, is to make it so parents who move are not subject a breach of an order if they move to an area where the order does not apply. For instance, as it stands a child could be subject to an order in Barnsley and the parents could move to Wales and be in breach of the order despite it not applying in Wales.*

Clause 49 - continued

LORD LUCAS

140B Clause 49, page 49, line 8, at end insert –

“(8) A parent who is given a notice under this section may appeal to the First-tier Tribunal.”

Member's explanatory statement

This amendment, along with other amendments to page 48 in the name of Lord Lucas, is intended to put the parent in a stronger position when faced with a local authority, and thus tilt the balance towards good behaviour by local authorities.

BARONESS GARDEN OF FROGNAL

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

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

143A Clause 49, page 54, line 8, at end insert –

“(c) the child is no longer resident in the authority area.”

Member's explanatory statement

This amendment, along with other amendments to pages 48, 54 and 55 in the name of Lord Lucas, is to make it so parents who move are not subject to a breach of an order if they move to an area where the order does not apply. For instance, as it stands a child could be subject to an order in Barnsley and the parents could move to Wales and be in breach of the order despite it not applying in Wales.

Clause 49 - continued

LORD LUCAS

143B Clause 49, page 54, line 10, after “are” insert “reasonably”***Member's explanatory statement****This amendment is intended to shift the balance in favour of good behaviour by local authorities.*

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

143C Clause 49, page 54, line 13, at end insert—

“(c) the child has not ceased to be resident within the local authority area.”

Member's explanatory statement*This amendment, along with other amendments to pages 48, 54 and 55 in the name of Lord Lucas, is to make it so parents who move are not subject to a breach of an order if they move to an area where the order does not apply. For instance, as it stands a child could be subject to an order in Barnsley and the parents could move to Wales and be in breach of the order despite it not applying in Wales.*

LORD LUCAS

143D Clause 49, page 54, leave out lines 21 and 22***Member's explanatory statement****This amendment is to remove the restriction in inserted paragraph (a).*

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**

LORD LUCAS

LORD KNIGHT OF WEYMOUTH

143E Clause 50, page 55, line 32, at end insert—

“(c) that the child has ceased to be of compulsory school age or the child is no longer resident within the local authority area.”

Member's explanatory statement*This amendment, along with other amendments to pages 48 and 54 in the name of Lord Lucas, is to make it so parents who move are not subject to a breach of an order if they move to an area where the order does not apply. For instance, as it stands a child could be subject to an order in Barnsley and the parents could move to Wales and be in breach of the order despite it not applying in Wales.*

Clause 50 - continued

LORD LUCAS

143F Clause 50, page 56, leave out lines 3 to 10***Member's explanatory statement***

This amendment is intended to ensure that the local authority is not able to impose penalties for an offence that has not been properly investigated.

BARONESS WHITAKER

143G Clause 50, page 56, line 12, leave out “may” and insert “must”***Member's explanatory statement***

This amends the Bill to ensure that if a person is acquitted by a court, the court ensures that the associated school attendance order is no longer in force.

LORD LUCAS

143H Clause 50, page 56, line 12, leave out “may” and insert “must, unless there are exceptional circumstances,”***Member's explanatory statement***

This amendment is intended to ensure that an acquitted person does not remain subject to the SAO.

LORD LUCAS
BARONESS WHITAKER**143I** Clause 50, page 56, leave out lines 18 to 20***Member's explanatory statement***

This amendment is intended to retain current penalties.

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.

After Clause 50

LORD LUCAS
LORD KNIGHT OF WEYMOUTH

143IA After Clause 50, insert the following new Clause –

“Ofsted inspection of local authorities’ home education and school attendance provision

- (1) In inspections of local authority children services under section 136 of the Education and Inspections Act 2006, the Chief Inspector must report on—
 - (a) the local authority’s provision for home educating parents and their children and its relationship with such parents, and
 - (b) the local authority’s management of school attendance.
- (2) The Chief Inspector must conduct an inspection of any local authority where there is evidence of a generally bad relationship between the local authority and home educators, or an unusually high use of school attendance orders.”

Member's explanatory statement

This amendment is intended to encourage local authorities to develop supportive relationships with home educators, and to focus on the reasons for poor school attendance before resorting to punitive measures.

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 52

BARONESS BRINTON

143IB★ Clause 52, page 57, line 3, at end insert –

- “(3) In exercising their functions under this section, a local authority in England must take account of any advice from an independent expert familiar with the particular circumstances of a child.
- (4) In exercising their functions under this section, a local authority must take account of the medical advice provided by an individual child’s doctor.

Clause 52 - continued

- (5) In subsection (3) an independent expert includes –
- (a) a doctor;
 - (b) a social worker;
 - (c) a youth offending officer.”

Member's explanatory statement

This amendment requires local authorities to take account of an independent expert familiar with the particular circumstances of a child, and medical advice from a child's doctor, when exercising their functions to promote school attendance and reduce absences.

Clause 53

BARONESS WHITAKER
LORD KNIGHT OF WEYMOUTH

143J Clause 53, page 57, line 12, at end insert –

- “(c) that those policies take into account shared protected characteristics of registered pupils, as set out in the Equality Act 2010.”

Member's explanatory statement

This amendment would require schools to take greater account of gender, ethnicity, religion etc. when designing attendance policies.

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT
LORD KNIGHT OF WEYMOUTH

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

After Clause 55 - continued

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

LORD LUCAS

146A Clause 56, page 59, line 4, at end insert “or a family”

Member's explanatory statement

This amendment is intended to stop large families being classed as a school.

LORD KNIGHT OF WEYMOUTH

146B★ Clause 56, page 59, leave out lines 8 to 14 and insert –

“(1B) An institution provides full-time education if –

- (a) children attend the institution for 18 hours or more each week, and
- (b) children attend the institution for more than 39 weeks in the year.”

Member's explanatory statement

This amendment is to define the hours that define schooling rather than supplementary schooling.

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.”

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”.
 - (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

After Clause 57 - continued

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.

Schedule 5 - continued**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

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

Clause 65 - continued

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.

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 must offer work experience as part of the curriculum, which must be a minimum of ten school days.
- (3) The Secretary of State must work with the devolved administrations to launch a review into the diversity of the school curriculum, to ensure it includes Black British history, colonialism and Britain's role in the transatlantic slave trade.
- (4) All Academies and maintained schools, as part of their curriculum, must teach –
 - (a) digital skills;

After Clause 65 - continued

- (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,
- (c) behaviour, and
- (d) any work experience, vocational or skills-based learning the pupil has received.”

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.”

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.

After Clause 65 - continued

- (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);

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

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

Member's explanatory statement

This amendment gives local authorities new strategic functions in relation to all schools in their area.

After Clause 65 - continued

LORD HOLMES OF RICHMOND

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.
- (2) In particular, the Secretary of State must ensure that information is provided to –
 - (a) schools,
 - (b) colleges, and
 - (c) local authority special educational needs departments.
- (3) The Secretary of State must –
 - (a) provide sufficient resources to ensure all schools can receive the information, and

After Clause 65 - continued

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

LORD HOLMES OF RICHMOND

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.”

LORD MOYNIHAN
LORD ABERDARE

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

After Clause 65 - continued

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.”

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.

After Clause 65 - continued

- (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.”

LORD SHIPLEY

171A After Clause 65, insert the following new Clause –

“Partnerships in education

The Secretary of State, working with representatives from the Association of Colleges, the Association of School and College Leaders, the Sixth Form Colleges’ Association and other relevant organisations, must produce a report on how 14 to 16 partnerships between further education providers and schools can be developed and strengthened.”

Member’s explanatory statement

This amendment is intended to strengthen partnerships in education to benefit 14- to 16-year-olds.

After Clause 65 - continued

LORD SHIPLEY

171B After Clause 65, insert the following new Clause—**“Collaboration agreements**

- (1) All pre-16 education providers in England must consider entering into a collaboration agreement with one or more other relevant education and training providers, including post-16 providers, to promote the sufficiency and efficiency of that service and those other services.
- (2) The relevant service and the other services (“the proposed parties”) must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of the proposed parties.”

Member's explanatory statement

This amendment creates a duty to consider greater collaboration in the education system. It is intended to provide for a more joined-up education system with more emphasis on effectiveness, efficiency and quality.

LORD MENDELSON

171C★ After Clause 65, insert the following new Clause—**“Power of Ofsted to investigate educational providers**

Her Majesty's Chief Inspector of Education, Children's Services and Skills may investigate any school-age educational provider if they suspect it of not fulfilling its statutory obligations.”

Member's explanatory statement

This amendment would ensure that the bill includes a provision for Ofsted to have the authority to investigate any suspicions of an institution trying to work around its qualification as an educational institution, and therefore the regulatory provisions, and that Ofsted itself can determine whether to initiate an investigation if this is perceived to be occurring and that there is accountability for these actions.

LORD MENDELSON

171D After Clause 65, insert the following new Clause—**“Revocation of charitable status**

The Charity Commission may remove providers of primary or secondary education from the register of charities if the provider does not provide a broad and balanced curriculum.”

Member's explanatory statement

This amendment would enable the revocation of charity status to ensure that charity status is not accorded to those involved in helping, assisting or facilitating disobedience against the duties of an educational provider to provide a wide curriculum in accordance with the statutory provisions.

After Clause 65 - continued

LORD WOOLLEY OF WOODFORD
 BARONESS CHAPMAN OF DARLINGTON
 BARONESS WILCOX OF NEWPORT

171E After Clause 65, insert the following new Clause –

“School inspections: equality and diversity, and extracurricular activities

- (1) Section 5 of the Education Act 2005 (duty to inspect certain schools at prescribed intervals) is amended as follows.
- (2) In subsection (5A), at the end insert –
 - “(e) the compliance of the School with the public sector equality duty under section 149 of the Equality Act 2010, and the steps being taken by the school to comply with Part 6 of that Act.”
- (3) In subsection (5B) –
 - (a) omit the “and” at the end of paragraph (b)(i), and
 - (b) at the end insert “, and
 - (iii) pupils who have any other protected characteristic or combination of protected characteristics for the purposes of the Equality Act 2010;
 - (c) the quality and nature of any before and after-school activities and clubs provided on school premises as a contiguous part of the school day, including those provided by a third party.”

Member's explanatory statement

This amendment would extend the remit of Ofsted to ensure all inspections consider the work being done by a school to tackle discrimination and advance equality, as well as the provision and quality of before and after-school activities or clubs provided on school premises.

BARONESS MORRIS OF YARDLEY
 LORD SANDHURST
 LORD MACDONALD OF RIVER GLAVEN

171F After Clause 65, insert the following new Clause –

“Parental right to review school curriculum material and commercial confidentiality

- (1) Where parents request it, schools must allow parents to view all curriculum materials used in schools, including those provided by external third-party charitable and commercial providers.
- (2) Schools must not withhold curriculum materials from parental view, but may restrict access to parental view on school premises only, including to satisfy the concerns of third-party providers about commercial prejudice or commercial confidentiality, including under section 43 of the Freedom of Information Act 2000.”

After Clause 65 - continued***Member's explanatory statement***

This amendment would ensure parents can view all school curriculum material on the school premises.

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

171G After Clause 65, insert the following new Clause –

“Schools as a statutory safeguarding partner

All schools have a duty to safeguard their pupils, working with relevant agencies to do so.”

Member's explanatory statement

This would formalise schools' current role in safeguarding pupils, as recommended in the MacAlister Review.

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

171H After Clause 65, insert the following new Clause –

“Education partnership boards

- (1) Within two years of the passing of this Act, local authorities must begin to work with schools within their area of authority to establish an education partnership organisation for every local authority in England.
- (2) Education partnership organisations may offer services including –
 - (a) promoting the needs and strengths of schools in their area,
 - (b) supporting at-risk schools,
 - (c) brokering support with external professionals,
 - (d) offering specialised events, and
 - (e) facilitating collaboration and partnerships between schools.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

171I After Clause 65, insert the following new Clause –

“Mandatory work experience

- (1) All schools must offer mandatory work experience, lasting a minimum of 10 school days.
- (2) Within one year of the passing of this Act, the Secretary of State must devise a pilot scheme for a number of schools to establish long-term partnerships with organisations in their area, including –
 - (a) the local authority,

After Clause 65 - continued

- (b) employers, and
- (c) public bodies.”

LORD WATSON OF INVERGOWRIE

171J After Clause 65, insert the following new Clause –

“Duty to report on spoken language and communication

The Secretary of State must lay a report before Parliament each year during the period of five years beginning with the day on which this Act is passed, setting out –

- (a) the overall level of school pupils’ spoken language and communication ability in academies, independent educational institutions and maintained schools;
- (b) the provision available to develop pupils’ spoken language and communication skills in academies, independent educational institutions and maintained schools;
- (c) the provision available to support pupils with speech, language and communication needs in academies, independent educational institutions and maintained schools.”

LORD WATSON OF INVERGOWRIE

171K After Clause 65, insert the following new Clause –

“Ofsted inspections: provision relating to spoken language and communication skills

- (1) When inspecting schools, the Chief Inspector must assess the provision available to develop pupils’ spoken language and communication skills.
- (2) Schools rated as “inadequate” in terms of such provision cannot be rated “good” or “outstanding” overall.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

171L After Clause 65, insert the following new Clause –

“Children’s Covid-19 recovery plan

Within three months beginning with the day on which this Act is passed, the Secretary of State must consult on and launch a schoolchildren’s pandemic recovery plan covering every maintained school and Academy, including –

- (a) free breakfast clubs, providing a free breakfast to every pupil who requests one,
- (b) extra-curricular activities for every child, which may include –
 - (i) music lessons,

After Clause 65 - continued

- (ii) book clubs,
- (iii) sports teams, and
- (iv) drama clubs,
- (c) provision of qualified in-school mental health counselling staff,
- (d) small group tutoring, with no more than six pupils in a group,
- (e) ongoing learning and development for teachers, and
- (f) an Education Recovery Premium, which may include—
 - (i) uplifting the current premium rate by 10 per cent,
 - (ii) increasing the Early Years Pupil Premium to match the premium rates for primary school pupils,
 - (iii) expanding the secondary age pupil premium to pupils aged 16 to 18, and
 - (iv) expanding the secondary age pupil premium to include children with child protection plans.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

171M After Clause 65, insert the following new Clause—

“Health in schools

The Secretary of State must report each year on—

- (a) how the physical health of children in schools in England affects and is affected by their schooling, in particular the number of pupils—
 - (i) whose engagement in lessons is routinely disrupted by hunger, and
 - (ii) who routinely do not participate in physical education lessons;
- (b) how the mental health of children in school in England affects and is affected by their schooling, including data on—
 - (i) the number of pupils whose engagement in lessons is disrupted by self-harm,
 - (ii) the number of pupils who were waiting for mental health support provided through their school and have died due to suicide,
 - (iii) the length of time spent by pupils waiting for mental health support provided through their school, and
 - (iv) the adequacy of provision of mental health support in and through schools.”

After Clause 65 - continued

BARONESS WHITAKER
BARONESS BRINTON

171N 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

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
BARONESS BRINTON

171O 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;

After Clause 65 - continued

- (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”.

BARONESS WHITAKER
BARONESS BRINTON

171P 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”.

After Clause 65 - continued

BARONESS WHITAKER
BARONESS BRINTON

171Q 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”.

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

171R 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.”

BARONESS JONES OF MOULSECOOMB

171S★ After Clause 65, insert the following new Clause –

“Data processing

- (1) The Education Act 1996 is amended as follows.

After Clause 65 - continued

(2) After section 30 insert –

“30A Code of practice

- (1) The Information Commissioner must issue a code of practice about –
 - (a) obligations and rights when personal information of parents and children is processed under this Act or the Schools Act 2022 by local education authorities and their further processors, and disclosure to the Secretary of State, or any other prescribed person under this Act or the Schools Act 2022;
 - (b) a local authority duty to maintain a transparency register of third-party data processing about children and families under this Act or the Schools Act 2022;
 - (c) the right of parents and children to make a subject access request without charge for the purposes of receiving a copy and validating the accuracy of personal data controlled or processed by the local authority under this Act or the Schools Act 2022 on no less than an annual basis, and to request correction where necessary;
 - (d) the nature and frequency of data processing demands by the local authority under this Act or the Schools Act 2022 in respect of school-age children.
- (2) The code of practice must be consistent with the code of practice prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act.
- (3) A public authority must have regard to the code of practice in processing and disclosing personal information.
- (4) A data processor or data controller must have regard to the code of practice for the processing of information under this Act by –
 - (a) any person who is entrusted with tasks under section 71(1)(a) of the Digital Economy Act 2017,
 - (b) any prescribed person under this Act,
 - (c) any person prescribed under the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 (S.I. 2009/1563), or
 - (d) any other person.
- (5) The Information Commissioner may from time to time revise and re-issue the code of practice after consultation with –
 - (a) a Minister of the Crown,
 - (b) the Statistics Board,
 - (c) the Welsh Ministers,
 - (d) organisations that represent the interests of children and families and such other persons as the Information Commissioner considers appropriate.

After Clause 65 - continued

- (6) The Information Commissioner may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (7) In disclosing information about parents and children processed under this Act or the Schools Act 2022, a person must have regard to the further codes of practice issued by the Information Commissioner under section 128 of the Data Protection Act 2018 (other codes of practice), so far as they apply to the information in question –
 - (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.”

Member's explanatory statement

This amendment requires a Code of Practice for how the data of children must be collected and processed, as local authorities and the Department for Education collect and process extensive information about children regardless of whether they are registered as a pupil at a school. The Code of Practice will detail the rights and obligations of parents and children in this regard.

LORD HUNT OF KINGS HEATH

171T★ After Clause 65, insert the following new Clause –

“Complaints about admissions to academies

- (1) The Local Government Act 1974 is amended as follows.
- (2) In subsection (1) of section 25 (authorities subject to investigation), at the end insert –
 - “(f) any academy, in so far as it acts as its own admissions authority.”

Member's explanatory statement

The aim of the amendment is to allow parents to bring to the Local Government and Social Care Ombudsman complaints about academy admissions for independent investigation.

BARONESS MORRIS OF YARDLEY

171U★ After Clause 65, insert the following new Clause –

“Local education partnerships

Within one year of the day on which this Act is passed, the Secretary of State must –

- (a) publish guidance setting out best practice on how to establish local education partnerships, and

After Clause 65 - continued

- (b) publish draft legislation to make provision about local education partnerships in statute, enabling such partnerships to bid for relevant education resources and be part of the school system.”

BARONESS BRINTON

171V★ After Clause 65, insert the following new Clause—

“Pupils with medical conditions

- (1) The Children and Families Act 2014 is amended as follows.
- (2) In section 100 (duty to support pupils with medical conditions), after subsection (1) insert—
- “(1A) In meeting the duty under subsection (1) the appropriate authority for a school must follow the medical advice provided by an individual pupil’s doctor.””

Member's explanatory statement

The Children and Families Act 2014 requires the appropriate authority for a school to make arrangements for supporting pupils at that school with medical conditions. This amendment makes it explicit that in doing so, the authority must follow the medical advice provided by an individual pupil’s doctor.

LORD HUNT OF KINGS HEATH

171W★ After Clause 65, insert the following new Clause—

“Local Government and Social Care Ombudsman: extension of functions

- (1) The Secretary of State may by regulations made by statutory instrument extend the powers of the Local Government and Social Care Ombudsman to consider complaints from parents of a pupil at a qualifying school in England in relation to the school.
- (2) In this section—
- ““Local Government and Social Care Ombudsman” means the Commission for Local Administration in England under section 23 of the Local Government Act 1974;
- “qualifying school” means a community, foundation or voluntary school, a community or foundation special school, a maintained school and an academy.”
- (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.”

After Clause 65 - continued

LORD WEI

171X★ After Clause 65, insert the following new Clause –**“Home School Ombudsman**

- (1) The Secretary of State must appoint a person as the Home School Ombudsman (“the Ombudsman”) to mediate any disagreements between parents and –
 - (a) local authorities, or
 - (b) the Department for Education.
- (2) The Ombudsman must –
 - (a) possess relevant experience but must not be an employee of the Department for Education, and
 - (b) be appointed in consultation with the home education community.
- (3) A local authority must consult the Ombudsman if they are they concerned that any investigation into the education of home-schooled children would infringe on the rights of children and parents, including –
 - (a) freedom of expression,
 - (b) freedom of religion, and
 - (c) the right to privacy.
- (4) Parents of children who are being home-schooled may appeal to the Ombudsman if they or their children feel unfairly treated by their local authority or the Department for Education, including where the parents believe the local authority or the Department to have acted *ultra vires*.
- (5) Where an appeal under subsection (4) has been made, the Ombudsman must attempt to mediate between the parties to find a solution that all parties agree with.
- (6) When mediating, the Ombudsman must take account of the rights of children and parents, including the rights under (3)(a) to (c).”

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,

Clause 68 - continued

- (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.

LORD LUCAS

173 Clause 68, page 81, line 16, at end insert –

- “(6) Regulations must bring section 48 into force for the purposes of inserting section 436G into the Education Act 1996 before any other provision of section 48.”

Member's explanatory statement

This amendment, along with amendments to page 44 in the name of Lord Lucas, is intended to secure effective supportive relationships between home educators and local authorities, and vice versa.

Schools Bill [HL]

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

16 June 2022

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS