

# Schools Bill [HL]

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## AMENDMENTS TO BE MOVED ON REPORT

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### Clause 2

BARONESS BARRAN

Leave out Clause 2

***Member's explanatory statement***

*This amendment is consequential on the removal of clause 1.*

### Schedule 1

BARONESS BARRAN

Leave out Schedule 1

***Member's explanatory statement***

*This amendment would leave out Schedule 1, which contains amendments relating to the application of education legislation to Academies.*

### Schedule 2

BARONESS BARRAN

Leave out Schedule 2

***Member's explanatory statement***

*This amendment, which would leave out Schedule 2 (interim trustees), is consequential on the removal of clause 7.*

## After Schedule 2

BARONESS BARRAN

After Schedule 2, insert the following new Schedule—

### “SCHEDULE 2A

SECTIONS 29 AND (*SCHOOLS WITH A RELIGIOUS CHARACTER: POWER OF CERTAIN BODIES TO APPLY FOR AN ACADEMY ORDER*): CONSEQUENTIAL AMENDMENTS TO THE ACADEMIES ACT 2010

- 1 The Academies Act 2010 is amended as follows.
- 2 (1) Section 4 (Academy orders) is amended as follows.
  - (2) In subsection (1)(a), after “3” insert “, 3A or 3B”.
  - (3) In subsection (4)(c), for “that has a foundation” substitute “, all of the following that exist in relation to the school”.
  - (4) In subsection (5)—
    - (a) in the words before paragraph (a), after “3” insert “, 3A or 3B”;
    - (b) in paragraph (c), for “that has a foundation” substitute “, all of the following that exist in relation to the school”.
  - (5) Omit subsections (8) to (10).
- 3 In section 5 (consultation about conversion: schools not eligible for intervention), in subsection (1), for “, the school’s governing body” substitute “as a result of an application under section 3, 3A or 3B, the applicant”.
- 4 In section 5A (consultation about identity of Academy sponsor in certain cases), omit subsections (3) to (5).
- 5 In section 5B (duty to facilitate conversion), for subsection (1) substitute—
 

“(1) Where—

  - (a) an application under section 3A or 3B has been made for an Academy order in respect of a school, or
  - (b) an Academy order under section 4(A1) or (1)(b) has effect in respect of a school,

the governing body of the school and the local authority must take all reasonable steps to facilitate the conversion of the school into an Academy.”
- 6 In section 5C (power to give directions to do with conversion), for subsection (1) substitute—
 

“(1) Where—

  - (a) an application under section 3A or 3B has been made for an Academy order in respect of a school, or
  - (b) an Academy order under section 4(A1) or (1)(b) has effect in respect of a school,

**After Schedule 2 - continued**

the Secretary of State may direct the governing body of the school or the local authority to take specified steps for the purpose of facilitating the conversion of the school into an Academy.”

- 7 In section 7 (transfer of school surpluses), in subsection (1)(b), after “3” insert “, 3A or 3B”.
- 8 In section 17 (interpretation), after subsection (2) insert—
- “(2A) In this Act, “the appropriate religious body”, in relation to a school, means—
- (a) in the case of a Church of England or a Roman Catholic school, the appropriate diocesan authority;
  - (b) in any other case, such body or person representing the specified religion or religious denomination as is prescribed under section 88F(3)(e) of SSFA 1998.
- (2B) In the case of a school in relation to which there is more than one religion or religious denomination specified, references to “the appropriate religious body” are to be read as references to both or all of the bodies concerned.
- (2C) In subsections (2A) and (2B), “specified” means specified in the order under section 69(3) of SSFA 1998 relating to the school.
- (2D) Expressions used in subsection (2A) and SSFA 1998 have the same meaning as in that Act.””

**Member's explanatory statement**

*This amendment would insert a Schedule into the Bill containing amendments to the Academies Act 2010 which are consequential on the new sections 3A and 3B inserted into that Act by clause 29 and the new clause inserted by the amendment in Baroness Barran's name after clause 29.*

**Clause 20**

BARONESS BARRAN

Clause 20, page 14, line 32, leave out from beginning to “provision” in line 33 and insert—

- “(A1) The Secretary of State must make regulations in relation to Academy schools with a religious character for one or both of the following purposes—
- (a) securing, so far as practicable, that the character of each such Academy school in a relevant Academy proprietor's care reflects the tenets of its designated religion or religious denomination;
  - (b) securing, so far as practicable, that each such Academy school in a relevant Academy proprietor's care is conducted in accordance with any trust deed relating to the school.
- (1) The regulations must specify—”

**Member's explanatory statement**

**Clause 20 - continued**

*This amendment would change the power in clause 20 to make regulations about the governance of schools with a religious character into a duty to do so. It also makes it clear that the regulations may be for either or both of the purposes mentioned.*

BARONESS BARRAN

Clause 20, page 14, line 39, leave out “that may be”

***Member's explanatory statement***

*This amendment is consequential on the amendment in Baroness Barran's name at clause 20, page 14, line 32.*

BARONESS BARRAN

Clause 20, page 14, line 40, leave out “includes” and insert “may include”

***Member's explanatory statement***

*This amendment is consequential on the amendment in Baroness Barran's name at clause 20, page 14, line 32.*

BARONESS BARRAN

Clause 20, page 15, line 27, leave out subsection (4)

***Member's explanatory statement***

*This amendment is consequential on the amendment in Baroness Barran's name at clause 20, page 14, line 32.*

**Clause 29**

BARONESS BARRAN

Clause 29, page 23, line 36, at end insert “, and

- (c) in the case of a school which has a religious character, the appropriate religious body.”

***Member's explanatory statement***

*This amendment would require a local authority to obtain the consent of the appropriate religious body before applying for an Academy order in respect of a maintained school in its area with a religious character.*

BARONESS BARRAN

Clause 29, page 24, line 1, leave out subsections (4) to (8)

**Clause 29 - continued*****Member's explanatory statement***

*This amendment would remove from clause 29 the amendments to the Academies Act 2010 that are consequential on the new s.3A. The new clause contained in the amendment in Baroness Barran's name inserted after clause 29 gives rise to very similar consequential amendments, so these are consolidated into a Schedule (see the amendment in Baroness Barran's name inserting the new Schedule 2A).*

**After Clause 29**

BARONESS BARRAN

After Clause 29, insert the following new Clause—

**“Schools with a religious character: power of certain bodies to apply for an Academy order**

In the Academies Act 2010, after section 3A (as inserted by section 29) insert—

**“3B Application for Academy order by certain bodies for schools with a religious character**

- (1) Any of the following may apply to the Secretary of State for an Academy order to be made in respect of a voluntary or foundation school with a religious character—
  - (a) the trustees of the school;
  - (b) the person or persons by whom the foundation governors are appointed;
  - (c) the appropriate religious body.
- (2) Before making an application in respect of a school under this section, the applicant must consult—
  - (a) the governing body, and
  - (b) the local authority.
- (3) A person may make an application under this section only with the consent of all of the other persons mentioned in paragraphs (a) to (c) of subsection (1) that exist in relation to the school.
- (4) Expressions used in subsection (1) and SSFA 1998 have the same meaning as in that Act.”

***Member's explanatory statement***

*This amendment would provide certain bodies involved in the governance of a school with a religious character with the power to apply for an Academy order for the school. (In practice, the body may make a single application covering more than one school, provided that the consultation and consent requirements are met for each school named in the application.)*

**After Clause 29 - continued**

BARONESS BARRAN

After Clause 29, insert the following new Clause—

**“Sections 29 and (Schools with a religious character: power of certain bodies to apply for an Academy order): consequential amendments to the Academies Act 2010**

Schedule 2A contains amendments to the Academies Act 2010 which are consequential on sections 29 and (Schools with a religious character: power of certain bodies to apply for an Academy order).”

**Member's explanatory statement**

*This amendment inserts a new clause introducing the new Schedule of consequential amendments to the Academies Act 2010.*

**Clause 32**

BARONESS BARRAN

Clause 32, page 27, leave out lines 30 and 31

**Member's explanatory statement**

*This amendment, which removes the definition of “Academy financial year” from clause 32, is consequential on the removal of clauses 8 and 10.*

BARONESS BARRAN

Clause 32, page 27, leave out line 37

**Member's explanatory statement**

*This amendment, which removes the definition of “Academy standard” from clause 32, is consequential on the removal of clause 1.*

BARONESS BARRAN

Clause 32, page 27, leave out line 40

**Member's explanatory statement**

*This amendment, which removes the definition of “compliance direction” from clause 32, is consequential on the removal of clause 5.*

BARONESS BARRAN

Clause 32, page 28, leave out lines 4 and 5

**Member's explanatory statement**

**Clause 32 - continued**

*This amendment, which removes the definitions of “interim trustee” and “interim trustee notice”, is consequential on the removal of clause 7 and Schedule 2.*

BARONESS BARRAN

Clause 32, page 28, leave out line 9

***Member's explanatory statement***

*This amendment, which removes the definition of “notice to improve” from clause 32, is consequential on the removal of clause 6.*

BARONESS BARRAN

Clause 32, page 28, leave out lines 12 to 16 and insert—

““pupil”, in relation to an Academy school, means a registered pupil at the school;”

***Member's explanatory statement***

*This amendment, which amends the definition of “pupil” in clause 32, is consequential on the removal of clauses 1 to 18.*

BARONESS BARRAN

Clause 32, page 29, leave out line 4

***Member's explanatory statement***

*This amendment, which removes the definition of “termination warning notice” from clause 32, is consequential on the removal of clauses 13 to 15.*

**Clause 33**

BARONESS BARRAN

Clause 33, page 29, line 18, leave out subsection (3)

***Member's explanatory statement***

*This amendment is consequential on the removal of clauses 1, 3 and 5.*

BARONESS BARRAN

Clause 33, page 29, line 26, leave out “Any other” and insert “A”

***Member's explanatory statement***

*This amendment is consequential on the amendment in Baroness Barran’s name at page 29, line 18.*

## Clause 49

BARONESS BARRAN

Clause 49, page 42, leave out line 30

### *Member's explanatory statement*

*This amendment removes the broad power to prescribe information that must be contained in the register of children not in school. It is replaced with a more targeted power: see the new subsection (1A) inserted by the amendment in Baroness Barran's name at clause 49, page 42, line 30.*

BARONESS BARRAN

Clause 49, page 42, line 30, at end insert –

- “(1A) A register under section 436B must also contain such information about, or in connection with, the following matters in respect of a child registered in it as may be prescribed, to the extent that the local authority have the information or can reasonably obtain it –
- (a) the child's protected characteristics (within the meaning of the Equality Act 2010);
  - (b) whether the child has any special educational needs, including whether the local authority maintain an EHC plan for the child;
  - (c) any actions that have been taken by a local authority following, or in connection with, enquiries made by a local authority under section 47 of the Children Act 1989 (local authority's duty to investigate);
  - (d) whether the child is a child in need for the purposes of Part 3 of the Children Act 1989 (see section 17(10) of that Act) and, if so, any actions that a local authority have taken in relation to the child under that Part and any services that a local authority have provided to the child in the exercise of functions conferred on them by section 17 of that Act;
  - (e) whether the child is looked after by a local authority (within the meaning of section 22 of the Children Act 1989);
  - (f) the reasons why the child meets Condition C in section 436B, including any information provided by a parent of the child as to those reasons or, in a case where a parent has not provided that information, the fact that they have not done so;
  - (g) whether, under arrangements made under section 436A, the child has been identified as a child who is of compulsory school age but who is not a registered pupil at a school and is not receiving suitable education otherwise than at a school;
  - (h) the school or type of school (if any) that the child attends or has attended in the past;
  - (i) whether support is being provided in relation to the child under section 436G and, if so, the nature of the support being provided;
  - (j) any actions that have been taken by a local authority in relation to the child under sections 436I to 436P (school attendance orders);

**Clause 49 - continued**

- (k) any other information about the child's characteristics, circumstances, needs or interactions with a local authority or educational institutions that the Secretary of State thinks should be included in the register for the purposes of promoting or safeguarding the education, safety or welfare of children."

***Member's explanatory statement***

*This amendment replaces the broad power currently in section 436C(1)(d) to make regulations detailing information to be included in the register of children not in school with a more targeted power which sets out the matters which regulations may cover.*

BARONESS BARRAN

Clause 49, page 43, line 2, at end insert –

- “(4) No information from a register under section 436B may be published, or made accessible to the public, in a form –
- (a) which includes the name or address of a child who is eligible to be registered under that section or of a parent of such a child, or
  - (b) from which the identity of such a child or parent can be deduced, whether from the information itself or from that information taken together with any other published information.”

***Member's explanatory statement***

*This amendment would prohibit publication of any information from a register under section 436B which identifies a child who is eligible for registration or a parent of such a child, or allows such a child or parent to be identified.*

BARONESS BARRAN

Clause 49, page 43, line 8, leave out from “with” to end of line 11 and insert “any of the information referred to in section 436C(1)(a) and (b) that the parent has.”

***Member's explanatory statement***

*This amendment reduces the obligation on parents to provide information to the local authority when their child becomes eligible to be registered on the children not in school register: it would mean that they would only need to provide information that they have about their child and themselves and the other parent, and not the information prescribed by regulations.*

BARONESS BARRAN

Clause 49, page 43, line 14, leave out from “with” to end of line 17 and insert “any of the information referred to in section 436C(1)(a) to (c) that the parent has;”

***Member's explanatory statement***

*This amendment reduces the obligation on parents to provide information, on request from a local authority, in cases where the child is on the children not in school register: it would mean that they would only need to provide the information mentioned in s.436C(1)(a) to (c), and not any*

**Clause 49 - continued**

*information prescribed in regulations under the new subsection (1A) (inserted by the amendment in Baroness Barran's name at clause 49, page 42, line 30).*

BARONESS BARRAN

Clause 49, page 45, line 21, at end insert –

“(aa) must provide the other local authority with any information relating to the child that is prescribed under section 436C(1A) that they have,”

***Member's explanatory statement***

*This amendment is consequential on the amendment in Baroness Barran's name at clause 49, page 42, line 30.*

BARONESS BARRAN

Clause 49, page 46, line 8, leave out subsection (3) and insert –

“(3) In section 569(2A) (regulations subject to affirmative procedure), for “regulations under section 550ZA(3)(f) or 550ZC(7) may” substitute “ –

- (a) the first regulations under 436C(1)(c), (1A) or (3),
- (b) the first regulations under section 436F(1),
- (c) regulations under section 436F(2),
- (d) regulations under section 550ZA(3)(f), or
- (e) regulations under section 550ZC(7),

may”.”

***Member's explanatory statement***

*This amendment would make the first regulations made under section 436C(1)(c), (1A) (as inserted by the amendment in Baroness Barran's name at clause 49, page 42, line 30) and (3), the first regulations made under section 436F(1) and any regulations under section 436F(2) subject to the affirmative rather than the negative procedure.*

**Clause 50**

BARONESS BARRAN

Clause 50, page 52, line 22, leave out “, Academy standard”

***Member's explanatory statement***

*This amendment is consequential on the removal of clause 1.*

**Clause 60**

BARONESS BARRAN

Clause 60, page 64, line 17, leave out “enactment” and insert “provision”

***Member's explanatory statement***

*This is a technical drafting amendment to match the terminology used in clause 60 with that used elsewhere in the Bill and in the Education and Skills Act 2008.*

BARONESS BARRAN

Clause 60, page 64, line 22, leave out from ““relevant” to end of line 23 and insert “provision” means –

- (a) provision made by an Act passed before, or later in the same session of Parliament as, the Schools Act 2022,
- (b) provision made by Part 3 of the Schools Act 2022 (school attendance), and
- (c) provision made by subordinate legislation (within the meaning of the Interpretation Act 1978) before the end of the session of Parliament in which the Schools Act 2022 is passed.”

***Member's explanatory statement***

*This amendment corrects a drafting error: subsection (2) should have referred to “the Schools Act” rather than “this Act”. The amendment would also allow the application to independent educational institutions of provisions made by or under Part 3 of the Bill itself, as those are closely linked to other provisions that may be applied under the power.*

**After Clause 67**LORD SANDHURST  
LORD MACDONALD OF RIVER GLAVEN  
BARONESS MORRIS OF YARDLEY

After Clause 67, 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 the school premises, 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 (commercial interests).”

***Member's explanatory statement***

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**After Clause 67** - *continued*

*This amendment would ensure parents can view school curriculum materials.*



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