

# Schools Bill [HL]

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## AMENDMENTS TO BE MOVED ON REPORT

*[Supplementary to the Marshalled List]*

**Amendment  
No.**

### **Clause 49**

LORD WEI

**64A★** Clause 49, page 42, line 9, at end insert –

- “(c) the parents of the child have made alternative arrangements to satisfy the duty in section 7 (duty of parents to secure education of children of compulsory school age).”

LORD WEI

**72A★** Clause 49, page 44, line 3, at end insert –

- “(5A) A local authority may only require parents to provide the information under this section if the local authority suspects that the parents are educating the child in such a way that it may lead to the child conducting violence or sexual or physical abuse against others.
- (5B) If subsection (5A) applies, a local authority may only require parents to provide the information for up to two months, in which time the local authority must conduct an investigation into whether the parents undertook the activities under subsection (5A).
- (5C) If the investigation under subsection (5B) –
  - (a) finds the parents to have undertaken the activities under subsection (5A), the local authority must refer the parents to the police or other relevant body;
  - (b) finds the parents not to have undertaken the activities under subsection (5A), the local authority must delete the information provided by the parents under this section and issue an apology to the parents.”

LORD WEI

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

**“436HA GDPR**

- (1) For the avoidance of doubt, any information stored under sections 436B to 436G is subject to the Data Protection Act 2018.
- (2) Local authorities must pay any fines under the Data Protection Act 2018 in respect of such information from funds that are not provided by the Secretary of State.
- (3) A local authority may not collect any of the data required under sections 436B to 436G if it considers it does not have the ability to comply with the Data Protection Act 2018.”

LORD WEI

86A★ Clause 49, page 49, line 19, at end insert –

- “(1A) However, refusal to provide information is not in itself sufficient grounds for issuing an order under this section.”

**After Clause 67**

LORD WEI

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

**“Home School Ombudsman**

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

- (6) When mediating, the Ombudsman must take account of the rights of children and parents, including the rights under subsection (3)(a) to (c).”

**Clause 70**

LORD WEI

**119★** Clause 70, page 84, line 16, at end insert –

- “(6) Regulations may not be made so as to bring section 49 into force unless –
- (a) the Secretary of State has established a panel comprised of members of the Supreme Court to consider the human rights implications of that provision, and
  - (b) that panel has issued a reasoned opinion that the provision is unlikely to contravene human rights, which must be published by the Secretary of State.”

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*11 July 2022*

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