

Schools Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 4

LORD STOREY
LORD SHIPLEY

After Clause 4, insert the following new Clause—

“Academies: local governing bodies

- (1) A proprietor of two or more Academies must establish a committee (“a local governing body”) for each Academy in its care.
- (2) A local governing body must comprise the following persons—
 - (a) the headteacher of the Academy;
 - (b) at least one person appointed by the proprietor of the Academy;
 - (c) at least one person employed by the proprietor to work at the Academy, elected by those persons employed by the proprietor to work at that Academy;
 - (d) at least one parent or guardian of a pupil registered at the Academy, elected by the parents and guardians of pupils registered at that Academy;
 - (e) at least one person appointed by the local authority in England in which the Academy is located.
- (3) A local governing body may apply to the Secretary of State to transfer the Academy for which it is responsible to the care of a different proprietor.
- (4) Regulations may make further provision about the powers of a local governing body.
- (5) In this section “local authority in England” has the same meaning as in section 579 of the Education Act 1996 (general interpretation).”

Member's explanatory statement

This amendment ensures that there is a governing body for each individual Academy with a role for parents and the local authority on each governing body.

After Clause 27

BARONESS MEACHER

After Clause 27, insert the following new Clause –

“Religion and worldviews education

- (1) The proprietor of an Academy school without a religious character must exercise its functions with a view to securing, and its principal must secure, that religion and worldviews education is provided to all pupils at the school.
- (2) The religion and worldviews education required under this section must –
 - (a) reflect the fact that the religious traditions in Great Britain are in the main Christian,
 - (b) take account of the teachings of the other principal religions and non-religious beliefs represented in Great Britain, and the beliefs and practices of their adherents, and
 - (c) be designed and taught in a manner that is objective, critical and pluralistic.
- (3) In subsection (2)(b), the reference to non-religious beliefs is to explicitly non-religious philosophical convictions, within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights, that are analogous to religions.
- (4) In this section, “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4 November 1950, as it has effect for the time being in relation to the United Kingdom, and “the First Protocol”, in relation to that Convention, means the protocol to the Convention agreed at Paris on 20 March 1952.
- (5) A provision of an Academy agreement or master agreement (including an agreement entered into before this section comes into force) is void so far as it is inconsistent with any provision made by or under this section.”

Member's explanatory statement

This replaces religious education in Academies without a religious character with religion and worldviews, which is explicitly inclusive of non-religious beliefs and is explicitly required to be objective, critical and pluralistic.

After Clause 31

LORD STOREY

After Clause 31, insert the following new Clause –

“Consultation on local schooling

Within 6 months of this Act being passed, the Secretary of State must consult and publish proposals on how Multi Academy Trusts covering different geographical

After Clause 31 - continued

areas can relate to the locality of each of their areas in regard to their pupils and parents.”

After Clause 46

LORD HUNT OF KINGS HEATH

After Clause 46, 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.
- (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 the special educational needs and disability code of practice and any other guidance given from time to time by the Secretary of State.”

Member's explanatory statement

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 in line with the special educational needs and disability code of practice under the Children and Families Act 2014.

LORD STOREY
BARONESS BRINTON

After Clause 46, insert the following new Clause –

“Duty of Secretary of State to give financial assistance for purposes related to mental health provision in schools

- (1) The Secretary of State must give, or must make arrangements for the giving of, financial assistance to any person for or in connection with the purpose mentioned in subsection (2).
- (2) The purpose is the provision in every state-funded school of –
 - (a) an education mental health practitioner, or
 - (b) a school counsellor.
- (3) In this section –

After Clause 46 - continued

“education mental health practitioner” means a person who possesses a graduate-level or postgraduate-level qualification of that name accredited by Health Education England;

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

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

Member's explanatory statement

This amendment requires the Secretary of State to give financial assistance in respect of mental health provision in schools.

LORD SHIPLEY
BARONESS GARDEN OF FROGNAL

After Clause 46, 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 to support the delivery of a careers programme for primary schools in areas of disadvantage.
- (3) In this section –
 - “areas of disadvantage” include areas with primary schools with the top 10% proportion of pupils with free school meal eligibility;
 - “the eight Gatsby benchmarks” means the benchmarks set out in the report “Good Career Guidance” published by the Gatsby charitable foundation in 2014.”

Member's explanatory statement

This amendment requires the Secretary of State to create a framework for careers education in primary schools and to give financial assistance to primary schools in areas of disadvantage to deliver the programme.

Clause 49

LORD LUCAS

Clause 49, page 42, leave out lines 28 and 29

Member's explanatory statement

This amendment is to reduce the scope for requirements to be placed on parents.

Clause 49 - continued

LORD LUCAS

Clause 49, page 45, 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.”

BARONESS BRINTON

Clause 49, page 45, 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 advice from 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

Clause 49, page 45, line 36, at end insert –

“(3A) The support must include the procuring of examination centres where home educated children can take examinations, including GCSE and A level, and the facilitation of access for such children to courses offered by local further education colleges.”

Member's explanatory statement

This amendment is intended to help prioritise the provision of these facilities.

Clause 49 - continued

LORD HUNT OF KINGS HEATH

Clause 49, page 46, line 3, at end insert –

- “(5) A local authority in England, in exercising their functions under sections 436B to 436G in the case of a child or young person who has special educational needs, must have regard to the following matters in particular –
- (a) the views, wishes and feelings of the child and his or her parent, or of the young person;
 - (b) the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned;
 - (c) the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions;
 - (d) the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.”

LORD HUNT OF KINGS HEATH

Clause 49, page 46, line 5, after "may" insert "by regulations"

Member's explanatory statement

This amendment, together with the amendment in Clause 49, page 46, line 7, is aimed at ensuring that guidance given to local authorities in relation to school attendance under sections 436B and 436G of the Education Act 1996 must be subject to the affirmative regulation making process.

LORD HUNT OF KINGS HEATH

Clause 49, page 46, line 6, at end insert –

- “(1A) Guidance must include a code of practice to be followed by local authorities in England in respect of their functions under sections 436B to 436G.
- (1B) Before issuing a code of practice, the Secretary of State must consult –
- (a) families and organisations with lived experience of barriers to attendance,
 - (b) organisations with relevant experience of mental health and well-being, and
 - (c) such other persons as may be considered appropriate.
- (1C) The code of practice must specify how schools are to take a holistic approach to school attendance issues including the mental health of the children affected and the provision of support to families and children.”

Member's explanatory statement

Clause 49 - continued

The amendment is designed to require the Secretary of State to issue a code of practice on how schools should take a holistic approach to school attendance issues including the mental health of the children affected and the provision of support to families and children.

LORD LUCAS

Clause 49, page 46, line 7, at end insert “, and must demonstrate to a parent on request that it has followed the guidance or provide reasons why it has not”

Member's explanatory statement

This amendment is to encourage local authorities to keep to the guidance in every case.

LORD HUNT OF KINGS HEATH

Clause 49, page 46, 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 49, page 46, 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 STOREY

Clause 49, page 46, line 7, at end insert –

“436J Local authority powers to appoint home schooling co-ordinators

- (1) A local authority may appoint home schooling co-ordinators to –
- (a) provide children who are out of school with appropriate support to meet their full range of identified needs; and
 - (b) to provide additional support to the parent or parents of such children with the aim of ensuring that the child is receiving a suitable education.
- (2) In appointing home schooling co-ordinators, a local authority must ensure that the person has appropriate experience in children’s education and welfare.”

Member's explanatory statement

This amendment makes provision about home schooling co-ordinators.

LORD LUCAS

Clause 49, page 48, line 6, at end insert –

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

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

This amendment is intended to give parents a clear right of appeal to an independent tribunal, so that local authorities are incentivised to seek agreement rather than conflict.

Clause 50

LORD LUCAS

Clause 50, page 48, line 39, leave out from beginning to end of line 1 on page 49 and insert “has repeatedly and without good reason failed to provide the information or substantially all of the information despite clear evidence that they have received the requests.”

Member's explanatory statement

This amendment is to reserve penalties under this Clause for substantial misbehaviour.

LORD LUCAS

Clause 50, page 49, line 6, leave out “ten” and insert “15”

Member's explanatory statement

This amendment is to restore current timescales for this significant moment in the enforcement chain.

BARONESS BRINTON

Clause 50, page 49, 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 advice from 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.

Clause 50 - continued

LORD SHIPLEY

Clause 50, page 49, line 18, after “expedient” insert “and 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, in addition to being expedient.

Clause 53

BARONESS BRINTON

Clause 53, page 58, 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.
- (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 advice from 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.

After Clause 60LORD STOREY
LORD SHIPLEY

After Clause 60, 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

After Clause 60 - continued

This amendment aims to prevent the practice of placing excluded children in unregistered schools.

After Clause 67

LORD STOREY
LORD SHIPLEY

After Clause 67, insert the following new Clause –

“Local authorities: strategic education functions

- (1) The Secretary of State must, by regulations, provide that a local authority in England must perform the functions listed in subsection (2) on behalf of all state-funded schools in its authority area.
- (2) The functions are –
 - (a) to ensure that every child of compulsory school age living in the local authority area has a school place;
 - (b) to coordinate the provision of education to children who are at risk of exclusion from school;
 - (c) to coordinate the provision of support to children with special educational needs or disabilities;
 - (d) to act as the admissions authority for all state-funded schools in the local authority area, including by managing in-year admissions;
 - (e) to manage the appeals process against individual admissions decisions;
 - (f) to prevent pupils from being removed from the pupil roll of a school unlawfully;
 - (g) to monitor the performance of schools; and
 - (h) to monitor how schools engage with their local community.
- (3) The Secretary of State must, by regulations, provide that a local authority in England is given such powers as are reasonably necessary to perform the functions listed in subsection (2).
- (4) The powers conferred by regulations under subsection (3) must include, but not be limited to –
 - (a) the power to request that the Secretary of State directs an Academy school to increase or reduce the number of pupils it admits; and
 - (b) the power to require the proprietor of an Academy school to appear before a committee of the local authority to answer questions about the performance of the school or about how the school engages with the local community.
- (5) The Secretary of State must, by regulations, impose a duty on schools not maintained by the local authority to cooperate with the local authority in the performance of the functions listed in subsection (2).
- (6) The duty under subsection (5) must include, but not be limited to –

After Clause 67 - continued

- (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.

BARONESS BRINTON

After Clause 67, 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.

BARONESS BRINTON

After Clause 67, 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 as soon as practicable to –
 - (a) the local authority designated officer (LADO),
 - (b) children’s services, or

After Clause 67 - continued

- (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.
- (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;
 - (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.”

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