

Schools Bill [HL]

SIXTH 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 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

After Clause 65 - continued

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;
 - (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.

After Clause 65 - continued

- (2) Parents may submit complaints concerning admissions to the Local Government and Social Care Ombudsman.
- (3) 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.
- (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

After Clause 65 - continued

- 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.

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),

After Clause 65 - continued

- (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
 - (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.”

After Clause 65 - continued

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

BARONESS GREY-THOMPSON

167 After Clause 65, insert the following new Clause –

“Provision of defibrillators in schools and Academies

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

LORD HARRIES OF PENTREGARTH

LORD BLUNKETT

LORD WALLACE OF SALTAIRE

LORD NORTON OF LOUTH

168 After Clause 65, insert the following new Clause –

“British values

- (1) In any statement relating to British values for education purposes at primary and secondary level in England and Wales, the Secretary of State, OFSTED and any other public authority must include –
 - (a) democracy,
 - (b) the rule of law,
 - (c) freedom,
 - (d) equal respect for every person, and
 - (e) respect for the environment.
- (2) Any statement under subsection (1) must refer to British values as “values of British citizenship”.
- (3) The values listed under subsection (1)(a) to (1)(e) must be taught as part of citizenship, at the first to fourth key stages.
- (4) In section (1)(a) “democracy” includes –
 - (a) an independent judiciary,

After Clause 65 - continued

- (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.
- (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.”

After Clause 65 - continued

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.

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.

After Clause 65 - continued

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.

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

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

After Clause 65 - continued

- (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.”

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.

After Clause 65 - continued

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

LORD WATSON OF INVERGOWRIE
BARONESS BLOWER

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;

After Clause 65 - continued

- (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,
 - (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.”

After Clause 65 - continued

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.”

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).”

After Clause 65 - continued***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

1710 After Clause 65, insert the following new Clause—

“Content and maintenance of registers

- (1) A register under section (*Duty to register protected characteristic based bullying*) must contain the following information in respect of instances registered in it—
 - (a) the name, date of birth, and home address of the child being bullied,
 - (b) any protected characteristics the child has,
 - (c) details of the means by which the child was bullied, including detail regarding—
 - (i) the geographic location of the instance;
 - (ii) whether the instance was physical in nature;
 - (iii) whether the instance was associated or linked to other incidents,
 - (d) whether the instance of bullying was alleged to have been carried out by a peer, an employee or volunteer of the relevant school, or any third party, and
 - (e) any other information that may be prescribed by regulations made by statutory instrument by the Secretary of State.
- (2) A register may also contain any other information the local authority considers appropriate.
- (3) The Secretary of State must by regulations made by statutory instrument make provision about—
 - (a) how a local authority must maintain the register, including provision relating to—
 - (i) how the register is to be kept up to date;
 - (ii) the making of changes to the register;
 - (b) the form of the register;
 - (c) access to the register by other public bodies.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

After Clause 65 - continued

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”.

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”.

After Clause 65 - continued

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.
- (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.

After Clause 65 - continued

- (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.
- (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
LORD DAVIES OF BRIXTON

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

“Complaints about admissions to academies

- (1) The Local Government Act 1974 is amended as follows.

After Clause 65 - continued

- (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
- (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
BARONESS BLOWER

After Clause 65 - continued

LORD DAVIES OF BRIXTON

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.”

Member's explanatory statement

The aim of the amendment is to extend the power of the Local Government and Social Care Ombudsman to consider complaints from parents of a pupil at a school in England.

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.

After Clause 65 - continued

- (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)."

BARONESS FINLAY OF LLANDAFF

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

“Vision screening in schools

The Secretary of State may by regulations made by statutory instrument set standards for the provision of vision screening in schools for all children at both primary and secondary school level on an annual basis, for the purpose of supporting educational attainment.”

Member's explanatory statement

This amendment would allow standards to be set regarding the provision of annual vision screening in schools for students.

BARONESS BRINTON
BARONESS GREY-THOMPSON

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

“Duty to report child sexual abuse

- (1) Where a provider of activities in a school-age educational setting has reasonable grounds for knowing or suspecting the commission of sexual abuse of children who are in their care, they have a duty to report their knowledge or suspicion to –
 - (a) the local authority designated officer (LADO),
 - (b) children’s services, or
 - (c) such other single point of contact with the local authority as designated by that authority for the purpose of reporting the knowledge or suspicion of sexual abuse of children,
 as soon as practicable.
- (2) The duty in subsection (1) applies whether the abuse has taken place in the setting of the regulated activity or elsewhere.
- (3) The duty under subsection (1) applies to –
 - (a) the operators of a setting in which the activity takes place;
 - (b) staff employed in any such setting in a managerial or general welfare role;

After Clause 65 - continued

- (c) all other employed, contracted or voluntary staff and assistants only for the period of time during which they have had direct personal contact with such a child.
- (4) For the purposes of subsection (1) children are in the care of providers of regulated activities –
 - (a) in the case of the operators of any setting in which the regulated activity takes place and of staff employed by the operators at any such setting in a managerial or general welfare role for the period of time during which the operators are bound contractually or otherwise to accommodate or care for such children whenever the regulated activity is provided, and
 - (b) in the case of all other employed or contracted staff or voluntary staff and assistants for the period of time only in which they are personally attending such children in the capacity for which they were employed or their services were contracted for.
- (5) A person who fails to fulfil the duty in subsection (1) is guilty of an offence.
- (6) It is a defence to show that the LADO, children’s services or other single point of contact was informed by any other party of the commission or suspected commission of sexual abuse.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) A person who makes a report under subsection (1) in good faith, or who does any other act as required by this section, cannot by so doing be held liable in any civil or criminal or administrative proceeding, and cannot be held to have breached any code of professional etiquette or ethics, or to have departed from any acceptable form of professional conduct.
- (9) A person who causes or threatens to cause any detriment to a person to whom subsection (1) applies, or to another person, either wholly or partly related to the person’s actual or intended provision of a report under this Act, is guilty of an offence.
- (10) In subsection (9) “detriment” includes any personal, social, economic, professional, or other detriment to the person.
- (11) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) In this section –
 - “children” means persons who have not attained the age of 18 years;
 - “providers of activities” has the same meaning as in section 6 of the Safeguarding Vulnerable Groups Act 2006, in so far as the activity takes place in a school-age educational setting.”

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.

Clause 68 - continued

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

Member's explanatory statement

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

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]

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

23 June 2022

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