

Schools Bill [HL]

SECOND 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 49

LORD WEI

64A *[Withdrawn]*

LORD WEI

64B Clause 49, page 42, line 9, at end insert –

“(5A) Condition C is not met if 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).”

Member's explanatory statement

This amendment seeks to exempt home education from mandatory registration, where the standard of learning is such that parents are compliant with their duties.

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
BARONESS KENNEDY OF CRADLEY

- 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.

LORD LUCAS
THE LORD BISHOP OF ST ALBANS

- 66A Clause 49, page 42, line 28, leave out from “of” to end and insert “who is providing the child’s education”

Member's explanatory statement

This amendment is to ensure that the text of the bill gives effect to the Government's intentions as understood by Lord Lucas.

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).

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.”

Member's explanatory statement

This amendment aims to establish a ‘warrant style’ mechanism to investigate cases where home education is being used as a cover for non-educational activities or ones which would endanger the child or others. In the case of an investigation that clears the parents, it recognises that inconvenience has been caused to the family. Where a Local Authority does not have grounds to use this power, parents and families will not be obliged to provide information.

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
LORD KNIGHT OF WEYMOUTH

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
LORD KNIGHT OF WEYMOUTH

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
LORD KNIGHT OF WEYMOUTH

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
LORD KNIGHT OF WEYMOUTH

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.

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.”

Member's explanatory statement

This amendment seeks to reinforce the nature of any penalties for abuse of data or of keeping data for longer than is necessary. It also aims to ensure that local authorities consider what data they request and retain and only do so when necessary.

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.

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.”

Member's explanatory statement

This amendment aims to tackle the current documented practice of Local Authorities immediately issuing School Attendance Orders if parents refuse to comply with requests for information, which could be seen as assuming the parents are not providing a suitable education without evidence. This aims to protect parents and families from the presumption of guilt where they choose to remain silent or object to information sharing.

BARONESS JONES OF MOULSECOOMB

86B Leave out Clause 49

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.

BARONESS JONES OF MOULSECOOMB

93A Leave out Clause 50

After Clause 50

THE LORD BISHOP OF ST ALBANS
LORD LUCAS

BARONESS KENNEDY OF CRADLEY

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.

BARONESS JONES OF MOULSECOOMB

- 95A Leave out Clause 51

Clause 52

BARONESS JONES OF MOULSECOOMB

- 95B Leave out Clause 52

Clause 53BARONESS 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 57

LORD MENDELSON

97A★ Clause 57, page 61, line 18, at end insert –

“(6) After section 93A of the Education and Skills Act 2008 insert –

“93B Secondary sanctions under this Chapter

- (1) Where a sanction has been imposed on an independent educational institution under this Chapter, the sanction may also be imposed on any charity or company that provides the venue or other facilities to the independent educational institution.
- (2) The Secretary of State may report –
 - (a) a charity to the Charity Commission, and
 - (b) a company to Companies House,in relation to any sanction issued in accordance with this section.
- (3) The Secretary of State may by regulations amend or modify this Chapter in relation to such charities and companies to give effect to this section.”

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 [*Withdrawn*]

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.”

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).”

Member's explanatory statement

This aims to provide a means to more cost effectively resolve disputes in the courts and for Local Authorities and Caregivers to seek advice and if necessary appeal decisions made in the course of any attempt to register not in school children who are being home educated.

LORD WOOLLEY OF WOODFORD

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

“School inspections: equality and diversity, and extracurricular activities

- (1) Section 5 of the Education Act 2005 (duty to inspect certain schools at prescribed intervals) is amended as follows.
- (2) In subsection (5A), at the end insert –
 - “(e) the compliance of the school with the public sector equality duty under section 149 of the Equality Act 2010, and the steps being taken by the school to comply with Part 6 of that Act.”

- (3) In subsection (5B)–
- (a) omit the “and” at the end of paragraph (b)(i), and
 - (b) at the end insert “, and
 - “(iii) pupils who have any other protected characteristic or combination of protected characteristics for the purposes of the Equality Act 2010;
 - (c) the quality and nature of any before and after-school activities and clubs provided on school premises as a contiguous part of the school day, including those provided by a third party.”

BARONESS CHAPMAN OF DARLINGTON
 BARONESS WILCOX OF NEWPORT
 BARONESS LAWRENCE OF CLARENDON

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

“Mandatory curriculum subjects

- (1) All academies must follow the national curriculum.
- (2) The Secretary of State must work with the devolved administrations to launch a review into teaching about diversity in school curriculums and how it can include and inspire all young people, and to ensure that teaching of British history includes but is not limited to –
 - (a) Black British history,
 - (b) colonialism, and
 - (c) Britain’s role in the transatlantic slave trade.
- (3) The Secretary of State must publish this review once completed.
- (4) All academies and maintained schools, as part of their curriculum, must teach –
 - (a) digital skills,
 - (b) financial literacy, including but not limited to how to apply for a mortgage and an understanding of credit scores,
 - (c) life skills, including but not limited to understanding employment, rental and mortgage contracts.”

BARONESS JONES OF MOULSECOOMB
 LORD KNIGHT OF WEYMOUTH
 LORD WEI

118C After Clause 67, insert the following Clause –

“Data processing

- (1) The Education Act 1996 is amended as follows.

(2) After section 30 insert –

“30A Code of practice

- (1) The Information Commissioner must issue a code of practice about –
 - (a) obligations and rights when personal information of parents and children is processed under this Act or the Schools Act 2022 by local education authorities and their further processors, and disclosure to the Secretary of State, or any other prescribed person under this Act or the Schools Act 2022;
 - (b) a local authority duty to maintain a transparency register of third-party data processing about children and families under this Act or the Schools Act 2022;
 - (c) the right of parents and children to make a subject access request without charge for the purposes of receiving a copy and validating the accuracy of personal data controlled or processed by the local authority under this Act or the Schools Act 2022 on no less than an annual basis, and to request correction where necessary;
 - (d) the nature and frequency of data processing demands by the local authority under this Act or the Schools Act 2022 in respect of school-age children.
- (2) The code of practice must be consistent with the code of practice prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act.
- (3) A public authority must have regard to the code of practice in processing and disclosing personal information.
- (4) A data processor or data controller must have regard to the code of practice for the processing of information under this Act by –
 - (a) any person who is entrusted with tasks under section 71(1)(a) of the Digital Economy Act 2017,
 - (b) any prescribed person under this Act,
 - (c) any person prescribed under the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 (S.I. 2009/1563), or
 - (d) any other person.
- (5) The Information Commissioner may from time to time revise and re-issue the code of practice after consultation with –
 - (a) a Minister of the Crown,
 - (b) the Statistics Board,
 - (c) the Welsh Ministers,
 - (d) organisations that represent the interests of children and families and such other persons as the Information Commissioner considers appropriate.

- (6) The Information Commissioner may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (7) In disclosing information about parents and children processed under this Act or the Schools Act 2022, a person must have regard to the further codes of practice issued by the Information Commissioner under section 128 of the Data Protection Act 2018 (other codes of practice), so far as they apply to the information in question –
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.”

Member's explanatory statement

This amendment requires a Code of Practice for how the data of children must be collected and processed, as local authorities and the Department for Education collect and process extensive information about children regardless of whether they are registered as a pupil at a school. The Code of Practice will detail the rights and obligations of parents and children in this regard.

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

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

“Qualified teacher status

Before 1 September 2024, all teachers in academies and maintained 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

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

“Breakfast clubs

Within the period of one year beginning with the day on which this Act is passed, the Secretary of State must ensure that every academy and maintained school is working towards establishing a breakfast club, able to provide a free breakfast to every pupil who requests one.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

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

“School buildings risk register

The Secretary of State must, within the period of one year beginning with 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 summary risk register setting out the relationship between –

- (a) 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,
- (b) the different categories of probability of an accident that might cause that hazard to be realised, and
- (c) 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

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

“National curriculum

- (1) All academies must follow the national curriculum.
- (2) All academies and maintained schools, as part of their curriculum, must teach –
 - (a) digital skills,
 - (b) financial literacy, including but not limited to how to apply for a mortgage and an understanding of credit scores,
 - (c) life skills, including but not limited to understanding employment, rental and mortgage contracts.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT
BARONESS LAWRENCE OF CLARENDON

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

“Curriculum diversity review

- (1) The Secretary of State must work with the devolved administrations to launch a review into teaching about diversity in school curriculums and how it can include and inspire all young people, and to ensure that teaching of British history includes but is not limited to –
 - (a) Black British history,
 - (b) colonialism, and
 - (c) Britain’s role in the transatlantic slave trade.
- (2) The Secretary of State must publish this review once completed.”

BARONESS CHAPMAN OF DARLINGTON
BARONESS WILCOX OF NEWPORT

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

“Children’s Covid-19 recovery plan

Within six months beginning with the day on which this Act is passed, the Secretary of State must consult on and launch a school children’s pandemic recovery plan covering every maintained school and academy, including –

- (a) free breakfast clubs, providing a free breakfast to every pupil who requests one,
- (b) extra-curricular activities for every child, which may include –
 - (i) music lessons,
 - (ii) book clubs,
 - (iii) sports teams, and
 - (iv) drama clubs,
- (c) provision of qualified in-school mental health counselling staff,
- (d) small group tutoring, with no more than six pupils in a group,
- (e) ongoing learning and development for teachers, and
- (f) an education recovery premium, which may include –
 - (i) uplifting the current premium rate by 10 per cent,
 - (ii) increasing the Early Years Pupil Premium to match the premium rates for primary school pupils,
 - (iii) expanding the secondary age pupil premium to pupils aged 16 to 18, and
 - (iv) expanding the secondary age pupil premium to include children with child protection plans.”

LORD MENDELSON

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

“Power of Ofsted to investigate educational providers

Her Majesty’s Chief Inspector of Education, Children’s Services and Skills may investigate any school-age educational provider it suspects of not fulfilling its statutory obligations.”

Member’s explanatory statement

This amendment would ensure that the Bill includes a provision for Ofsted to have the authority to investigate any suspicions of an institution trying to work around its qualification as an educational institution, and therefore the regulatory provisions, and that Ofsted itself can determine whether to initiate an investigation if this is perceived to be occurring and that there is accountability for these actions.

LORD MENDELSON

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

“Review of this Act

- (1) Within one year of the passing of this Act, the Secretary of State must review the effectiveness of this Act and other Education Acts set out in section 578 of the Education Act 1996, in relation to schools and school-age education.
- (2) In conducting the review, the Secretary of State must consult –
 - (a) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills,
 - (b) the Office for Standards in Education, Children’s Services and Skills, and
 - (c) local authorities.
- (3) On completing the review the Secretary of State must lay a report before Parliament setting out the findings of the review, including its findings on whether any further legislation is necessary for the purposes of better enforcing the requirements under the Education Acts in relation to schools and school-age education.”

Member's explanatory statement

This amendment would require the Department for Education to provide a report, in conjunction with Ofsted and local authorities, reviewing the effectiveness of the legislation and proposing whether further regulations are needed to deal with avoidance that is not prevented by the current Bill and to report on this to Parliament.

BARONESS BOYCOTT
BARONESS BENNETT OF MANOR CASTLE

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

“Free school meals

- (1) Section 512 of the Education Act 1996 (local authority functions concerning provision of meals, etc) is amended as follows.
- (2) Omit subsection (3)(b).
- (3) After subsection (3), insert –
 - “(3A) Families may opt-out of registration for free school meals under subsection (3).
 - (3B) The Secretary of State must ensure that local authorities have the necessary funding to undertake the requirement under subsection (1).”

Member's explanatory statement

This amendment would make it so that families of pupils who are eligible to receive free school meals are automatically registered for free school meals, rather than opting in.

LORD HUNT OF KINGS HEATH

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

“Regional Directors

- (1) The Secretary of State must appoint Regional Directors in England to carry out functions under the Education Acts and social care legislation relating to school pupils and young people under the age of 18 relating to –
 - (a) standards of education,
 - (b) Multi-academy Trusts, including their effectiveness,
 - (c) joining, removal and break up of Multi-academy Trusts,
 - (d) conversion of maintained schools to Academy Trusts,
 - (e) support for schools requiring improvement,
 - (f) closure and opening of academies to meet fluctuations in pupil numbers,
 - (g) directions relating to the admission of pupils to schools,
 - (h) provision of services to pupils with special educational needs and disability,
 - (i) child protection and safeguarding in schools,
 - (j) supervision of local authorities in relation to education,
 - (k) disputes over academy governance.
- (2) Regional Directors must cover discrete areas of England as determined by the Secretary of State.
- (3) If requested by a local authority, the Regional Director must give an account of decisions taken.
- (4) Regional Directors will serve for a period of four years and be eligible for appointment for a second term, as decided by the Secretary of State.”

Member's explanatory statement

This amendment would make it so that the Secretary of State for Education delegates most decisions to new Regional Directors. Regional Directors are accountable to the Secretary of State.

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.”

Member's explanatory statement

This amendment seeks to save time and money by getting the advice of Supreme Court judges about the risks that Human Rights may be contravened. This contrasts with the outcome of similar legislation in other parts of the UK, where a Supreme Court ruling has led to the Act being judged to be in contravention of the Convention, leading to it having to be abolished retrospectively.

Schools Bill [HL]

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

14 July 2022

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