

Schools Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction of 29th June 2022, as follows –

Clauses 1 to 3	Clauses 46 to 52
Schedule 1	Schedule 4
Clauses 4 to 7	Clauses 53 to 64
Schedule 2	Schedule 5
Clauses 8 to 45	Clauses 65 to 71
Schedule 3	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD HUNT OF KINGS HEATH
LORD BLUNKETT

- 1** Clause 1, page 2, line 18, at end insert –
- “(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must require that each Academy Trust, each Multi Academy Trust, and each Academy within a Multi Academy Trust, prepares and revises a strategic policy on parental and community engagement at least once every three years.”

Member's explanatory statement

This is to make mandatory that every Academy must have a policy on parental and community engagement.

LORD HUNT OF KINGS HEATH

2 Clause 1, page 2, line 18, at end insert –

- “(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must –
- (a) require that each Academy Trust, each Multi Academy Trust and each Academy within a Multi Academy Trust must establish a parents council, and
 - (b) set out in regulations the composition, role and support of such parents councils.
- (2B) A statutory instrument containing regulations under subsection (2A) 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 is to ensure that every Academy must establish a parents council with regulations setting out the composition, role and support of such parents councils.

LORD HUNT OF KINGS HEATH

3 Clause 1, page 2, line 18, at end insert –

- “(2A) In setting standards in relation to Academies in respect of subsection (2)(k), the Secretary of State must require that each Multi Academy Trust set out the responsibilities to be devolved to the local governing bodies of individual Academies within the Multi Academy Trust.
- (2B) The responsibilities in subsection (2A) include –
- (a) ensuring there is clarity of vision, ethos and strategic direction of the school,
 - (b) enhancing the distinctive character of the school,
 - (c) protecting the professional autonomy of teachers over curriculum and content,
 - (d) holding executive leaders to account for the educational performance of the school and its pupils and the performance management of staff,
 - (e) organising the financial performance of the school and making sure its money is well spent,
 - (f) promoting an understanding and appreciation of different cultures through spiritual, moral, social and cultural development and personal, social, health and economic education, and
 - (g) ensuring the voices of parents and other stakeholders are heard.”

Member's explanatory statement

This amendment is designed to ensure that, in a Multi Academy Trust, there must be a scheme of delegation to the Local Governing Body of each Academy within the Multi Academy Trust so the LGB has sufficient authority to provide strategic direction of the school.

LORD JUDGE
BARONESS CHAPMAN OF DARLINGTON
LORD BAKER OF DORKING

LORD ADDINGTON

4 Leave out Clause 1

After Clause 1

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

5★ After Clause 1, insert the following new Clause—

“Academy and Trust standards

- (1) Following the completion of the Academies Regulatory and Commissioning Review, the Secretary of State must by regulations made by statutory instrument set standards in relation to Academies (or types or descriptions of Academy) and to Multi Academy Trusts.
- (2) The following are the matters about which standards must be set—
 - (a) in respect of individual Academies, whether part of a Multi Academy Trust or not—
 - (i) the quality of education provided;
 - (ii) the welfare, health and safety of students;
 - (iii) the provision of information by the Academy;
 - (iv) the manner in which the Academy handles complaints;
 - (v) the minimum qualifications required by teaching staff;
 - (vi) inclusion, with particular regard to children with special educational needs or disabilities;
 - (vii) adherence to national agreements achieved through negotiating bodies for minimum standards of pay, and terms and conditions of employment, in respect of school staff;
 - (viii) trade union recognition; and
 - (ix) adherence to the national curriculum;
 - (b) in respect of each trust, whether it runs one Academy or more—
 - (i) the suitability of proprietors;
 - (ii) the premises and accommodation;
 - (iii) the duty to cooperate with the local authority in school admissions;
 - (iv) the duty to cooperate with the local authority in school place planning; and
 - (v) the disposal of land and premises.
- (3) Regulations made under this section must set out what the impact of implementation will be on schools in practice and how schools and trusts can meet such standards.
- (4) Regulations made under this section must set out explicitly whether they apply to schools, trusts, or both.

- (5) 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.”

Clause 2

BARONESS BARRAN

- 6 Leave out Clause 2

Member's explanatory statement

This amendment is consequential on the removal of clause 1.

Clause 3

LORD JUDGE
BARONESS CHAPMAN OF DARLINGTON
LORD BAKER OF DORKING
LORD ADDINGTON

- 7 Leave out Clause 3

Schedule 1

BARONESS BARRAN

- 8 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.

Clause 4

LORD JUDGE
BARONESS CHAPMAN OF DARLINGTON
LORD BAKER OF DORKING
LORD ADDINGTON

- 9 Leave out Clause 4

After Clause 4

LORD STOREY
LORD SHIPLEY

10 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.

Clause 5

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

11 Leave out Clause 5

Clause 6

LORD BAKER OF DORKING
LORD AGNEW OF OULTON

LORD NASH

12 Leave out Clause 6

Clause 7

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

13 Leave out Clause 7

Schedule 2

BARONESS BARRAN

14 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.

Clause 8

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

15 Leave out Clause 8

Clause 9

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

16 Leave out Clause 9

Clause 10

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

17 Leave out Clause 10

Clause 11

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

18 Leave out Clause 11

Clause 12

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

19 Leave out Clause 12

Clause 13

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

20 Leave out Clause 13

Clause 14

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

21 Leave out Clause 14

Clause 15

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

22 Leave out Clause 15

Clause 16

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

23 Leave out Clause 16

Clause 17

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

24 Leave out Clause 17

Clause 18

LORD BAKER OF DORKING
LORD AGNEW OF OULTON
LORD NASH

25 Leave out Clause 18

Clause 20

BARONESS BARRAN

26 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

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

27 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

28 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

29 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.

After Clause 27

BARONESS MEACHER
LORD MENDELSON
BARONESS WHITAKER

30 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.

Clause 28

LORD HUNT OF KINGS HEATH

31★ Clause 28, page 21, line 19, at end insert –

“(2A) In section 105 (procedure for deciding whether grammar schools should retain selective admission arrangements) after subsection (9) insert –

“(9A) Ballot regulations must provide for the ballot, the petition in subsection (3)(a), the registration of parents in subsection (4)(a) and connected purposes to use electronic communications alongside other forms of communications.””

Member's explanatory statement

This amendment would make it so that the petition calling for a ballot, the registration of parents to participate in the ballot and the ballot itself can be carried out using electronic communications.

LORD HUNT OF KINGS HEATH

32★ Clause 28, page 21, line 19, at end insert –

“(2A) In section 106 (ballot regulations: eligibility of parents to request or vote in ballot) in subsection (3)(a) and (b) for “20” substitute “10”.”

Member's explanatory statement

The amendment reduces the threshold from 20% of eligible parents to 10% needed to petition that a ballot should be held to widen parental choice in areas with schools with admission arrangements based on ability.

Clause 29

BARONESS BLOWER
LORD HUNT OF KINGS HEATH

33 Clause 29, page 23, line 24, at end insert “only with the consent of the governing body that is the subject of the application”

Member's explanatory statement

This amendment ensures that a local authority cannot apply for an Academy order to be made unless it has the consent of the governing body.

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

34 Clause 29, page 23, line 30, at end insert –

- “(c) the parents and staff of the school that is the subject of the application, in a comprehensive and timely fashion, showing how the proposal will benefit children’s education and what alternatives have been considered.”

Member's explanatory statement

This amendment seeks to ensure that, before a local authority can apply to the Secretary of State for an Academy order to be made in respect of any of its maintained schools, the parents and staff of the school must be properly consulted.

BARONESS BARRAN

35 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

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

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).

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

37 Clause 29, page 24, line 6, leave out “following” and insert “before”

Member's explanatory statement

This amendment seeks to ensure that, before a maintained school is converted into an Academy, the parents and staff of the school must be properly consulted.

BARONESS BLOWER
LORD HUNT OF KINGS HEATH

38 Clause 29, page 24, line 13, at end insert –

“(1B) The consultation under subsection (1A) must include the parents and staff of the school that is the subject of the application, in a comprehensive and timely fashion, showing how the proposal will benefit children’s education and what alternatives have been considered.”

Member's explanatory statement

This amendment seeks to ensure that, before a maintained school is converted into an Academy, the parents and staff of the school must be properly consulted.

After Clause 29

BARONESS BARRAN

39 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.)

BARONESS BARRAN

40 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.

LORD HUNT OF KINGS HEATH
BARONESS BLOWER

41 After Clause 29, insert the following new Clause –

“Consultation before joining a Multi Academy Trust

After section 14 of the Academies Act 2010, insert –

“14A Process by which an Academy joins a Multi Academy Trust

- (1) Before an Academy Trust may –
 - (a) make an application to join a Multi Academy Trust, or
 - (b) be required by the Secretary of State or Regional Schools Commissioner to join a Multi Academy Trust,
 a consultation must be undertaken in a comprehensive and timely fashion with the parents and staff of the school that is the subject of the application or requirement.
- (2) The consultation under subsection (1) must show –
 - (a) how the proposal will benefit children's education and what alternatives have been considered;
 - (b) whether the Multi Academy Trust is geographically coherent in relation to the Academy Trust which is the subject of an application and, if not, the reasons why the Multi Academy Trust has been chosen.”

Member's explanatory statement

This amendment is designed to ensure that an academy cannot either apply to or be required to join a Multi Academy Trust before a full and proper consultation takes place with parents and staff.

THE DUKE OF WELLINGTON
LORD BAKER OF DORKING

42★ After Clause 29, insert the following new Clause—

“Specialist schools: power to retain status quo

No specialist school with or without Academy status may be required to become an Academy or to join a Multi Academy Trust without the agreement of the governing body and, where appropriate, the sponsoring institution.”

Member's explanatory statement

This amendment would preserve the present status of such specialist schools as maths schools or music and dance schools, in recognition of their distinctive and national role.

After Clause 31

LORD STOREY

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

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

44★ After Clause 31, insert the following new Clause—

“Qualified teacher status

By 1 September 2024, all teachers in Academy schools are required to have, or be enrolled on a course such that they are working towards, qualified teacher status.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

45★ After Clause 31, insert the following new Clause—

“Ofsted inspection of Multi Academy Trusts

(1) All Multi Academy Trusts are subject to Ofsted inspection.

- (2) Before any such inspections commence, the Secretary of State must by regulations made by statutory instrument set out—
 - (a) powers that Ofsted has in respect of the inspection of schools which do not apply to its inspection of Multi Academy Trusts;
 - (b) any powers that Ofsted does not have in respect of the inspection of schools which it does have in respect of the inspection of Multi Academy Trusts; and
 - (c) any necessary transitional, connected, and saving provisions in respect of powers under (a) and (b).
- (3) The Secretary of State may revise these inspection powers by regulations under this section at any time.
- (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.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

46★ After Clause 31, insert the following new Clause—

“Admissions complaints

Parents may submit complaints concerning Academy admissions to the Local Government and Social Care Ombudsman.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT
LORD SHIPLEY

47★ After Clause 31, insert the following new Clause—

“Provision of school places by academies

Within six months of the day on which this Act is passed, the Secretary of State must by regulations made by statutory instrument provide that local authorities in England have a power to direct academies within their area to admit individual pupils and expand school places.”

Clause 32

BARONESS BARRAN

48 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

49 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

50 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

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

Member's explanatory statement

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

52 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

53 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

54 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

55 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

56 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 34

LORD HUNT OF KINGS HEATH
LORD SHIPLEY

57★ Clause 34, page 29, line 34, at end insert –

“(1A) If, in the event of future consultations on the direct national funding formula, the Secretary of State concludes that local authorities are best placed to determine and administer certain aspects of school funding allocations relating to the specific roles and duties of local authorities, or where local authorities have better access to information that would allow them to determine the funding more accurately, the Secretary of State may by regulations delegate responsibility for calculating and administering these aspects of funding to local authorities for schools within their area.”

Member's explanatory statement

In the event of a future consultation on the national funding formula concluding that local authorities would be best placed to determine and administer certain aspects of school funding, this amendment would enable the Secretary of State through regulations to delegate these powers to local authorities to effectively meet local education funding needs.

After Clause 39

LORD STOREY

58 After Clause 39, insert the following new Clause –

“Provision of free school lunches to all pupils in households in receipt of universal credit

- (1) In section 512ZB of the Education Act 1996 (provision of free school lunches and milk) –
 - (a) in subsection (4)(a)(ai), omit “in such circumstances as may be prescribed for the purposes of this paragraph”;
 - (b) in subsection (4)(b)(ai), omit “in such circumstances as may be prescribed for the purposes of this paragraph”.
- (2) In the Free School Lunches and Milk, and School and Early Years Finance (Amendments Relating to Universal Credit) (England) Regulations 2018 (S.I. 2018/148), omit regulations 2 to 4.
- (3) The Secretary of State must ensure that funding to maintained schools and Academies is sufficient to provide school lunches free of charge to pupils in receipt of, or whose parents are in receipt of, universal credit.”

Member's explanatory statement

This amendment extends the provision of free school meals to all children whose parents are in receipt of universal credit, and places a duty on the Secretary of State to ensure that sufficient funding is available to schools to provide this.

LORD STOREY

59★ After Clause 39, insert the following new Clause –

“Pupil premium grant: annual up-rating

- (1) The Secretary of State must, for the financial year beginning 1 April 2023, provide that the following amounts are payable from the pupil premium grant to schools and local authorities in respect of each registered pupil who is entitled to it under the terms and conditions of the grant –
 - (a) for a pupil who is eligible for free school meals, or who has been recorded as eligible for free school meals at any point in the last six years –
 - (i) if the pupil is of primary school age, at least £1,545;
 - (ii) if the pupil is of secondary school age, at least £1,112;
 - (b) for a pupil who is a looked after child, at least £2,700; and
 - (c) for a pupil who has ceased to be a looked after child in England or Wales because of adoption, a special guardianship order, or a child arrangements order, at least £2,700.
- (2) The Secretary of State must, for the financial year beginning 1 April 2024 and for each financial year thereafter, provide that the amounts payable under subsection (1) are increased in line with inflation as measured by the consumer price index.

(3) In this section—

“looked after child” has the same meaning as in the Children Act 1989;

“pupil premium grant” means the grant of that name paid to a school or a local authority by the Secretary of State under section 14 of the Education Act 2002 (power of Secretary of State and Senedd Cymru to give financial assistance for purposes related to education or children etc).”

Member's explanatory statement

This amendment increases the pupil premium in 2023-24 by £160 per primary pupil and £127 per secondary pupil from 2022-23 levels, before pegging it to inflation thereafter. It also increases 'Pupil Premium Plus', made available to children in care, by a similar amount.

Clause 42

LORD STOREY

60 Clause 42, page 36, line 37, at end insert—

“(4A) Regulations must make provision, in respect of a pupil placed in a registered alternative provider having been permanently excluded, for—

- (a) a budget addition to be made, and
- (b) any Education, Health and Care Plan to be transferred, to that new educational provider.”

Member's explanatory statement

This amendment seeks to ensure that pupils who are placed in an alternative educational provision have any financing or EHC plans transferred with them to the new provider.

Before Schedule 3

BARONESS BARRAN

61 Before Schedule 3, 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,
- 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.

After Clause 46

LORD HUNT OF KINGS HEATH
LORD BLUNKETT
LORD ADDINGTON

62 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

63 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 –

“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

64 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
THE LORD BISHOP OF ST ALBANS

65 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.

THE LORD BISHOP OF ST ALBANS
LORD LUCAS

66 Clause 49, page 42, line 28, leave out from “details” to end and insert “on the suitability of the child’s education, and the nature and number of enquiries made by the local authority regarding the suitability of the child’s education”

Member's explanatory statement

This amendment would limit information collected on the nature of the child’s education to its suitability, and ensures that the local authority registers the number and nature of its enquiries with respect to determining educational suitability.

BARONESS BRINTON
LORD STOREY

67 Clause 49, page 42, 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.

BARONESS BARRAN

68 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

69 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);
 - (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

70 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

71 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

72 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 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

73 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.

LORD LUCAS
THE LORD BISHOP OF ST ALBANS

74 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.”

LORD LUCAS
THE LORD BISHOP OF ST ALBANS

75 Clause 49, page 45, line 24, at end insert –

“(A1) A local authority must conduct itself with the objective of maintaining open, supportive and constructive relationships with home educators, recognising their role as prime educators of their children.”

Member's explanatory statement

This amendment is to ensure that the relationship between parents and their children is respected in this context.

BARONESS BRINTON
LORD ADDINGTON

76 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.

BARONESS GARDEN OF FROGNAL

77 Clause 49, page 45, 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
THE LORD BISHOP OF ST ALBANS

78 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.

LORD HUNT OF KINGS HEATH

79 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.”

Member's explanatory statement

This amendment requires a local authority to have regard in the case of a child and young person who has special education needs to a number of matters listed in the amendment when exercising their functions under Sections 436B to 436G of the Bill.

LORD HUNT OF KINGS HEATH
LORD LUCAS

80 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

81 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

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
THE LORD BISHOP OF ST ALBANS

- 82 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

- 83 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

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

“436HA 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

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

“436HA Provision of registration information by independent educational institutions

- (1) 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.

- (2) The Secretary of State must make that information available as part of the National Pupil Database.
- (3) In this section “relevant school” means 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 BARRAN

86 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

LORD LUCAS
THE LORD BISHOP OF ST ALBANS

87 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

88 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
LORD ADDINGTON

89 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.

LORD LUCAS
THE LORD BISHOP OF ST ALBANS

90★ Clause 50, 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 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.

LORD SHIPLEY

91 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.

LORD LUCAS

92★ Clause 50, page 50, line 8, at end insert –

“(8) A person on whom an order under this section is served may appeal to the First-tier Tribunal.”

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.

BARONESS BARRAN

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

Member's explanatory statement

This amendment is consequential on the removal of clause 1.

After Clause 50

THE LORD BISHOP OF ST ALBANS
LORD LUCAS

94★ After Clause 50, insert the following new Clause –

“Protections to elective home education

- (1) In relation to a register under section 436B of the Education Act 1996 (duty to register children not in school), a local authority must –
 - (a) take measures to protect all special category data collected, as may be prescribed by law,
 - (b) securely remove data from the register within a period of 28 days where a child has either re-enrolled at school or attained the age of 16, and
 - (c) not allow the register to be used to discriminate against groups of people based on the protected characteristics under the Equality Act 2010 in the collection, use, retention, storage or dissemination of information.
- (2) A local authority may not determine that a child’s education is unsuitable and serve a notice under section 436I of the Education Act 1996 (preliminary notice for school attendance order) if –
 - (a) the determination of unsuitability relates to the child being taught material related or not related to the protected characteristics under the Equality Act 2010, and
 - (b) the child’s educational performance is not below the mean achievement level for their age group.

- (3) A local authority may not require a child receiving home education to be taught specific material if –
 - (a) the material would contravene the protected characteristics or religious freedom of the parents or child, and
 - (b) the child’s educational performance is not below the mean achievement level for their age group.
- (4) The Secretary of State, within one year of the passing of this Act and every three years subsequently, must lay before Parliament a report reviewing –
 - (a) whether local authorities are applying their powers under section 436C(2) of the Education Act 1996 in a manner that is proportionate and not intended to impede the provision of home education within their areas,
 - (b) whether notices under section 436I of the Education Act 1996 are discriminating against parents with protected characteristics under the Equality Act 2010, and
 - (c) how the government will uphold the principle of home education and the rights of home educators to –
 - (i) choose a suitable education for their child, and
 - (ii) determine the moral and ethical upbringing of their child.”

Member’s explanatory statement

This amendment safeguards protected characteristics, and the rights of parents to determine the nature and content of home education curricula under human rights protections, against the potential implications of the Children not in School Register.

Clause 51

BARONESS BRINTON

- 95 Clause 51, page 57, line 20, leave out from “exceeding” to end of line 23 and insert “three months”

Member’s explanatory statement

This amendment would reduce the maximum prison sentence for parents who fail to comply with school attendance orders to three months.

Clause 53

BARONESS BRINTON
LORD ADDINGTON

- 96 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.

LORD LUCAS

97 Clause 53, page 58, line 3, at end insert –

- “(3) The Secretary of State must provide funding to local authorities sufficient for them to fulfil their obligations under this section, and may provide additional funding to enable research into the most effective ways of fulfilling them.”

Member's explanatory statement

This amendment is to ensure that local authorities have the resources to take on a set of obligations that are, in large part, currently taken on by schools.

Clause 60

BARONESS BARRAN

98 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

99 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 60

LORD STOREY
LORD SHIPLEY

100 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

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

After Clause 67

LORD HARRIES OF PENTREGARTH
LORD BLUNKETT
LORD NORTON OF LOUTH
BARONESS MEACHER

101 After Clause 67, 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 (e) must be taught as part of citizenship, at the first to fourth key stages.
- (4) In subsection (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 HUNT OF KINGS HEATH

102 After Clause 67, 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.

LORD HUNT OF KINGS HEATH

103 After Clause 67, 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 amendment would enable the Secretary of State by regulations to 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.

LORD MOYNIHAN
LORD ABERDARE
BARONESS GREY-THOMPSON
LORD ADDINGTON

- 104 After Clause 67, 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 SANDHURST
LORD MACDONALD OF RIVER GLAVEN
BARONESS MORRIS OF YARDLEY

- 105 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

This amendment would ensure parents can view school curriculum materials.

LORD STOREY
LORD SHIPLEY

106 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 –
 - (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
LORD ADDINGTON

107 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

108 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
 - (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.”

BARONESS BERRIDGE

109★ After Clause 67, 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 make a direction to the trustees or governors about the safety of the building.
- (2) Where the Secretary of State has made a direction under subsection (1), the Secretary of State is responsible for the safety of the building mentioned in the direction.”

LORD LUCAS

110★ After Clause 67, insert the following new Clause—

“Inspection of local authorities in relation to functions under this Act

- (1) Section 136 of the Education and Inspections Act 2006 (inspection of local authorities in England) is amended as follows.
- (2) In subsection (1)(a), after “applies” insert “or conferred by the Schools Act 2022”.
- (3) In subsection (1)(b), after “applies” insert “or conferred by the Schools Act 2022”.

Member’s explanatory statement

This amendment is to enable Ofsted to inspect local authorities in respect of their functions under this Bill.

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

111★ After Clause 67, insert the following new clause—

“School land and buildings

The Secretary of State must, within one year of the day on which this Act is passed, and no later than 1 June in each year subsequently, lay before each House of Parliament a report on—

- (a) the condition of all school land and buildings,
- (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, and
- (c) a summary risk register setting out the relationship between—
 - (i) the different categories of hazard that the condition of school buildings pose to children and staff of the school, as well as other people who use those buildings,
 - (ii) the different categories of probability of an accident that might cause that hazard to be realised, and
 - (iii) the number of such school buildings so at risk, in each combination of categories, in each local government area in England.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

112★ After Clause 67, insert the following new Clause –

“Mandatory career-related learning

- (1) Every primary school must provide age-appropriate and evidence-based career-related learning.
- (2) Among its objectives must be preventing children developing biases about different sectors and career paths, such as those based on gender, race and other protected characteristics.
- (3) Every secondary school must provide professional, in person careers advice.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

113★ After Clause 67, insert the following new Clause –

“Mandatory work experience

- (1) All schools must offer mandatory work experience, lasting a minimum of 10 school days overall.
- (2) Local authorities must ensure looked after children have a high quality work experience arrangement under subsection (1), which may include working for the local authority itself.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

114★ After Clause 67, insert the following new Clause –

“Mental health and wellbeing in schools

The Secretary of State must –

- (a) consult on the current provision in place to support children’s mental health and wellbeing in schools, and
- (b) undertake an assessment of –
 - (i) how the mental health of children in Academies and maintained schools in England affects, and is affected by, their schooling, and
 - (ii) the effectiveness and impact of the ‘whole school approach’ to mental health and wellbeing support in schools.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

115★ After Clause 67, insert the following new Clause –

“Mental health in schools report

The Secretary of State must publish an annual report on –

- (a) how the mental health of children in Academies and maintained schools in England affects and is affected by their schooling,
- (b) actions being taken by schools to improve pupil mental health, and
- (c) the extent to which schools are working with local National Health Service and voluntary and community sector providers.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

116★ After Clause 67, insert the following new Clause –

“Admissions authority

In section 84 of the School Standards and Framework Act 1998, after subsection (5) insert –

- “(5A) As part of the code the Secretary of State must state that local authorities are the admissions authority for state-funded schools.””

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

117★ After Clause 67, insert the following new Clause –

“Education partnership boards

- (1) Within two years of the day on which this Act is passed, every local authority in England must begin to explore options for the setting up of an education partnership organisation within their area of authority, which may or may not be led by the local authority itself.
- (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.”

Schools Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

8 July 2022

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