

Children's Wellbeing and Schools Bill

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 1st May 2025, as follows –

Clauses 1 to 21	Schedule 3
Schedule 1	Clauses 52 to 60
Clauses 22 to 35	Schedule 4
Schedule 2	Clauses 61 to 67
Clauses 36 to 51	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 4

BARONESS GREY-THOMPSON
BARONESS WALMSLEY
LORD MOYNIHAN

66 After Clause 4, insert the following new Clause –

“Mandatory reporting of child sexual abuse

- (1) The Children Act 2004 is amended as follows.
- (2) After section 16LB insert –

“16LC Reporting of child sexual abuse

Subject to the provisions of section 16LD(7), (8), and (10) and section 16LF, providers of any one or more of the activities set out in Schedule 1A, who know of, or have reasonable grounds for suspecting the commission of, sexual abuse of children in their care, must, as soon as is practicable after it comes to their knowledge or attention, report it to –

- (a) the Local Authority Designated Officer (LADO),
- (b) Local Authority Children’s Services, or
- (c) such other single point of contact with the local authority as that authority may designate for that purpose.

16LD Process

- (1) If the report under section 16LC is made orally, the maker of the report must confirm the report in writing no later than seven days thereafter.
- (2) Section 16LC applies whether or not the activities are defined in any enactment as regulated activities involving children.
- (3) Section 16LC applies whether a commission of sexual abuse takes place, or is alleged or suspected to have taken place, in the setting of the activity or elsewhere.
- (4) For the purposes of section 16LC the operators of a setting in which the activity takes place and staff employed at any such setting in a managerial or general welfare role are deemed to stand in a position of trust and are deemed to have direct contact with children in their care whether or not such children are or have been attended by them.
- (5) For the purposes of section 16LC all other employed or contracted staff or voluntary staff and assistants are deemed to stand in a position of trust only if they have had direct contact with and have attended such children during their time in such a position.
- (6) For the purposes of section 16LC children are or are deemed to be in the care of the providers of the activities set out in Schedule 1A –
 - (a) in the case of the operators of any setting in which the 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 to care for such children, whether such children are resident or in daily attendance wherever the 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.
- (7) The Secretary of State may, in exceptional cases, issue a suspension document to rescind or temporarily suspend the duty referred to in section 16LC in the case of any specified child or children if it appears to the Secretary of State that the child's welfare, safety or protection would be prejudiced or compromised by the fulfilment of the duty.
- (8) Where it appears to the Secretary of State that the welfare, safety and protection of children is furthered, they may exempt –
 - (a) any specified organisation that works with children generally, and its members, or
 - (b) any specified medical officer,from compliance with the duty referred to in section 16LC provided that no allegation is made against that entity or person.

- (9) The Secretary of State may make regulations varying or adding to or deleting from the list of activities in Schedule 1A, whether or not such activities are defined in any enactment as regulated activities involving children.
- (10) A person who makes a report under section 16LC in good faith, or who does any other thing required by sections 16LC to 16LF, may not by so doing be held liable in any civil or criminal or administrative proceeding, and may not be held to have breached any code of professional etiquette or ethics, or to have departed from any acceptable form of professional conduct.
- (11) Reports under section 16LC and the identities of the persons making them must be received and held by their proper recipients in confidence.

16LE Offences

- (1) Failure to fulfil the duty set out in section 16LC following the procedure described in section 16LD before the expiry of the period of seven days of the matter, allegation or suspicion first coming to the knowledge or attention of the provider or of any person whose services are used by the provider as defined in section 16LD is an offence.
- (2) A person who causes or threatens to cause any detriment to a mandated person, being a person placed under the duty to report pursuant to section 16LC above, or to another person, either wholly or partly related to the mandated person's actual or intended provision of a report under section 16LC, is guilty of an offence.
- (3) Detriment includes any personal, social, economic, professional, or other detriment to the person.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a level 5 fine on the standard scale.
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction to a level 4 fine on the standard scale.

16LF Defences

It is a defence—

- (a) for any person to show that the Secretary of State acting pursuant to section 16LD(7) has issued a suspension document;
- (b) for any person employed by or operating as an organisation that works with children or for any medical officer to show that the Secretary of State has by a suspension document, whether temporarily or permanently, exempted it and its members or any medical officer from compliance with the duty in section 16LC;
- (c) to show that a report of the commission of the known or suspected child abuse has been made by any other party to the body or person

under section 16LC(a) to (c) before or during the seven days referred to in section 16LE(1).

16LG Definitions

In sections 16LC to 16LF –

“children” means persons under the age of 18 years;

“operators of a setting”, in the case of schools, sixth form colleges, and colleges of further education in private ownership, includes the proprietors, members of governing bodies, and board members in the case of ownership by a limited liability company;

“providers of activities” has the same meaning as in section 6 of the Safeguarding Vulnerable Groups Act 2006.”

(3) After Schedule 1, insert –

“SCHEDULE 1A

Section 16LC

REGULATED AND OTHER ACTIVITIES

- 1 Education including –
 - (a) schools;
 - (b) sixth form colleges;
 - (c) colleges of further education;
 - (d) pupil referral units;
 - (e) residential special schools;
 - (f) hospital education trusts;
 - (g) settings of education other than at schools;
 - (h) private tuition centres.
- 2 Healthcare including –
 - (a) hospitals;
 - (b) hospices;
 - (c) GP surgeries;
 - (d) walk-in clinics;
 - (e) outpatient clinics.
- 3 Others including –
 - (a) child nurseries and kindergarten provision;
 - (b) childminders and childcare providers registered on the early years register or the compulsory or voluntary part of the childcare register;
 - (c) registered social care providers and managers for children;
 - (d) children's homes;
 - (e) children's hospices;
 - (f) youth offender institutions;
 - (g) the Probation Service;

- (h) private institutions contracted by public bodies to provide services to children;
- (i) organisations providing activities to children, such as sports clubs, music, dance or drama groups, youth clubs, and Ministry of Defence cadet forces including Sea Cadets, the Volunteer Cadet Corps, the Army Cadet Force, the Air Training Corps and the Combined Cadet Force, Fire Cadets;
- (j) organisations providing holidays for children or supervising children while on holiday;
- (k) churches, mosques, synagogues, temples, and other places of worship and religious organisations, and other organisations holding non-religious worldviews;
- (l) services offered to children by local authorities outwith their statutory duties;
- (m) services offered to children by the police outwith their statutory duties;
- (n) transport services including taxis and coaches commissioned by the providers of the regulated activities in this Schedule.””

BARONESS FINLAY OF LLANDAFF
LORD HAMPTON
BARONESS WALMSLEY
BARONESS LISTER OF BURTERSETT

67 After Clause 4, insert the following new Clause –

“Abolition of common law defence of reasonable punishment

- (1) The Children Act 2004 is amended as follows.
- (2) In section 58 (reasonable punishment: England), omit subsections (1) to (4).
- (3) After section 58, insert –

“58A Abolition of common law defence of reasonable punishment

- (1) The common law defence of reasonable punishment is abolished in relation to corporal punishment of a child taking place in England.
- (2) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.
- (3) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted acceptable conduct for the purposes of any other rule of the common law.
- (4) For the purposes of subsections (1) to (3) “corporal punishment” means any battery carried out as a punishment.
- (5) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.

- (6) The power to make regulations under subsection (5) is exercisable by statutory instrument.
- (7) This section comes into force six months after the day on which the Children's Wellbeing and Schools Act 2025 comes into force.

58B Promotion of public awareness and reporting

- (1) The Secretary of State must take steps before the coming into force of section 58A to promote public awareness of the changes to the law to be made by that section.
- (2) The Secretary of State must, five years after its commencement, prepare a report on the effect of the changes to the law made by section 58A.
- (3) The Secretary of State must, as soon as practicable after preparing a report under this section—
 - (a) lay the report before Parliament, and
 - (b) publish the report.
- (4) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.
- (5) The power to make regulations under subsection (4) is exercisable by statutory instrument.””

Member's explanatory statement

This new clause would abolish the common law defence of reasonable punishment in relation to corporal (physical) punishment of a child taking place in England, amend certain provisions of the Children Act 2004 relating to corporal punishment of children and place a duty on the Secretary of State to report this change.

BARONESS BENNETT OF MANOR CASTLE
LORD FARMER
BARONESS BENJAMIN

68 After Clause 4, insert the following new Clause—

“Duty on local authorities to provide family support services for children and families

After section 19 of the Children Act 1989, insert—

“19A Duty on local authorities to provide family support services for children and families

- (1) A local authority has a duty to provide, so far as is reasonably practical, family support services to all children and parents residing in their area.
- (2) Family support services provided by a local authority must—
 - (a) be provided within the authority area,

- 15
- (b) seek to improve the health and educational outcomes of children in the relevant area, and
- (c) seek to reduce the number of children in their area who suffer ill treatment or neglect.
- (3) In this section, “family support services” refer to services which provide children and parents with—
- 20
- (a) advice, guidance or counselling,
- (b) social, cultural or recreational activities, or
- (c) accommodation while receiving services provided under subsections (3)(a) and (b).
- (4) In fulfilling its duty under subsection (1), a local authority must have regard to—
- 25
- (a) the availability of and demand for family support services in its area,
- (b) the availability of and demand for family support services in its area which are capable of meeting different needs, and
- (c) the location of family support services and the equality of access across the authority area.
- (5) A local authority must publish information about family support services—
- 30
- (a) on the authority’s website, and
- (b) in all public libraries in the local authority area.
- (6) The Secretary of State may by regulations make provision relating to the provision of family support services by local authorities.
- 35
- (7) In this section—
- “children and parents” means—
- 40
- (a) a child under the age of 18;
- (b) a young person aged 18-25 who has a diagnosis of special educational needs;
- (c) the parents of a child or young person;
- (d) a person who has parental responsibility for a child or young person; or
- (e) a person who is pregnant.
- 45
- “local authority” means—
- (a) a county council in England;
- (b) a district council in England;
- (c) a London borough council;
- 50
- (d) the Common Council of the City of London (in their capacity as a local authority);
- (e) the Council of the Isles of Scilly;
- (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;”

Member's explanatory statement

This new clause would introduce a requirement on local authorities to provide family support services for all children and parents in their area.

LORD FARMER

As an amendment to Amendment 68

- 68A** In subsection (6), at end insert “, including the establishment of an Earned Autonomy funding scheme.”

LORD FARMER

As an amendment to Amendment 68

- 68B** In subsection (7), after the definition “children and parents”, insert –
- ““Earned Autonomy” means that local authorities can obtain exemption from any centrally determined funding specifications for family support services;”

BARONESS SPIELMAN

- 69** After Clause 4, insert the following new Clause –
- “Common open data standard: children’s wellbeing**
- (1) The Secretary of State may by regulations establish a common open data standard for relevant bodies to use in respect of their statutory duties relating to the safeguarding and welfare of children.
 - (2) Any standard established under subsection (1) must be –
 - (a) non-proprietary, that is not dependent on vendor-specific software;
 - (b) documented such that the structure is publicly available;
 - (c) platform-independent, that is usable across systems;
 - (d) royalty-free or under open licence.
 - (3) “Common open data standard” means a common data rule that allows any user to create compatible and consistent products, processes and services that is publicly available.
 - (4) For the purposes of this section, a “relevant body” means –
 - (a) a local authority;
 - (b) a state-funded school;
 - (c) a children's home;
 - (d) any regulated body with statutory duties relating to children which the Secretary of State may designate by regulations.
 - (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.”

Member's explanatory statement

This amendment would give the Secretary of State the power to establish by regulations a common data standard for information relating to the safeguarding and wellbeing of children so it can be more easily shared between relevant public bodies.

LORD LUCAS

69A After Clause 4, insert the following new Clause –

“Curtailment of rights of contact

- (1) The High Court may remove or curtail the rights of parental contact of a person convicted of a domestic abuse, child abuse or child sexual abuse.
- (2) The High Court must publish annually the total number of times they have removed or curtailed rights of parental contact under subsection (1).”

LORD BLUNKETT

69AA [*Withdrawn*]

LORD WATSON OF INVERGOWRIE

69AB★ After Clause 4, insert the following new Clause –

“Parent-equivalent care by local authorities

In section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them), after subsection (3)(a) insert –

- “(aa) to provide care as would be reasonable to expect a parent to give to them; and”

Member's explanatory statement

This amendment seeks to ensure that the nature and level of parental care expected for children within their own families also applies to corporate parents and to the children's care system. It replaces amendment 146A.

Clause 5THE EARL OF EFFINGHAM
BARONESS STEDMAN-SCOTT

69B Clause 5, page 9, line 12, at end insert –

- “(iii) kinship families.”

Member's explanatory statement

This amendment would ensure the needs and experiences of all members of kinship families are considered and those family members are able to access the support they need, so children can thrive in safe, loving homes within their family network.

LORD HAMPTON

70 Clause 5, page 9, line 26, at end insert –

- “(e) legal support;
- (f) family group decision making.”

Member's explanatory statement

This amendment would require local authorities to include, in the kinship local offer, information on any legal support available including advice services and information on when family group decision making is offered.

THE EARL OF EFFINGHAM

71 Clause 5, page 10, line 5, at end insert –

- “(8) In fulfilling its duties under subsection (7) a local authority must annually consult and collect feedback from children in kinship care and their carers about its kinship local offer.
- (9) Feedback received under subsection (8) must be published annually.”

Member's explanatory statement

This amendment would require local authorities to consult children and carers when reviewing their kinship care offer.

LORD HAMPTON

72 Clause 5, page 10, line 5, at end insert –

- “(8) A local authority must from time to time publish –
 - (a) comments about its kinship local offer it has received from or on behalf of children, kinship carers and others with lived experience of aspects of kinship care;
 - (b) the authority's response to those comments (including details of any action the authority intends to take).
- (9) Comments published under subsection (8)(a) must be published in a form that does not enable the person making them to be identified.
- (10) Regulations made by statutory instrument may make further provision about –
 - (a) information to be included in an authority's kinship local offer;
 - (b) how an authority's kinship local offer is to be published;

- (c) who is to be involved and consulted by an authority in developing, preparing and reviewing its kinship local offer;
- (d) how an authority is to involve children, kinship carers and others with lived experience of aspects of kinship care in the development, preparation and review of its local kinship offer;
- (e) the publication of comments on the kinship local offer, and the local authority's response, under subsection (8)(b) (including circumstances in which comments are not required to be published)."

Member's explanatory statement

This amendment would give the Secretary of State explicit power to set out in regulations how the kinship local offer should be published, when it should be reviewed, and how children and families are to be involved in developing it.

After Clause 5

BARONESS BARRAN
LORD HAMPTON

73 After Clause 5, insert the following new Clause –

“Removal of unregistered status for approved kinship carers

Notwithstanding the provisions of the Care Planning, Placement and Case Review (England) Regulations 2010 (S.I. 2010/959) and the Children Act 1989, no placement of a child with a kinship carer that is approved by the Director of Children’s Services, shall be considered an unregistered placement.”

Member's explanatory statement

This amendment would allow local authorities to place a child with a kinship carer without needing to meet the fostering placement standards, where it is judged by the local authority to be in the best interests of the child, as a registered placement, including for the purposes of Ofsted inspection.

BARONESS BARRAN
LORD HAMPTON

74 After Clause 5, insert the following new Clause –

“Kinship carers: early permanence

In section 10(5B) of the Children Act 1989 (power of court to make section 8 orders), for “of at least one year immediately preceding the application” substitute “determined by the court”.”

Member's explanatory statement

This amendment seeks to remove the requirement for kinship carers to have lived with the child for whom they are making a Section 8 order under the Children Act 1989 for at least one year.

BARONESS BARRAN
LORD HAMPTON

75 After Clause 5, insert the following new Clause –

“Requirements for kinship care approval

Regulation 26 of the Fostering Services (England) Regulations 2011 (S.I. 2011/581) (assessment of prospective foster parents) does not apply to kinship carers.”

Member's explanatory statement

This amendment seeks to remove the requirement for kinship carers who have been approved by the Director of Children's Services, including after a family group decision-making process, to be reassessed by the fostering panel.

BARONESS BARRAN
LORD HAMPTON

76 After Clause 5, insert the following new Clause –

“Kinship care report

- (1) The Secretary of State must, within 12 months of day on which this Act is passed, carry out a full review assessing the effectiveness of the current pathways for approval of kinship carers.
- (2) The Secretary of State must lay a report setting out the findings of the review before each House of Parliament.
- (3) Following the publication of the report in subsection (1), the Secretary of State must introduce regulations for the approval of kinship carers.
- (4) These regulations must seek to –
 - (a) improve the safety and wellbeing of children in kinship care,
 - (b) reduce barriers to becoming a kinship carer,
 - (c) establish the requirement for a kinship child protection plan which is monitored by the local authority for a minimum period and until the arrangements for the child are judged to be safe and the welfare of the child is being promoted, and
 - (d) reduce the burden for local authorities and the family courts.
- (5) A statutory instrument containing regulations under this Act 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 seeks to require the Secretary of State to review and update the approval requirements for kinship carers.

BARONESS BARRAN
LORD HAMPTON

76A After Clause 5, insert the following new Clause—

“Temporary care

In Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 (temporary approval of relative, friend or other person connected with C), omit sub-section (2)(c) and the “and” before it.”

Member's explanatory statement

This amendment seeks to remove the requirement for local authorities to undertake a full assessment of a temporary carer as if they were a foster carer, if they are to get temporary approval.

Clause 6

LORD LUCAS

77 Clause 6, page 11, line 4, leave out subsection (2)

Member's explanatory statement

This amendment seeks to enable debate on the implications of adding “and others” before section 23ZZA of the Children Act 1989.

LORD LUCAS

78 Clause 6, page 11, line 9, at end insert “, and publish what steps it has taken.”

Member's explanatory statement

This amendment seeks to make local authorities' performance in relation to the education achievement of children in need or in kinship care more visible, so as to drive improvement, including for children placed in alternative provision.

BARONESS BARRAN
THE LORD BISHOP OF MANCHESTER

79 Clause 6, page 11, line 15, at end insert—

“(c) all children who were previously looked-after and who are adopted.”

Member's explanatory statement

This amendment seeks to extend the steps local authorities take to promote educational achievement to all previously looked-after children who are adopted.

BARONESS STEDMAN-SCOTT
THE EARL OF EFFINGHAM

80 Clause 6, page 11, line 26, at end insert –

“(e) to improve career and employment opportunities for children within subsection (2).”

Member's explanatory statement

This amendment seeks to include career and employment opportunities as a part of educational achievement.

LORD LUCAS

81 Clause 6, page 11, line 32, at end insert –

“(7) The Secretary of State may by regulations specify how local authorities should report on the educational achievements of children in need or in kinship care.”

Member's explanatory statement

This amendment seeks to make local authorities' performance in relation to the education achievement of children in need or in kinship care more visible, so as to drive improvement, including for children placed in alternative provision.

LORD AGNEW OF OULTON
LORD FARMER

82 Clause 6, page 11, line 32, at end insert –

“(7) All children of secondary school age in kinship care must be offered a funded boarding school place in a state secondary school as near as practically possible to the address of the kinship carer.”

Member's explanatory statement

This amendment seek to encourage higher levels of participation in kinship caring through the provision of boarding places for children in kinship care.

LORD BELLINGHAM

83 Clause 6, page 12, line 5, at end insert –

“(5) Before commencement of subsections (1) to (3) of this section, the Secretary of State must undertake and publish a review of the role, remit and effectiveness of virtual school heads, including the allocation of resources for virtual schools to be able to carry out their duties under this section.

(6) Within six months of the completion of the review, the Secretary of State must publish and lay before Parliament a report on the findings and conclusions of the review.”

Member's explanatory statement

This amendment would require the Secretary of State to carry out a review of the role and remit of the virtual school in regard to all cohorts under the virtual school umbrella, including the allocation of resources for virtual schools to be able to carry out their duties for each of these cohorts, and to report back to Parliament.

Clause 7

LORD WATSON OF INVERGOWRIE
BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL

84 Clause 7, page 12, line 8, after “support” insert “and staying put support”

BARONESS BARRAN

85 Clause 7, page 12, leave out lines 16 to 18 and insert—

- “(2) The authority must assess what staying close support is required in the interests of the person’s welfare, having due regard to the person’s—
- (a) wishes and preferences,
 - (b) accommodation requirements,
 - (c) emotional and practical support needs, and
 - (d) existing support network.”

Member's explanatory statement

This amendment seeks to clarify the scope of the staying close scheme.

LORD WATSON OF INVERGOWRIE
BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL

86 Clause 7, page 12, line 17, after “support” insert “or staying put support”

LORD WATSON OF INVERGOWRIE
BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL

87 Clause 7, page 12, line 20, after “support” insert “or staying put support”

LORD WATSON OF INVERGOWRIE
BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL

88 Clause 7, page 12, line 21, after “support” insert “or staying put support”

THE EARL OF EFFINGHAM

89 Clause 7, page 12, line 23, at end insert –

“(3A) Where staying close support is provided, it must be provided with due regard to the wishes of the relevant person and a record must be kept of that person’s wishes.”

Member's explanatory statement

This amendment seeks to require local authorities to take account of the wishes of the relevant young person when providing staying close support and keep a record of those wishes.

LORD WATSON OF INVERGOWRIE
BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL

90 Clause 7, page 12, line 24, after first “support” insert “and staying put support”

LORD WATSON OF INVERGOWRIE
BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL

91 Clause 7, page 12, line 32, at end insert –

“(4A) “Staying put” has the meaning given by section 23CZA(2) of the Children Act 1989 (arrangements for certain former relevant children to continue to live with former foster parents).”

Member's explanatory statement

This amendment, together with others to this Clause in the name of Lord Watson of Invergowrie, would include staying put support in the support provided by local authorities under this section and extend the provision of ‘staying put’ for young people to the age of 25.

BARONESS BARRAN

92 Clause 7, page 12, line 38, at end insert –

“(c) any other support the local authority deems appropriate.”

Member's explanatory statement

This amendment would allow the local authority to use its discretion to offer additional support to a care leaver under the age of 25.

BARONESS BARRAN

93 Clause 7, page 12, line 38, at end insert –

“(5A) A person specified in subsection (1) can refuse the offer of staying close support.”

Member's explanatory statement

This amendment would allow care leavers to opt out of Staying Close support.

LORD LUCAS

94 Clause 7, page 12, line 40, at end insert –

“(7) A local authority must publish an annual summary of actions taken under this section.”

Member's explanatory statement

This amendment seeks to make local authorities' performance in relation to “staying close support” more visible, so as to drive improvement.

Clause 8

BARONESS TYLER OF ENFIELD
BARONESS BENNETT OF MANOR CASTLE
LORD STOREY

95 Clause 8, page 13, line 7, at end insert –

“(2A) In subsection (2), after paragraph (f) insert –

“(g) financial literacy and financial support.””

Member's explanatory statement

This amendment would introduce a requirement on local authorities to publish information about the services they provide to support care leavers to develop financial literacy and to better understand their financial entitlements as part of their Local Offer for Care Leavers.

BARONESS BARRAN

96 Clause 8, page 13, line 25, at end insert –

“(e) setting out the transition arrangements for health and primary care for care leavers.”

Member's explanatory statement

This amendment seeks to include robust transition arrangements for health and into primary care for care leavers.

LORD FARMER

97 Clause 8, page 13, line 25, at end insert –

“(e) enabling care leavers to maintain, strengthen and build family and social relationships.”

LORD LUCAS

98 Clause 8, page 13, line 29, at end insert –

“(2C) A local authority must publish an annual summary of actions taken under this section.”

Member's explanatory statement

This amendment seeks to make local authorities' performance in relation to local offers for care leavers more visible, so as to drive improvement.

After Clause 8

BARONESS BENNETT OF MANOR CASTLE
LORD RUSSELL OF LIVERPOOL
LORD FARMER
BARONESS BENJAMIN

99 After Clause 8, insert the following new Clause –

“National offer for care leavers

After section 2 of the Children and Social Work Act 2017 insert –

“2A National offer for care leavers

- (1) The Secretary of State must publish information about services which care leavers in all areas of England should be able to access to assist them in adulthood and independent living or in preparing for adulthood and independent living.
- (2) For the purposes of subsection (1), services which may assist care leavers in adulthood and independent living or in preparing for adulthood and independent living include services relating to –
 - (a) health and well-being;
 - (b) relationships;
 - (c) education and training;
 - (d) employment;
 - (e) accommodation;
 - (f) participation in society.
- (3) Information published by the Secretary of State under this section is to be known as the “National Offer for Care Leavers”.
- (4) The Secretary of State must update the National Offer for Care Leavers from time to time.
- (5) Before publishing or updating the National Offer for Care Leavers the Secretary of State must consult with relevant persons about which services may assist care leavers in adulthood and independent living or in preparing for adulthood and independent living.

(6) In this section—

“care leavers” means—

- (a) eligible children within the meaning given by paragraph 19B of Schedule 2 to the Children Act 1989;
- (b) relevant children within the meaning given by section 23A(2) of that Act;
- (c) persons aged under 25 who are former relevant children within the meaning given by section 23C(1) of that Act;
- (d) persons qualifying for advice and assistance within the meaning given by section 24 of that Act;

“relevant persons” means—

- (a) such care leavers as appear to the Secretary of State to be representative of care leavers in England;
- (b) other Ministers of State who have a role in arranging services that may assist care leavers in or preparing for independent living.”

Member's explanatory statement

This new clause would introduce a new requirement on the Secretary of State for Education to publish a national offer detailing what support care leavers are entitled to claim by expanding the provisions in the Children and Social Work Act 2017 which require local authorities to produce a “Local offer”.

After Clause 9

LORD YOUNG OF COOKHAM
BARONESS BENJAMIN

100 After Clause 9, insert the following new Clause—

“Extension of priority need status to under 25s

- (1) The Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2022/2051) is amended as follows.
- (2) In article (4), paragraph (1)(a), for “twenty-one” substitute “twenty-five”.
- (3) In article (5), omit paragraph (1).”

BARONESS TYLER OF ENFIELD
LORD STOREY
LORD FARMER

101 After Clause 9, insert the following new Clause—

“Promoting relationships for looked after children

In section 22(3A) of the Children Act 1989, at end insert “and a duty to promote the child’s family and social relationships in ways which are consistent with the child’s welfare.”

BARONESS TYLER OF ENFIELD
LORD STOREY

102 After Clause 9, insert the following new Clause –

“Sibling contact for looked after children

- (1) In section 34(1) of the Children Act 1989, after paragraph (d) insert –
“(e) their siblings (whether of the whole or half blood).”
- (2) In paragraph 15(1) of Schedule 2 to the Children Act 1989, after paragraph (c) insert –
“(d) their siblings (whether of the whole or half blood).”

Member's explanatory statement

This amendment would place the same emphasis on promoting looked after children's relationships with their siblings, as already exists with parents.

LORD STOREY

103 After Clause 9, insert the following new Clause –

“Extension of pupil premium to children subject to a kinship care arrangement

- (1) The Secretary of State must, for the financial year beginning 1 April 2026 and for each year thereafter, provide that an amount is payable from the pupil premium grant to schools and local authorities in respect of each registered pupil in England who is who is a child living in kinship care.
- (2) The amount payable under subsection (1) must be equal to the amount that is payable for a pupil who is a looked after child.
- (3) In this section –
“a child living in kinship care” is to be interpreted in the same manner as given in section 22I of the Children Act 1989, as inserted by section 5 of this Act;
“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 would extend the pupil premium to children subject to a kinship care arrangement.

LORD STOREY

104 After Clause 9, insert the following new Clause –

“Kinship care allowance

- (1) A person is entitled to a kinship care allowance for any week in which that person is engaged as a kinship carer in England.
- (2) For the purposes of this section, a “kinship carer” has the meaning given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.
- (3) A person is not entitled to an allowance under this section unless that person satisfies conditions prescribed in regulations made by the Secretary of State.
- (4) A person may claim an allowance under this section in respect of more than one child.
- (5) Where two or more persons would be entitled for the same week to such an allowance in respect of the same child, only one allowance may be claimed on the behalf of –
 - (a) the person jointly elected by those two for that purpose, or
 - (b) in default of such an election, the person determined by, and at the discretion of, the Secretary of State.
- (6) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a child under an eligible kinship care arrangement.
- (7) An allowance under this section is payable at the weekly rate specified by the Secretary of State in regulations.
- (8) Regulations under subsection (7) may specify –
 - (a) different weekly rates for different ages of children being cared for, or
 - (b) different weekly rates for different regions of England.
- (9) Regulations under subsection (7) must specify a weekly rate that is no lower than the minimum weekly allowance for foster carers published by the Secretary of State pursuant to section 23 of the Care Standards Act 2000.
- (10) 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 would mean a person is entitled to a kinship care allowance for any week in which that person is engaged as a kinship carer in England.

LORD WATSON OF INVERGOWRIE
LORD RUSSELL OF LIVERPOOL

105 After Clause 9, insert the following new Clause –

“Register of foster carers

- (1) The Secretary of State must introduce a register of local authority foster parents and independent foster parents who are –
 - (a) currently fostering children, or
 - (b) available to foster children.
- (2) For the purposes of subsection (1), “local authority foster parent” is defined in accordance with section 105 of the Children Act 1989.”

Member's explanatory statement

This amendment would introduce a register of foster carers. The intention is that having such a register, as exists for social workers, would improve the safeguarding of children, and matching and sufficiency of placements, and improve the status of foster carers.

THE LORD BISHOP OF MANCHESTER

106 After Clause 9, insert the following new Clause –

“Review of disparities affecting care leavers

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, undertake a review of the disparities that a relevant child, or former relevant child, may face compared to other children or young adults.
- (2) The review must in particular consider the social issues which a relevant child, or former relevant child, may face, including –
 - (a) education and training,
 - (b) employment,
 - (c) forming and sustaining relationships with family, friends or other persons,
 - (d) financial security and poverty,
 - (e) health (which includes both mental and physical health),
 - (f) housing,
 - (g) interaction with the justice system.
- (3) The review must also in particular consider any potential discrimination a relevant child, or former relevant child, may face because of their status as a relevant child, or former relevant child.
- (4) The Secretary of State must within 24 months of the day on which this Act is passed –
 - (a) prepare and publish a report of the review, and
 - (b) lay a copy of the report before Parliament.
- (5) In this section –

“relevant child” –

- (a) in England and Wales, has the meaning given by section 23A(2) of the Children Act 1989,
- (b) in Scotland, is to be construed in accordance with section 26A of the Children (Scotland) Act 1995;

“former relevant child” –

- (a) in England and Wales, has the meaning given by section 23C(1) of the Children Act 1989 and is aged under 25,
- (b) in Scotland, applies to anyone who is could qualify for the after-care provisions in section 29 of the Children (Scotland) Act 1995;

“young adult” means a person aged 18 or over but under 25.”

Member's explanatory statement

This new Clause requires the Secretary of State to undertake a review of the disparities which care leavers face, prepare a report of the review and lay the report before Parliament.

LORD STOREY
BARONESS BARRAN

107 After Clause 9, insert the following new Clause –

“Adoption and special guardianship support fund review

- (1) Within one month of the day on which this Act is passed, the Secretary of State must conduct a review of the level of funding available per child from the adoption and special guardianship support fund.
- (2) The review must produce recommendations regarding any steps necessary to increase the funds available per child.
- (3) The review must be laid before both Houses of Parliament.”

BARONESS BARRAN

107A After Clause 9, insert the following new Clause –

“General Practice Services for care leavers

When negotiating contracts under The National Health Service (General Medical Services Contracts) Regulations 2015 the Secretary of State must have due regard to the potential negative impact on care leavers under 25 of not having adequate levels of access to GP services.”

Member's explanatory statement

This probing amendment would place a duty on the Secretary of State to have due regard to the needs of care leavers when negotiating general practice contracts in the future.

LORD WATSON OF INVERGOWRIE

107B After Clause 9, insert the following new Clause –

“Remedial orders for children in care

After section 42 of the Children Act 1989 (right of officer of the Service to have access to local authority records) insert –

“42A Remedial orders for children in care

- (1) Where a court is satisfied that there is reasonable cause to believe that a child who is in the care of a local authority is experiencing, or is at risk of experiencing, significant harm, on an application by or for that child, the court may –
 - (a) prohibit a local authority from taking any act (or proposed act) which it otherwise would be entitled to take in exercising its parental responsibility for the child, or
 - (b) require a local authority with parental responsibility for the child to take such action as is necessary to safeguard or promote the child’s welfare.
- (2) A child making an application to the court for an order under this section shall be presumed to have sufficient understanding unless evidence to the contrary is presented to the court.
- (3) The following persons are entitled to apply to the court for an order under this section with respect to a child in the care of a local authority –
 - (a) any parent or person who has parental responsibility for the child;
 - (b) the child’s independent reviewing officer;
 - (c) a local authority foster parent if the child has lived with him for a period of at least one year;
 - (d) an independent advocate acting for the child.
- (4) Before making an application to the court for an order under this section with respect to a child, a person in subsection (3) must obtain the ascertainable views, wishes and feelings of the child about the proposed application, and these shall be provided in the application to the court.
- (5) In this section –
 - “in the care of a local authority” means a child who is the subject of a care order or interim care order;
 - “harm” has the same meaning as in section 31(9);
 - “significant” in respect of the child’s health or development has the same meaning as in section 31(10).”

Member's explanatory statement

This amendment would provide new protections for looked after children as recommended by the Independent Inquiry into Child Sexual Abuse.

LORD STOREY

107C After Clause 9, insert the following new Clause—

“Restoration of funding to the adoption and special guardianship support fund

Within one month of the day on which this Act is passed, the Secretary of State must increase the funding available per child per year under the adoption and special guardianship support fund to a level equal to or greater than the funding available per child under the fund in March 2025.”

Member's explanatory statement

This amendment would reverse the cut to the adoption and special guardianship support fund.

Clause 10

BARONESS LONGFIELD

108 Clause 10, page 14, line 35, after “accommodation” insert “to meet the needs”

BARONESS LONGFIELD

109 Clause 10, page 14, line 36, at end insert “as close to home as reasonably practicable”

BARONESS LONGFIELD

110 Clause 10, page 14, line 37, leave out “for meeting those requirements” and insert “to ensure a range of accommodation that is within, or near to, the local authority’s area, and that is capable of meeting the differing needs of children being looked after by the local authority”

BARONESS LONGFIELD

111 Clause 10, page 15, line 1, after “of” insert “sufficient local”

BARONESS LONGFIELD

112 Clause 10, page 15, line 1, leave out “for” and insert “to meet the needs of”

BARONESS LONGFIELD

113 Clause 10, page 15, line 2, at end insert “as close to home as reasonably practicable”

BARONESS LONGFIELD

114 Clause 10, page 15, line 5, after “of,” insert “sufficient”

BARONESS LONGFIELD

- 115** Clause 10, page 15, line 5, after “new” insert “local”

BARONESS LONGFIELD

- 116** Clause 10, page 15, line 7, after “authority” insert “as close to home as reasonably practicable”

BARONESS BARRAN

- 116A** Clause 10, page 15, leave out lines 8 to 10

Member's explanatory statement

This amendment seeks to remove the Secretary of State's power to add to the list of strategic accommodation functions for local authorities.

BARONESS CASH

- 116B** Clause 10, page 15, line 10, at end insert –

- “(3A) Each local authority participating in a regional care arrangement must assess, on an ongoing basis, whether there is sufficient provision of placements to meet the current and foreseeable needs of looked after children for whom it is responsible.
- (3B) Where any insufficiency is identified under subsection (3A), the authority must publish and implement a plan to address gaps in provision, with particular regard to –
- (a) fostering and residential placements,
 - (b) placements for children with complex or specialist needs, and
 - (c) the availability of not-for-profit, public sector and kinship-based care.
- (3C) In carrying out the functions under subsections (3A) and (3B), the authority must consult with Integrated Care Boards, NHS England, and relevant education bodies.
- (3D) Each local authority participating in a regional care arrangement must ensure that the commissioning of placements under the arrangement supports, where it is safe to do so, the maintenance of –
- (a) sibling relationships,
 - (b) contact with birth family and connected persons, and
 - (c) children's ties to their local community, school, and cultural environment.”

Member's explanatory statement

This amendment places duties on local authorities participating in regional care arrangements to assess sufficiency, plan for complex needs, and protect the relational and community ties of children in care.

BARONESS TYLER OF ENFIELD
 BARONESS BENNETT OF MANOR CASTLE
 BARONESS WALMSLEY
 LORD RUSSELL OF LIVERPOOL

117 Clause 10, page 15, line 13, at end insert –

“(aa) children and young people who are and have been looked after by local authorities, and”

Member's explanatory statement

This amendment would ensure that the views of children and young people are considered before making regulations in relation to local authority duties to secure accommodation for looked after children.

LORD WATSON OF INVERGOWRIE

117ZA Clause 10, page 15, line 15, at end insert –

“(4A) No regulations may be made under subsection (3)(f) until regulations under section 11 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 on providing legal aid on a non-means tested basis in relation to proceedings that may result in the deprivation of a child’s liberty have come into force.”

Member's explanatory statement

This amendment would provide that the provisions in the Bill on accommodation for the deprivation of liberty for children cannot come into force until legal aid has been provided on a non-means tested basis for children at risk of this.

BARONESS BARRAN

117A Clause 10, page 16, line 2, at end insert –

“(11) Regional co-operation arrangements must –
 (a) be included in Ofsted local authority inspections, and
 (b) include both registered and unregistered provision.”

Member's explanatory statement

This amendment would require Ofsted to inspect regional cooperation arrangements.

BARONESS CASH

117B Clause 10, page 16, line 2, at end insert –

“(11) Nothing in this section shall be taken to discharge or modify the duties of local authorities in relation to the placement of looked after children under this Act and associated regulations, including the duty to place children in accordance with section 22C(7) of this Act.”

Member's explanatory statement

This amendment makes clear that the creation of regional care arrangements does not alter existing legal duties on local authorities to act in the best interests of children when making placements.

BARONESS CASH

117C Clause 10, page 16, line 2, at end insert –

“(11) All local authorities, either individually or collectively within a regional care arrangement, must collect and report to the Secretary of State at regular intervals no less than quarterly, the following additional data relating to the provision of placements –

- (a) the number of placement breakdowns by –
 - (i) category of provision type;
 - (ii) cause;
 - (iii) proximity to home;
- (b) the number of children re-entering care by –
 - (i) category of provision;
 - (ii) cause;
 - (iii) proximity to home;
- (c) their projections of future demand for placements, disaggregated by type, location and level of need;
- (d) where the supplier is not a foster carer or a public supplier, the average cost per placement disaggregated by –
 - (i) category of provision;
 - (ii) level of need;
 - (iii) location.”

Member's explanatory statement

This amendment inserts a duty on local authorities within regional care arrangements to collect and report key data on placement sufficiency, cost and outcomes for improved transparency.

BARONESS CASH

117D Clause 10, page 16, line 2, at end insert –

“(11) the Secretary of State must publish an annual summary of data collected under this section, and must share that summary with –

- (a) Ofsted, to inform its annual report on placement sufficiency and stability, and
- (b) the Competition and Markets Authority, to inform any market studies or investigations concerning the children's care placements sector.”

Member's explanatory statement

This amendment ensures that placement data collected by local authorities is used to inform national reports and market oversight by existing public bodies.

After Clause 10

LORD LUCAS

118 After Clause 10, insert the following new Clause—

“Accommodation of looked after children: restrictions

After section 22J of the Children Act 1989 (inserted by section 10), insert—

“22K Accommodation of looked after children: restrictions

Looked after children may not be accommodated in adult homes or hostels.””

LORD AGNEW OF OULTON
LORD FARMER

119 After Clause 10, insert the following new Clause—

“Boarding school offer for looked after children

All looked after children of secondary school age must be offered a funded boarding school place in a state secondary school in their local authority area.”

Clause 11

BARONESS BARRAN

119A Clause 11, page 16, line 19, after “local authority”, insert “or who has an EHCP and is in receipt of residential care”

Member's explanatory statement

This amendment seeks to include children with EHCPs in residential care and allow residential schools to use deprivation of liberty in specific settings for specific children rather than moving them to a residential home.

BARONESS BARRAN

119B Clause 11, page 16, leave out lines 28 to 30

Member's explanatory statement

This amendment seeks to probe what is meant by 'likely to injure themselves or others' and how this threshold is applied.

BARONESS BARRAN
LORD FARMER

120 Clause 11, page 16, line 30, at end insert –

“(1AA) A child who is being looked after by a local authority in England and is under the age of 13 may not, whilst being kept in relevant accommodation in England, be deprived of their liberty in that accommodation unless this has been authorised by the Secretary of State.”

Member's explanatory statement

This amendment would ensure that deprivation of liberty orders could not be issued to children under the age of 13 unless expressly authorised by the Secretary of State, in line with provisions relating to children's homes.

BARONESS BARRAN

120A Clause 11, page 16, line 33, after “care” insert “, education”

Member's explanatory statement

This amendment seeks to ensure that children deprived of their liberty have access to education.

BARONESS BARRAN
THE LORD BISHOP OF MANCHESTER

121 Clause 11, page 16, line 37, at end insert “, and this is reflected in its statement of purpose, and”

Member's explanatory statement

This amendment, along with another in the name of Baroness Barran, seek to ensure only registered children's homes can be used as relevant accommodation, and that this purpose is reflected in the establishment's statement of purpose.

BARONESS BARRAN
THE LORD BISHOP OF MANCHESTER

122 Clause 11, page 16, line 37, at end insert –

“(c) is a registered children's home.”

Member's explanatory statement

This amendment, along with another in the name of Baroness Barran, seek to ensure only registered children's homes can be used as relevant accommodation, and that this purpose is reflected in the establishment's statement of purpose.

BARONESS BARRAN

123 Clause 11, page 16, line 37, at end insert –

“(1C) The Director of Children’s Services must review a deprivation of liberty order under this section every 4 weeks to ensure that it is appropriate for the order to remain in place.”

Member's explanatory statement

This amendment would require a review of deprivation of liberty orders to ensure that they remain appropriate for the relevant child.

BARONESS BARRAN
THE LORD BISHOP OF MANCHESTER

124 Clause 11, page 17, line 4, at end insert –

“(4A) After subsection (2) insert –

“(2A) Regulations made under subsection (2) must apply equally to children deprived of their liberty, whether in secure accommodation or relevant accommodation, and the Secretary of State must consult any persons they consider appropriate before making such regulations.

(2B) It is the duty of a court hearing an application under this section to have regard to the general principle that the deprivation of liberty of a child is a measure of last resort.

(2C) Unless it would not be consistent with the child’s welfare, a local authority making an application to the court under this section must propose accommodation for the child which –

- (a) has been judged to be providing high quality care and treatment within the last 12 months by the Office for Standards in Education, Children’s Services and Skills or the Care Inspectorate Wales,
- (b) has other children living there,
- (c) is near the child’s home, and
- (d) has been approved by the local authority’s Director of Children’s Services.

(2D) Where an application is made under this section with respect to a child, the appropriate local authority must, within such time as the court may direct, prepare a plan setting out the action to be taken to end the deprivation of liberty of that child (a “recovery plan”).”

Member's explanatory statement

This amendment seeks to introduce additional protections for all looked-after children deprived of their liberty under section 25 of the Children Act 1989, in both secure accommodation and relevant accommodation.

BARONESS SMITH OF MALVERN

125 Clause 11, page 17, line 12, at end insert –

“(6A) In subsection (5A), for “restrict the child’s” substitute “deprive the child of their”.”

Member's explanatory statement

This amendment ensures consistency with the terminology in section 25 of the Children Act 1989 as amended by clause 11.

BARONESS BERRIDGE

126 Clause 11, page 17, line 23, at end insert –

“(8ZB) For the purposes of this section, any children deprived of their liberty under the inherent jurisdiction of the High Court shall be deemed to be looked after children.”

BARONESS BARRAN

127 Clause 11, page 17, line 23, at end insert –

“(8A) After subsection (9) insert –

“(10) Where a child is kept in secure accommodation under this section, the relevant local authority has a duty to provide therapeutic treatment for the child.””

Member's explanatory statement

This amendment would place a duty on local authorities to provide therapeutic treatment for children subject to a deprivation of liberty order.

BARONESS SMITH OF MALVERN

128 Clause 11, page 17, line 24, leave out subsection (9) and insert –

“(9) In section 93 of the Children (Scotland) Act 1995 (interpretation) –

(a) in the definition of “secure accommodation”, omit paragraph (b);

(b) after that definition insert –

““secure accommodation”, in relation to England, means secure accommodation within the meaning of section 25 of the Children Act 1989 or relevant accommodation within the meaning of that section;”.

(10) In section 202(1) of the Children’s Hearings (Scotland) Act 2011 (asp 1) (interpretation) –

(a) in the definition of “secure accommodation”, omit paragraph (b);

(b) after that definition insert –

““secure accommodation”, in relation to England, means secure accommodation within the meaning of section 25 of the Children Act 1989 or relevant accommodation within the meaning of that section.”.

Member's explanatory statement

This amendment ensures that the clause 11 amendments to section 25 of the Children Act 1989, to allow local authorities in England and Wales to seek authorisation for the deprivation of liberty of children in accommodation provided for care and treatment in England, extend to local authorities in Scotland.

After Clause 11

BARONESS TYLER OF ENFIELD
LORD STOREY
LORD RUSSELL OF LIVERPOOL

129 After Clause 11, insert the following new Clause –

“Amending the sufficiency duty to prevent children being moved far away from home

- (1) Section 22G of the Children Act 1989 is amended as follows.
- (2) In subsection (1), for “steps that secure, so far as reasonably practicable” substitute “all reasonable steps to secure”.
- (3) In subsection (2)(a), after “within” insert “or is near to”.
- (4) In subsection (3)(c), for “in” substitute “within, or is near to”.
- (5) In subsection (4), omit from “having” to the end and substitute “there being a range of accommodation that –
 - (a) is within, or near to, the authority’s area, and
 - (b) is capable of meeting the differing needs of the children mentioned in subsection (3).”

Member's explanatory statement

This new clause amends the sufficiency duty to prevent children being moved far away from home.

BARONESS TYLER OF ENFIELD
LORD STOREY
LORD RUSSELL OF LIVERPOOL

130 After Clause 11, insert the following new Clause –

“Extending “staying put arrangements” to the age of 25

In section 23CZA(6) of the Children Act 1989, for “21” substitute “25”.

Member's explanatory statement

This amendment would extend the Staying Put scheme to the age of 25.

BARONESS BENNETT OF MANOR CASTLE

131 After Clause 11, insert the following new Clause –

“Use of restraint on children in care and subject to deprivation of liberty orders

The Secretary of State must, within 12 months of the day on which this Act is passed, and every 12 months thereafter, lay before Parliament a report on the use of restraint on children –

- (a) in care settings, and
- (b) subject to deprivation of liberty orders.”

BARONESS BARRAN
THE LORD BISHOP OF MANCHESTER
LORD STOREY

132 After Clause 11, insert the following new Clause –

“Independent reviewing officer functions in relation to deprivation of liberty

- (1) Section 25B of the Children Act 1989 (functions of the independent reviewing officer) is amended as follows.
- (2) After subsection (3) insert –
 - “(3A) It shall be the duty of the independent reviewing officer to refer a child’s case to an officer of the Children and Family Court Advisory and Support Service if the child’s recovery plan made under section 25 is not effectively implemented by the local authority or any other body or person.””

Member's explanatory statement

This amendment seeks to expand the legal duties of the independent reviewing officer, building upon section 25B of the Children Act 1989 and Regulation 45(3) of the Care Planning, Placement and Case Review (England) Regulations 2010.

LORD FARMER

133 After Clause 11, insert the following new Clause –

“Local Authority support for children subject to deprivation of liberty orders in their relationships

Information required to be published by a local authority includes information about the authority’s arrangements for enabling children subject to deprivation of liberty orders to maintain, strengthen and build family and social relationships.”

BARONESS BARRAN

134 After Clause 11, insert the following new Clause –

“Foster care: room sharing

In section 23 of the Care Standards Act 2000 after subsection (4) insert –

- “(5) The national minimum standards under this section must include a clear statement that it is appropriate for children over the age of three years to share a room provided the fostering service provider takes into account any potential for bullying, any history of abuse or abusive behaviour, the wishes of the children concerned and all other pertinent facts.”

Member's explanatory statement

This amendment would require the Secretary of State to update the Fostering Services: National Minimum Standards and include a clear statement that it is appropriate for children over the age of three years to share a room provided the fostering service provider has taken into account the same issues which are currently to be taken into account when a room-sharing decision is made under the existing standards.

Clause 12

BARONESS BARRAN

135 Clause 12, page 17, line 34, leave out “Improvement plan notice” and insert “Requirement for inspection”

BARONESS BARRAN

136 Clause 12, page 17, line 35, leave out from “may” to end of line 36 and insert, “order an inspection of a parent undertaking, or any of its subsidiaries, if it has –”

Member's explanatory statement

This amendment seeks to require an inspection rather than an improvement plan notice.

BARONESS BARRAN

137 Clause 12, page 18, line 18, at end insert –

- “(3A) The CIECSS may require an unannounced visit by a Regulation 44 visitor to a children’s home, if it reasonably suspects that there are administrative breaches or minor concerns about the quality of care being provided.
- (3B) After a Regulation 44 visitor has inspected the relevant children’s home or homes, the local authority may issue an improvement plan notice based on their findings.”

Member's explanatory statement

This amendment would rely on the use of Regulation 44 visitors to inform the content of an improvement plan notice where the CIECSS has concerns about minor or technical breaches.

BARONESS BARRAN

138 Clause 12, page 18, line 19, leave out from beginning to end of line 10 on page 19

Member's explanatory statement

This amendment seeks to probe how the Department for Education intend improvement plans to work in practice.

BARONESS BARRAN

138A★ Clause 12, page 19, line 22, at end insert –

“(3) The CIECSS must inform the relevant commissioning local authorities when an improvement plan notice is served.”

Member's explanatory statement

This amendment would require the Chief Inspector of Education, Children's Services and Skills to inform commissioning local authorities when an improvement plan notice is served.

BARONESS BARRAN

138B★ Clause 12, page 20, line 27, at end insert –

“(6) The CIECSS must inform the relevant commissioning local authorities when an improvement plan is cancelled.”

Member's explanatory statement

This amendment would require the Chief Inspector of Education, Children's Services and Skills to inform commissioning local authorities when an improvement plan is cancelled.

BARONESS BARRAN

138C★ Clause 12, page 21, line 27, at end insert –

“(8) The CIECSS must inform the relevant commissioning local authorities when an improvement plan is appealed.”

Member's explanatory statement

This amendment would require the Chief Inspector of Education, Children's Services and Skills to inform commissioning local authorities when an improvement plan is appealed.

Clause 13

LORD AGNEW OF OULTON

139 [Withdrawn]

BARONESS BARRAN

- ★ *Baroness Barran gives notice of her intention to oppose the Question that Clause 13 stand part of the Bill.*

Clause 14BARONESS TYLER OF ENFIELD
LORD STOREY

140 Clause 14, page 25, line 3, at end insert –

“(c) a supported accommodation setting in England;”

Member's explanatory statement*This amendment extends financial oversight measures to supported accommodation.*

BARONESS BARRAN

140A★ Clause 14, page 27, line 38, at end insert –

“(e) the proposed actions set out in any recovery and resolution plan by the reviewed person.”

Member's explanatory statement*This amendment seeks to require a review and resolution plan as part of the independent business review.*

BARONESS BARRAN

- ★ *Baroness Barran gives notice of her intention to oppose the Question that Clause 14 stand part of the Bill.*

Member's explanatory statement*This amendment seeks to remove the proposed financial oversight regime for providers of children's care homes and fostering services.*

Clause 15

LORD ADDINGTON

141 Clause 15, page 29, line 34, at end insert –

- “(c) independent schools wholly or mainly concerned with the provision of education and care for pupils with SEND.”

Member's explanatory statement

This amendment seeks to include independent special schools within the profit cap provision.

BARONESS LONGFIELD

142 Clause 15, page 29, line 34, at end insert –

- “(c) a supported accommodation setting in England.”

After Clause 18

LORD YOUNG OF COOKHAM
THE LORD BISHOP OF MANCHESTER
LORD HAMPTON
BARONESS TYLER OF ENFIELD

143 After Clause 18, insert the following new Clause –

“National foster care strategy

- (1) The Secretary of State must, within six months of the day on which this Act is passed, launch a dedicated foster care strategy.
- (2) The strategy may examine –
 - (a) the sufficiency of foster carer provision, and make recommendations for how this could be improved;
 - (b) inefficiencies, if any, in current foster care commissioning practices, and make recommendations for improvement;
 - (c) where further research is required to gain a fully comprehensive view of the foster care sector.”

LORD WATSON OF INVERGOWRIE
LORD RUSSELL OF LIVERPOOL

144 After Clause 18, insert the following new Clause –

“Extension of the ban on unregulated accommodation for 16 and 17 year-olds

- (1) In the Care Planning, Placement and Case Review (England) Regulations 2010 –
 - (a) in Regulation 27A (Prohibition on placing a child under 16 in an unregulated setting) –

- (i) in the title, for “16” substitute “18”, and
- (ii) for “16” substitute “18”,
- (b) in Regulation 27B (Exception to the prohibition on placing a child under 16 in other arrangements), after paragraph (1), insert –
 - “(1A) The Secretary of State must ensure that all accommodation provided to looked after children aged 16 and 17 meets the standards of regulated children’s homes or other regulated supported accommodation.”
- (2) In section 22C of the Children Act 1989 (Ways in which looked after children are to be accommodated and maintained), after subsection (6) insert –
 - “(6A) A local authority must not place a looked after child aged 16 or 17 in unregulated accommodation that does not meet the requirements set out in subsection (7).”

Member's explanatory statement

This new clause would ensure that all accommodation provided to looked after children aged 16 and 17 meets the standards of regulated children’s homes or other regulated supported accommodation.

LORD WATSON OF INVERGOWRIE
LORD RUSSELL OF LIVERPOOL

145 After Clause 18, insert the following new Clause –

“Review of adoption support offered by local authorities

- (1) The Secretary of State must, within 12 months of the passing of this Act, conduct a review of the adequacy and effectiveness of adoption support services provided by local authorities.
- (2) The review must include services provided by adoption agencies which have been commissioned by local authorities.
- (3) The review must consider in particular –
 - (a) any updates required to existing regulations and guidance relating to adoption, and
 - (b) the support needs of, and support services currently available or provided to –
 - (i) relevant parties in relation to birth family contact;
 - (ii) young adult adoptees in relation to their transition to adulthood;
 - (iii) adult adoptees.
- (4) Within six months of the completion of the review, the Secretary of State must publish and lay before Parliament a report on the findings and conclusions of the review.”

Member's explanatory statement

This new clause would introduce a requirement on the Secretary of State for Education to conduct a review of adoption support services provided by local authorities and publish the findings.

After Clause 20

LORD STOREY

146 After Clause 20, insert the following new Clause—

“Kinship care leave

- (1) The Secretary of State must, by regulations, entitle an individual to be absent from work on care leave under this section where—
 - (a) the individual is a kinship carer, and
 - (b) the individual satisfies conditions specified in the regulations.
- (2) Regulations made under subsection (1) must include provision for determining—
 - (a) the extent of an individual’s entitlement to leave under this section, and
 - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that—
 - (a) where one individual is entitled to leave under this section, they are entitled to at least 52 weeks of leave, or
 - (b) where more than one individual is entitled to leave under this section in respect of the same child, those individuals are entitled to share at least 52 weeks of leave between them.
- (4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last—
 - (a) at least one year, and
 - (b) until the child being cared for attains the age of 18.
- (5) For the purposes of this section, a “kinship carer” has the meaning given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.
- (6) Regulations made under this section may make provision about how leave under this section is to be taken.”

Member's explanatory statement

This amendment would introduce an entitlement for an individual to be absent from work on care leave where the individual is a kinship carer.

Clause 21

LORD WATSON OF INVERGOWRIE

146A [Withdrawn]

THE LORD BISHOP OF MANCHESTER

146B Clause 21, page 39, line 21, at end insert –

- (e) to have due regard to the need to remove or minimise the disadvantages suffered by looked-after children and relevant young persons.”

Member's explanatory statement

The amendment seeks to expand and strengthen Clause 21 by replacing the light-touch duty to be “alert to” their needs with a stronger requirement for public bodies to have “due regard” to eliminating disadvantage and to take reasonable steps to mitigate any harmful effects of their policies. The amendment intends to create a legally enforceable, lifelong safeguard for anyone who has ever been in care.

BARONESS LISTER OF BURTERSETT

147 Clause 21, page 39, line 21, at end insert –

- “(1A) When discharging its duty under subsection (1), the relevant authority must consider the right to British citizenship of looked-after and relevant young people and how that entitlement can be secured to avoid adverse effect on their wellbeing.”

THE LORD BISHOP OF MANCHESTER

147A Clause 21, page 39, line 27, at end insert –

- “(2A) A relevant authority exercising the duty under subsection (1) shall take reasonable steps to avoid, reduce or otherwise mitigate any adverse impact of its policies and practices on looked-after children and relevant young persons.”

Member's explanatory statement

The amendment seeks to expand and strengthen Clause 21 by replacing the light-touch duty to be “alert to” their needs with a stronger requirement for public bodies to have “due regard” to eliminating disadvantage and to take reasonable steps to mitigate any harmful effects of their policies. The amendment intends to create a legally enforceable, lifelong safeguard for anyone who has ever been in care.

Schedule 1

BARONESS SMITH OF MALVERN

148 Schedule 1, page 126, line 2, after “board” insert “established under section 14Z25 of the National Health Service Act 2006”

Member's explanatory statement

This amendment clarifies the entry in Schedule 1 relating to integrated care boards.

BARONESS SMITH OF MALVERN

- 149 Schedule 1, page 126, line 3, after “trust” insert “within the meaning given by section 30 of the National Health Service Act 2006”

Member's explanatory statement

This amendment clarifies the entry in Schedule 1 relating to NHS foundation trusts.

BARONESS SMITH OF MALVERN

- 150 Schedule 1, page 126, line 4, after “trust” insert “established under section 25 of the National Health Service Act 2006”

Member's explanatory statement

This amendment ensures that the reference in Schedule 1 to an NHS trust is a reference to an NHS trust in England.

BARONESS STEDMAN-SCOTT
THE EARL OF EFFINGHAM

- 151 Schedule 1, page 126, line 6, at end insert –
“15 Jobcentre Plus.”

Member's explanatory statement

This amendment seeks to add Jobcentre Plus to the list of relevant authorities.

Clause 22BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF MANCHESTER
BARONESS BENJAMIN

- 152 Clause 22, page 40, line 3, leave out paragraph (a)

Member's explanatory statement

This amendment ensures that the duty, of every relevant authority to looked-after children and relevant young people, contained in section 21(1), also applies when the Secretary of State in exercising immigration, asylum and nationality functions.

After Clause 25

THE LORD BISHOP OF MANCHESTER

153 After Clause 25, insert the following new Clause –

“Care-experience in equality impact assessments

A public authority undertaking an equality impact assessment in the exercise of its duties under –

- (a) section 149 of the Equality Act 2010;
- (b) the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011;
- (c) the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012;
- (d) section 75 of the Northern Ireland Act 1998,

must include an assessment of the impact on persons who are or have been looked after by a local authority.”

Member's explanatory statement

By including Care Experience in Equality Impact Assessments, this amendment provides a mechanism that public bodies already understand and use, helping to support the extension of Corporate Parenting responsibilities in a way that is structured, measurable, and embedded in existing decision-making processes.

Clause 26

LORD LUCAS

154 Clause 26, page 43, line 8, leave out “, or to require a child to have a medical examination,”

LORD LUCAS

155 Clause 26, page 43, leave out lines 39 to 44

Member's explanatory statement

This amendment seeks to enable debate on whether children being paid as performers can continue to be licensed to do so.

BARONESS STEDMAN-SCOTT
THE EARL OF EFFINGHAM

156 Clause 26, page 44, line 5, leave out “, health or development” and insert “or health”

Member's explanatory statement

This amendment seeks to probe the definition of development of children, given the role which technology plays in modern jobs.

BARONESS SMITH OF MALVERN

157 Leave out Clause 26 and insert the following new Clause –

“Employment of children in England and Wales

- (1) The Children and Young Persons Act 1933 is amended as follows.
- (2) For section 18 substitute –

“18 Restrictions on employment of children

- (1) A child may not be employed to work –
 - (a) so long as the child is under the age of 14 (subject to regulations under subsection (2));
 - (b) to do any work other than light work;
 - (c) to do work of a description specified in regulations made by the appropriate national authority;
 - (d) before 7.00 a.m. or after 8.00 p.m. on any day;
 - (e) on any day on which the child is required to attend school –
 - (i) for more than one hour before the start of school hours,
 - (ii) during school hours, or
 - (iii) for more than two hours in total in the day;
 - (f) for more than 12 hours in any week in which the child is required to attend school;
 - (g) for more than eight hours or, if the child is under 15, for more than five hours in any day on which the child is not required to attend school;
 - (h) for more than 35 hours or, if the child is under 15, for more than 25 hours in any week in which the child is not required to attend school;
 - (i) for more than four hours in any day without a break of one hour;
 - (j) at any time in a year unless at that time a person employing the child is satisfied that the child has had, or could still have, a period of at least two consecutive weeks without employment during a period in the year in which the child is not required to attend school.
- (2) The appropriate national authority may by regulations authorise the employment of children aged 13 to do specified descriptions of light work.
- (3) A child may not be employed to work except in accordance with a permit (a “child employment permit”) granted by a local authority on an application made in accordance with regulations made by the appropriate national authority.
- (4) The appropriate national authority may by regulations –
 - (a) make provision in relation to child employment permits;
 - (b) provide that subsection (3) does not apply in specified cases or circumstances;

- (c) make provision about the keeping of records.
- (5) The provision that may be made in reliance on subsection (4)(a) includes provision—
- (a) authorising a local authority to request such information as the authority considers appropriate, or to require a child to have a medical examination, for the purpose of enabling the authority to determine an application;
 - (b) requiring a local authority to have regard to specified matters when determining an application;
 - (c) for the grant of a child employment permit subject to conditions determined by a local authority;
 - (d) requiring a child employment permit to contain specified information;
 - (e) authorising a local authority to vary, suspend or revoke a child employment permit in specified circumstances;
 - (f) about appeals against—
 - (i) a decision to reject an application, or
 - (ii) the revocation of a child employment permit;
 - (g) imposing requirements on persons employing children (including requirements to produce child employment permits for inspection);
 - (h) requiring or authorising a local authority, in specified circumstances, to disclose information about a child employment permit to another local authority in England or Wales or to a local authority in Scotland.
- (6) The appropriate national authority may by regulations make provision (subject to subsection (1) and regulations under subsection (2))—
- (a) specifying the number of hours in each day, or in each week, for which children may be employed, and the times of day at which they may be employed;
 - (b) specifying the intervals to be allowed to children for meals and breaks, when in employment;
 - (c) about entitlement to leave;
 - (d) specifying other conditions to be met in relation to the employment of children.
- (7) Nothing in this section, or in regulations made under any provision of this section, prevents a child from doing anything—
- (a) under the authority of a licence granted under this Part, or
 - (b) in a case where by virtue of subsection (3) of section 37 of the Children and Young Persons Act 1963 no licence under that section is required for the child to do it.
- (8) In this section—
- “appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;

“light work” means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed –

- (a) is not likely to be harmful to the safety, health or development of children, and
- (b) is not such as to be harmful to their education (through attendance at school or otherwise) as required by section 7 of the Education Act 1996 or to their participation in work experience in accordance with section 560 of that Act, or their capacity to benefit from the education received or the experience gained (as the case may be);

“local authority in Scotland” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“specified”, in relation to regulations made under any provision of this section, means specified in the regulations;

“week” means any period of seven consecutive days;

“year” means a period of 12 months beginning with 1 January.

18A Regulations under section 18: further provision

- (1) Regulations under section 18 may –
 - (a) make different provision for different purposes or areas;
 - (b) make provision subject to exceptions;
 - (c) make transitional or saving provision.
- (2) Except as provided by subsection (3), regulations under section 18 may provide for the processing of information in accordance with the regulations not to be in breach of –
 - (a) any obligation of confidence owed by the person processing the information, or
 - (b) any other restriction on the processing of information (however imposed).
- (3) Regulations under section 18 are not to be read as requiring or authorising the processing of information that would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the duty imposed or power conferred by the provision of the regulations in question).
- (4) Regulations under section 18 are to be made by statutory instrument.
- (5) A statutory instrument containing regulations made by the Secretary of State under section 18 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A statutory instrument containing regulations made by the Welsh Ministers under section 18 is subject to annulment in pursuance of a resolution of Senedd Cymru.

- (7) In this section “the data protection legislation” and “processing” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- (3) In section 21 (penalties and legal proceedings in respect of general provisions as to employment), in subsection (1), after “byelaw” insert “or regulations”.
- (4) In section 28 (powers of entry), in subsection (1), after “byelaw” insert “or regulations”.
- (5) In section 30 (interpretation), in subsection (1), after “byelaws” insert “or regulations”.
- (6) In Schedule 36A to the Education Act 1996, in the table, omit the entry for section 18 of the Children and Young Persons Act 1933 (including the title of that Act).
- (7) In Part 2 of Schedule 1 to the Local Government Byelaws (Wales) Act 2012 (anaw 2), in the table, in the English language and Welsh language texts, omit the entry that relates to byelaws made under section 18 of the Children and Young Persons Act 1933 (referred to as “adran 18 o Ddeddf Plant a Phobl Ifanc 1933” in the Welsh language text).”

Member's explanatory statement

Clause 26 makes provision for England restricting employed work by children. This amendment replaces that clause to extend the application of that provision to Wales. It also includes a change to the definition of “light work” in the inserted section 18(8) to reflect that children may receive their compulsory education outside of school.

After Clause 26

BARONESS SMITH OF MALVERN

158

After Clause 26, insert the following new Clause –

“Employment of children in Scotland

- (1) The Children and Young Persons (Scotland) Act 1937 is amended as follows.
- (2) For section 28 substitute –

“28 Restrictions on employment of children

- (1) A child may not be employed to work –
- (a) so long as the child is under the age of 14 (subject to regulations under subsection (2));
 - (b) to do any work other than light work;
 - (c) to do work of a description specified in regulations made by the Scottish Ministers;
 - (d) before 7.00 a.m. or after 8.00 p.m. on any day;
 - (e) on any day on which the child is required to attend school –
 - (i) for more than one hour before the start of school hours,
 - (ii) during school hours, or

- (iii) for more than two hours in total in the day;
 - (f) for more than 12 hours in any week in which the child is required to attend school;
 - (g) for more than eight hours or, if the child is under 15, for more than five hours in any day on which the child is not required to attend school;
 - (h) for more than 35 hours or, if the child is under 15, for more than 25 hours in any week in which the child is not required to attend school;
 - (i) for more than four hours in any day without a break of one hour;
 - (j) at any time in a year unless at that time a person employing the child is satisfied that the child has had, or could still have, a period of at least two consecutive weeks without employment during a period in the year in which the child is not required to attend school.
- (2) The Scottish Ministers may by regulations authorise the employment of children aged 13 to do specified descriptions of light work.
- (3) A child may not be employed to work except in accordance with a permit (a “child employment permit”) granted by a local authority on an application made in accordance with regulations made by the Scottish Ministers.
- (4) The Scottish Ministers may by regulations –
 - (a) make provision in relation to child employment permits;
 - (b) provide that subsection (3) does not apply in specified cases or circumstances;
 - (c) make provision about the keeping of records.
- (5) The provision that may be made in reliance on subsection (4)(a) includes provision –
 - (a) authorising a local authority to request such information as the authority considers appropriate, or to require a child to have a medical examination, for the purpose of enabling the authority to determine an application;
 - (b) requiring a local authority to have regard to specified matters when determining an application;
 - (c) for the grant of a child employment permit subject to conditions determined by a local authority;
 - (d) requiring a child employment permit to contain specified information;
 - (e) authorising a local authority to vary, suspend or revoke a child employment permit in specified circumstances;
 - (f) about appeals against –
 - (i) a decision to reject an application, or
 - (ii) the revocation of a child employment permit;

- (g) imposing requirements on persons employing children (including requirements to produce child employment permits for inspection);
 - (h) requiring or authorising a local authority, in specified circumstances, to disclose information about a child employment permit to another local authority in Scotland, to a local authority in England or to a local authority in Wales.
- (6) The Scottish Ministers may by regulations make provision (subject to subsection (1) and regulations under subsection (2)) –
- (a) specifying the number of hours in each day, or in each week, for which children may be employed, and the times of day at which they may be employed;
 - (b) specifying the intervals to be allowed to children for meals and breaks, when in employment;
 - (c) about entitlement to leave;
 - (d) specifying other conditions to be met in relation to the employment of children.
- (7) Nothing in this section, or in regulations made under any provision of this section, prevents a child from doing anything –
- (a) under the authority of a licence granted under this Part, or
 - (b) in a case where by virtue of subsection (3) of section 37 of the Children and Young Persons Act 1963 no licence under that section is required for the child to do it.
- (8) In this section –
- “light work” means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed –
- (a) is not likely to be harmful to the safety, health or development of children, and
 - (b) is not such as to be harmful to their education (through attendance at school or otherwise) as required by section 30 of the Education (Scotland) Act 1980 or to their participation in work experience in accordance with section 123 of that Act, or their capacity to benefit from the education received or the experience gained (as the case may be);
- “local authority in England” and “local authority in Wales” have the same meaning as in the Education Act 1996 (see section 579(1) of that Act);
- “specified”, in relation to regulations made under any provision of this section, means specified in the regulations;
- “week” means any period of seven consecutive days;
- “year” means a period of 12 months beginning with 1 January.

28A Regulations under section 28: further provision

- (1) Regulations under section 28 may –
 - (a) make different provision for different purposes or areas;
 - (b) make provision subject to exceptions;
 - (c) make transitional or saving provision.
- (2) Except as provided by subsection (3), regulations under section 28 may provide for the processing of information in accordance with the regulations not to be in breach of –
 - (a) any obligation of confidence owed by the person processing the information, or
 - (b) any other restriction on the processing of information (however imposed).
- (3) Regulations under section 28 are not to be read as requiring or authorising the processing of information that would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the duty imposed or power conferred by the provision of the regulations in question).
- (4) Regulations under section 28 are subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (5) In this section “the data protection legislation” and “processing” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- (3) In section 31 (penalties and legal proceedings in respect of general provisions as to employment), in subsection (1), after “byelaw” insert “or regulations”.
- (4) In section 35 (confirmation of byelaws), in subsection (1), for “Secretary of State” substitute “Scottish Ministers”.
- (5) In section 36 (powers of entry), in subsection (1), after “byelaw” insert “or regulations”.
- (6) In section 37 (interpretation), after “byelaws” insert “or regulations”.
- (7) In section 38 (savings) –
 - (a) omit subsection (3);
 - (b) in subsection (4), for “The said provisions” substitute “The provisions of this Part relating to employment”.
- (8) In section 110(1) (interpretation), omit the definitions of “borstal institution” and “residential establishment”.

Member's explanatory statement

This clause makes equivalent provision for Scotland to that made for England and Wales by my amendment to replace clause 26.

LORD MOHAMMED OF TINSLEY
BARONESS BERRIDGE

159 After Clause 26, insert the following new Clause –

“Establishment of Child Protection Authority

- (1) The Secretary of State must, within six months of the day on which this Act is passed, establish a Child Protection Authority for England.
- (2) The purpose of the Authority is to –
 - (a) improve practice in child protection,
 - (b) provide advice and make recommendations to the Government on child protection policy and reforms to improve child protection,
 - (c) inspect institutions and settings at some times and in such ways as it considers necessary and appropriate to ensure compliance with child protection standards, and
 - (d) monitor the implementation of the recommendations of the Independent Inquiry into Child Sexual Abuse and other inquiries relating to the protection of children.
- (3) The Authority must act with a view to –
 - (a) safeguarding and promoting the welfare of children;
 - (b) ensuring that institutions and settings fulfil their responsibilities in relation to child protection.”

Member's explanatory statement

This amendment establishes the Child Protection Authority for England.

LORD MOHAMMED OF TINSLEY

160 After Clause 26, insert the following new Clause –

“National standards for children in need thresholds

- (1) The Secretary of State must, within one year of the day on which this Act is passed, conduct a review of the operation of section 17 of the Children Act 1989 (provision of services for children in need, their families and others).
- (2) The review must assess regional and national variation in the type, frequency, and duration of support provided to children through child in need plans.
- (3) The recommendations of the review must include the –
 - (a) setting of metrics in the Department for Education’s Children’s Social Care Dashboard for assessing the progress of children on child in need plans, and
 - (b) publication of national guidance to local authorities defining the thresholds of need that children and families must meet to be offered children in need support.
- (4) The national guidance published under subsection (3)(b) must include –

- (a) national triggers for an automatic referral to children's social care, including when a primary care giver enters custody or inpatient mental health provision, and when a child is arrested,
- (b) the Secretary of State's expectations on how often children should receive help,
- (c) the Secretary of State's expectations on how frequently a child's support should be reviewed when they have a child in need plan, and
- (d) any other matters that the Secretary of State deems appropriate."

Member's explanatory statement

The purpose of this new clause is to reduce regional variations in the type, frequency and duration of support that children receive through child in need plans.

BARONESS WALMSLEY
BARONESS BENNETT OF MANOR CASTLE
LORD BETHELL

161 After Clause 26, insert the following new Clause –

“Automatic enrolment for Healthy Start scheme

- (1) The Secretary of State must, within 6 months of the passing of this Act, introduce a scheme to automatically enrol certain individuals for the purposes of the Healthy Start scheme.
- (2) For the purposes of this section, “certain individuals” means people who are eligible for the Healthy Start scheme on the basis of having a child under the age of 4.
- (3) The scheme must provide the means for individuals to opt out of enrolment for the Healthy Start scheme.”

Member's explanatory statement

This amendment provides for the auto-enrollment of certain individuals on to the Healthy Start scheme.

LORD WILLS

162 [Withdrawn]

LORD BIRD
 BARONESS LISTER OF BURTERSETT
 THE LORD BISHOP OF LEICESTER
 LORD HAMPTON
 BARONESS BENJAMIN

163 After Clause 26, insert the following new Clause –

“Child poverty targets

- (1) The Secretary of State must, as soon as reasonably practicable after the publication of the Child Poverty Strategy and no later than 31 March 2026 if that strategy has not been published, lay regulations made by statutory instrument that establish binding child poverty targets.
- (2) Child poverty targets must include –
 - (a) targets for reducing the number of children living in poverty, and
 - (b) timescales by which each target must be achieved.
- (3) The Secretary of State must lay an annual report before Parliament setting out –
 - (a) steps they have taken to deliver on the child poverty targets, and
 - (b) progress that has been made towards the child poverty targets.
- (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.”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to set binding child poverty reduction targets in regulations.

THE LORD BISHOP OF MANCHESTER
 LORD RUSSELL OF LIVERPOOL
 LORD HAMPTON

164 After Clause 26, insert the following new Clause –

“National Care Offer

- (1) The Secretary of State must, within 18 months of the passing of this Act, publish a document (the “National Care Offer”) which sets out the minimum standards of information that local authorities must publish under section 2 of the Children and Social Work Act 2017 (local offer for care leavers).
- (2) Before publishing or revising the National Care Offer, the Secretary of State must consult with persons that appear to the Secretary of State to represent the interests of care leavers.
- (3) Where a consultation under subsection (2) results in recommendations to be made to the National Care Offer, the Secretary of State must –
 - (a) make the recommended changes or otherwise implement the recommendations, or

- (b) where not intending to make the recommended changes or otherwise implement the recommendations, publish a response to the consultation outlining the reasons for the Secretary of State's decision and the action that will be taken instead."

LORD RUSSELL OF LIVERPOOL
LORD YOUNG OF COOKHAM
LORD HAMPTON
BARONESS BENNETT OF MANOR CASTLE

165 After Clause 26, insert the following new Clause –

“Notification when a child is placed into temporary accommodation

- (1) This section applies where a local authority is exercising its duty under Section 189B of the Housing Act 1996 (initial duty owed to all eligible persons who are homeless) to allocate temporary accommodation to a household which includes a child.
- (2) A local authority must notify the following of the household's homelessness status –
- (a) the child's school, and
 - (b) the child's registered GP practice.
- (3) The Secretary of State must issue guidance to schools and GPs on how to safeguard and promote a child's welfare and wellbeing following receipt of a notification under subsection (2).”

Member's explanatory statement

This new clause would establish a notification system requiring local authorities to alert schools and GPs, when a child is placed into temporary accommodation.

BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF CHELMSFORD

166 After Clause 26, insert the following new Clause –

“Independent Guardians

- (1) The Modern Slavery Act 2015 is amended as follows.
- (2) For section 48 substitute –

“Independent guardians

- (1) The Secretary of State must make arrangements to enable persons (“independent guardians”) to be available to represent and support children to whom this section applies.
- (2) This section applies to a child if –
- (a) a reference relating to that child has been, or is about to be, made to a competent authority for a determination for the purposes of

Article 10 of the Trafficking Convention as to whether there are reasonable grounds to believe that the child is a victim of modern slavery or human trafficking, and

- (b) there has not been a conclusive determination that the child is not such a victim; and for the purposes of this subsection a determination which has been challenged by way of proceedings for judicial review shall not be treated as conclusive until those proceedings are finally determined.
- (3) This section also applies to a child who appears to the Secretary of State to be a separated child.”
- (3) After section 48 insert –

“48A Independent Guardians: functions

- (1) This section defines the functions and duties of person appointed as an independent guardian under section 48.
- (2) The functions of an independent guardian are to –
 - (a) ascertain and communicate the views of the child in relation to matters affecting the child;
 - (b) consult regularly with the child and keeping the child informed of legal and other proceedings affecting the child and any other matters affecting the child;
 - (c) contribute to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child’s best interests in line with leaving care services.
- (3) In the discharge of their functions, the independent guardian must at all times act in the best interests of the child.
- (4) The advocate will assist the child to obtain legal or other advice, assistance and representation, including by appointing and instructing legal representatives to act on the child's behalf.
- (5) For the purposes of this Act –
 - “separated child” means a child who –
 - (a) is not ordinarily resident in England and Wales, and
 - (b) is separated from all persons who –
 - (i) have parental responsibility for the child, or
 - (ii) before the child’s arrival in England and Wales, were responsible for the child whether by law or custom.””

Member's explanatory statement

This amendment seeks to incorporate the entitlement to independent guardians for separated and trafficked children and set out their functions.

BARONESS TYLER OF ENFIELD
BARONESS WALMSLEY

167 After Clause 26, insert the following new Clause –

“Reporting on early intervention services

- (1) Local authorities in England exercising social services functions under the Children Act 1989 must report annually to the Secretary of State on early intervention services for children and families in their area funded by statutory safeguarding partners as defined in Section 16E of the Children Act 2004.
- (2) Reports under subsection (1) must include –
 - (a) the number of children and families receiving early intervention support;
 - (b) demographic data relating to the children and families receiving support, including information on protected characteristics as defined in Section 4 of the Equality Act 2010;
 - (c) the types of early intervention services provided;
 - (d) measures taken to ensure accessibility and effectiveness of these services;
 - (e) sources through which children and families are referred to early intervention services;
 - (f) any other information the Secretary of State may require by regulations made by statutory instrument.
- (3) In order to inform those reports –
 - (a) Integrated Care Boards must provide all necessary information to the reporting local authority;
 - (b) the Chief Officer of Police must provide all necessary information to the reporting local authority.
- (4) The Secretary of State must compile and publish all reports submitted under subsection (1).
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

BARONESS BENJAMIN
LORD STOREY

168 After Clause 26, insert the following new Clause –

“Child performers’ earnings

In regulation 14 (Earnings) of the Children (Performances and Activities)(England) Regulations 2014 (S.I. 2014/3309), at end insert –

“(2) The licensing authority must include a condition in the licence that 15% of the sums earned by the child for taking part in the performance or activity must be paid by the employer into an account to be held in trust until the child reaches the age of 18 within thirty calendar days of the conclusion of the engagement.””

BARONESS BARRAN
BARONESS BENNETT OF MANOR CASTLE
LORD FARMER

169 After Clause 26, insert the following new Clause –

“Post-removal support for parents to prevent further removals

- (1) Where a baby is removed at birth from the care of a parent further to any order made pursuant to –
 - (a) section 31 of the Children Act 1989 (care and supervision orders),
 - (b) section 22 of the Adoption and Children Act 2002 (placement orders),
 - (c) section 46 of the Adoption and Children Act 2002 (adoption orders), or
 - (d) section 14A of the Children Act 1989 (special guardianship orders),the local authority must provide support to the parent, where the parent is identified as being at risk of experiencing further child removals.
- (2) In discharging their duty under subsection (1), the local authority must provide a range of services, including specialist therapeutic support, appropriate to the particular needs of the parent to reduce the risk of further child removals.”

Member's explanatory statement

This amendment introduces a new clause which seeks to ensure that local authorities offer evidence based support to reduce the risk of a baby being removed from a mother who has already had a child or children removed from her care.

BARONESS CASH

170 After Clause 26, insert the following new Clause –

“National capacity plan for children’s homes

- (1) As soon as reasonably practicable after the end of each financial year, the Secretary of State must publish a national capacity plan for children’s homes.
- (2) A national capacity plan under subsection (1) must include the following –
 - (a) the number of children looked after who are living in homes that are not in line with their care plan, or are living in distance placements due to a lack of local placements that are able to meet their needs;
 - (b) how far from their primary location those children are living and which terms of their care plan are not being met, if any;
 - (c) information about the total number of each type of care settings that are required to ensure that local authorities are meeting the requirements of Section 22G of the Children Act 1989 and the number of each type of setting by area;
 - (d) an assessment of the efficacy of the support that Government provided to local authorities to meet the requirements of Section 22G of the Children Act 1989, and to prevent children looked after being moved to distance placements;

- (e) what support the Government will be providing to local authorities to address any deficiencies identified under subsection (2)(d) above to meet the requirements of Section 22G of the Children Act 1989, and to prevent children looked after being moved to distance placements.
- (3) The Secretary of State may delegate the compilation of the national capacity plan under subsection (1).
- (4) In subsection (2) the term “distance placements” means a placement for a child looked after by the local authority more than 20 miles from their home.”

Member's explanatory statement

This amendment seeks to introduce a national plan to ensure there are sufficient children's homes in the right places for looked after children.

BARONESS BENNETT OF MANOR CASTLE
LORD FARMER
BARONESS FINLAY OF LLANDAFF

171 After Clause 26, insert the following new Clause –

“Bereavement support services for children

- (1) The Secretary of State must by regulations establish a protocol for the collection and dissemination of information relating to bereavement support services for children.
- (2) A protocol made under subsection (1) must –
 - (a) define the bereavement support services to which the protocol applies, which must include services provided by –
 - (i) local authorities,
 - (ii) NHS bodies, and
 - (iii) charities and other third sector organisations;
 - (b) place a duty on the Secretary of State to publish information, including online, about services to which the protocol applies;
 - (c) place a duty on specified public bodies and other persons to provide information to children about services to which the protocol applies, including –
 - (i) specialist services for children,
 - (ii) services provided online, and
 - (iii) accessible services for deaf and disabled children;
 - (d) where a duty under paragraph (c) applies, require the identification of children who may require a service to which the protocol applies.
- (3) The Secretary of State must make regulations under this section by statutory instrument.
- (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 resolution of each House of Parliament.

- (5) The Secretary of State must lay before Parliament a draft statutory instrument containing regulations under this section within 12 months of the day on which this Act is passed.”

Member's explanatory statement

This new clause would place a duty on the Secretary of State to establish a protocol for the collection and dissemination of information about bereavement support services to children and young people.

BARONESS BARRAN
LORD MESTON
LORD HAMPTON

172 After Clause 26, insert the following new Clause –

“Post-removal support for parents to prevent further removals (No. 2)

- (1) Where a child –
- (a) is removed from the care of a parent further to any order made pursuant to –
 - (i) section 31 of the Children Act 1989 (care and supervision orders),
 - (ii) section 22 of the Adoption and Children Act 2002 (placement orders),
 - (iii) section 46 of the Adoption and Children Act 2002 (adoption orders),
or
 - (iv) section 14A of the Children Act 1989 (special guardianship orders),
or
 - (b) becomes a looked after child further to an arrangement or order made pursuant to –
 - (i) section 20 of the Children Act 1989 (provision of accommodation for children: voluntary arrangements), or
 - (ii) section 25 of the Children Act 1989 (secure accommodation orders),the local authority shall provide support to the parent, where the parent is identified as being at risk of experiencing further child removals.
- (2) In discharging their duty under subsection (1), the local authority shall provide a range of services, including specialist therapeutic support, appropriate to the particular needs of the parent to reduce the risk of further child removals.”

Member's explanatory statement

This amendment introduces a new clause which seeks to ensure that local authorities offer evidence based support to reduce the risk of a child being removed from a mother who has already had a child or children removed from her care.

BARONESS TYLER OF ENFIELD
BARONESS WALMSLEY

173 After Clause 26, insert the following new Clause –

“National neglect strategy

- (1) The Secretary of State must prepare and publish a national neglect strategy that explores and addresses the causes and impacts of child neglect, for the purposes of ensuring that children do not experience neglect.
- (2) In preparing a national neglect strategy the Secretary of State must consider what measures ought to be taken in each of the following areas –
 - (a) the sharing of local and national best practice in dealing with neglect as soon as it is identified;
 - (b) promoting awareness of child neglect to relevant public agencies;
 - (c) the provision of information, advice and training to professionals working with families on the presentation of neglect;
 - (d) the provision of local authorities in identifying and responding to neglect;
 - (e) the provision of information, advice and assistance to parents and the promotion of neglect awareness training to parents;
 - (f) reviewing the definition of neglect within statutory guidance, to ensure it is fit for purpose.
- (3) When preparing the strategy, the Secretary of State must, in addition –
 - (a) consider which groups of children may be disproportionately affected by neglect;
 - (b) consider the likely impact on neglect of each measure within each of those groups;
 - (c) consider the role that socio-economic disadvantage has on levels of neglect;
 - (d) consult with local authorities and other relevant individuals and agencies, including children and families, to inform the strategy.”

Member's explanatory statement

This amendment requires the Secretary of State to prepare a national neglect strategy to better understand and address the causes and impacts of child neglect, providing greater protection and support for children and families.

BARONESS BENNETT OF MANOR CASTLE

174 After Clause 26, insert the following new Clause –

“Prohibition of delivery of children’s social care services by for-profit companies

- (1) Any new organisations created to deliver the provisions related to children’s social care in this Part must not be operated by for-profit companies.
- (2) Within five years of the day on which this Act is passed the Secretary of State must ensure that any such organisations in the control of for-profit companies are transferred to not-for-profit or state entities.”

Member's explanatory statement

This amendment seeks to remove the profit motive from children's social care services covered by this Part.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

175 After Clause 26, insert the following new Clause—

“Holiday meals and activity programmes for pupils in receipt of free school meals

- (1) A local authority must—
 - (a) provide, or
 - (b) coordinate the provision of programmes which provide free meals and activities to relevant children during school holidays.
- (2) For the purposes of this section, “relevant children” means children in receipt of free school meals.
- (3) The Secretary of State may, by regulations made by statutory instrument—
 - (a) specify minimum standards for meals and activities during school holidays;
 - (b) specify criteria that organisations involved in the delivery of meals and activities during school holidays must meet.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This new clause would place a duty on local authorities to provide or coordinate free meals and activities for children eligible for free school meals during school holidays.

BARONESS STEDMAN-SCOTT
THE EARL OF EFFINGHAM

176 After Clause 26, insert the following new Clause—

“Impact assessment: weekend jobs

- (1) The Secretary of State must carry out an assessment of the likely impact of section 26 (Employment of children in England) on the ability of children to get employment during the weekend.
- (2) The Secretary of State must lay a report setting out the findings of the assessment before each House of Parliament.”

LORD NASH
BARONESS BARRAN

177 After Clause 26, insert the following new Clause –

“Action to promote the wellbeing of children in relation to social media

- (1) Within 12 months of the passing of this Act, the Secretary of State must, for the purposes of promoting the wellbeing of children –
 - (a) direct the Chief Medical Officers of the United Kingdom (“the UK CMOs”) to prepare and publish advice for parents and carers on the use of social media by children at different ages and developmental stages, and
 - (b) by regulations made by statutory instrument require all regulated user-to-user services to use highly-effective age assurance measures to prevent children under the age of 16 from becoming or being users.
- (2) Any advice published under subsection (1)(a) must have regard to –
 - (a) the paper published on 7 February 2019 entitled “United Kingdom Chief Medical Officers’ commentary on ‘Screen-based activities and children and young people’s mental health and psychosocial wellbeing: a systematic map of reviews’”, and
 - (b) any scientific or other developments since the publication of that paper which appear to the UK CMOs to be relevant.
- (3) Any regulations under subsection (1)(b) must be treated as an enforceable requirement within the meaning of section 131 (and for the purposes of Part 7) of the Online Safety Act 2023.
- (4) A statutory instrument containing regulations under subsection (1)(b) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) For the purposes of this section –

“the Chief Medical Officers of the United Kingdom” means the Chief Medical Officers for –

 - (a) England,
 - (b) Wales,
 - (c) Scotland, and
 - (d) Northern Ireland;

“regulated user-to-user services” is as defined in the Online Safety Act 2023.”

Member's explanatory statement

This new clause would require the Secretary of State to take action to promote children’s wellbeing in relation to their use of social media by commissioning advice from the Chief Medical Officers and introducing regulations to prevent under 16s from accessing social media.

BARONESS BARRAN

178 After Clause 26, insert the following new Clause –

“Fosters carers’ delegated authority for children in their care

- (1) Where a child (“C”) who is looked after by the local authority is placed with a foster parent (“F”) by a local authority, F may make decisions on C’s behalf in relation to the matters set out in subsection (2) where C’s placement plan does not specify an alternative decision maker.
- (2) The matters referred to in subsection (1) are –
 - (a) medical and dental treatment,
 - (b) education,
 - (c) leisure and home life,
 - (d) faith and religious observance,
 - (e) use of social media,
 - (f) personal care, and
 - (g) any other matters which F considers appropriate.”

Member's explanatory statement

This amendment seeks to ensure that foster carers have a clear delegated authority to make the day to day decisions in a child’s life.

LORD FARMER

179 After Clause 26, insert the following new Clause –

“English local authorities: duties relating to Start for Life offer

- (1) An English local authority must publish a Start for Life offer for its area on its website under the heading “Start for Life”.
- (2) A “Start for Life offer” for an English local authority’s area is information about the following services that the authority is aware are available in its area for infants, parents, or carers of infants –
 - (a) health visiting services provided by or on behalf of a public authority;
 - (b) services promoting positive relationships between infants and their parents or carers provided by or on behalf of a public authority;
 - (c) breastfeeding and other infant feeding services provided by or on behalf of a public authority;
 - (d) mental health services provided by or on behalf of a public authority;
 - (e) such other kinds of services that are –
 - (i) likely to support infants, parents, or carers of infants, and
 - (ii) provided by or on behalf of a public authority, as the Secretary of State may specify by regulations made by statutory instrument;
 - (f) such services that are likely to support infants, parents, or carers of infants being –

- (i) services of a kind mentioned in paragraphs (a) to (e) provided other than by or on behalf of a public authority, or
 - (ii) other services, whether or not provided by or on behalf of a public authority, as the local authority considers it appropriate to include information about in the Start for Life offer for its area.
- (4) An English local authority must also –
- (a) publish a Start for Life offer for its area by any other means it considers appropriate,
 - (b) take such steps as it considers appropriate to bring the Start for Life offer to the attention of parents and carers of infants in its area, and
 - (c) take such steps as are reasonably practicable to ensure that the Start for Life offer is kept up to date.
- (5) An English local authority must have regard to guidance published by the Secretary of State under section (*Guidance*) when complying with its duties under this section.
- (6) A statutory instrument containing regulations under subsection (2)(e) 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 and the following four clauses require local authorities to make information available about support for infants, parents and carers of infants and include reporting requirements relating to such support, to help ensure children's safety and well-being in the critical first two years of life.

LORD FARMER

180

After Clause 26, insert the following new Clause –

“Guidance

- (1) The Secretary of State must publish guidance to English local authorities relating to their duties under section (*English local authorities: duties relating to Start for Life offer*).
- (2) Before publishing guidance under subsection (1), and any revisions to the guidance that the Secretary of State considers substantive, the Secretary of State must consult –
 - (a) English local authorities, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (3) If –
 - (a) consultation was undertaken during a period before the day (“The commencement day”) on which this section comes into force (including during a period that occurred before the day on which this Act is passed), and
 - (b) the consultation would to any extent have satisfied subsection (2) had it occurred on or after the commencement day,

then, on the commencement day, the consultation is taken to satisfy subsection (2) to that extent.”

LORD FARMER

181 After Clause 26, insert the following new Clause –

“Secretary of State’s duty to report

- (1) The Secretary of State must publish a report each year relating to support available in England for infants, parents and carers of infants.
- (2) The report must include –
 - (a) an overview of support that is available for such persons through services of the kind covered by section (*English local authorities: duties relating to Start for Life offer*)(2)(a) to (f), and
 - (b) such other information as the Secretary of State considers is appropriate to include in the report (for example, information about any impacts of support on outcomes for such persons, or steps that are being taken in relation to the collection of information relating to such impacts).
- (3) A report under subsection (1) must be published on a government website as soon as reasonably practicable after 1 April in the relevant year.”

LORD FARMER

182 After Clause 26, insert the following new Clause –

“Data protection

- (1) Sections (*English local authorities: duties relating to Start for Life offer*) and (*Secretary of State’s duty to report*) do not require a publication of information if the publication would contravene the data protection legislation (but in determining whether the publication would do so, take into account the duties imposed by those sections).
- (2) In subsection (1), “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).”

LORD FARMER

183 After Clause 26, insert the following new Clause –

“Interpretation

- (1) In sections (*English local authorities: duties relating to Start for Life offer*) and (*Guidance*) –
 - “English local authority” means –
 - (a) a county council in England,
 - (b) a district council for an area in England for which there is no county council,

- (c) a London borough council,
 - (d) the Common Council of the City of London in its capacity as a local authority, or
 - (e) the Council of the Isles of Scilly;
- “infant” means a child under the age of two years.
- (2) In section (*English local authorities: duties relating to Start for Life offer*), a service is “provided by or on behalf of a public authority” if –
- (a) the service is provided by or on behalf of a person who has a function of a public nature, and
 - (b) the service is provided in the performance of that function.”

THE LORD BISHOP OF MANCHESTER

183A After Clause 26, insert the following new Clause –

“Equalising Universal Credit

- (1) The Universal Credit Regulations 2013 (S.I. 2013/376) are amended as follows.
- (2) In regulation 36 (table showing amounts of elements), under “Standard allowance” –
 - “(a) after “single claimant aged under 25” insert “, other than a care leaver”, and
 - (b) after “single claimant aged 25 or over” insert “or a care leaver aged under 25”. ””

Member's explanatory statement

This amendment would amend the Universal Credit Regulations 2013 to increase the standard allowance entitlement of universal credit for individuals leaving care once they turn 18 to match the amount available to claimants aged 25 or over.

BARONESS CASH

183B After Clause 26, insert the following new Clause –

“Strategy for early childhood development and school readiness

- (1) The Secretary of State must prepare and publish a national strategy to promote the health, development, and school readiness of all children from birth to the age of five.
- (2) The strategy under section (1) must include –
 - (a) delivery of the Healthy Child Programme (0–5 years) whether by placing on a statutory footing or otherwise to provide at least the following five developmental reviews –
 - (i) an antenatal health promoting visit;
 - (ii) a new baby review (10–14 days);
 - (iii) a 6–8 week review;

- (iv) a 1-year review;
 - (v) a 2–2½ year review;
 - (b) the means to ensure children identified as at risk of developmental delay, neglect, or early adversity through the mandated reviews are referred to appropriate early intervention services without delay;
 - (c) the integration and sharing of data between health visiting, maternity, general practice, early years education, and safeguarding services;
 - (d) support for children's development in the early years through access to high-quality early education and care, including in maintained, private, and voluntary sector settings;
 - (e) support for parents and carers through accessible information, advice, and locally commissioned services from the birth of their child to school entry;
 - (f) improved coordination between health, early years, social care and education professionals through multi-agency working at local level;
 - (g) the establishment of a national early years data and monitoring system to enable anonymised tracking of—
 - (i) coverage and completion rates of developmental reviews;
 - (ii) key indicators of child development and school readiness;
 - (iii) patterns of referral and access to early intervention services;
 - (h) reduction of inequalities in early childhood development and improved access to support for children from all socioeconomic and ethnic backgrounds.
- (3) The Secretary of State must lay before Parliament an annual report on the implementation of this strategy, including—
- (a) progress made in delivering the Healthy Child Programme or equivalent programme nationally;
 - (b) developmental and school readiness outcomes at age 5, disaggregated by region and demographic group;
 - (c) an assessment of workforce capacity and local delivery arrangements for the reviews and support under this clause;
 - (d) any disparities or deficiencies in service access or outcomes.
- (4) For the purposes of this section, “school readiness” includes a child's ability, by the beginning of the academic year in which they turn five, to—
- (a) manage basic personal needs including toileting, handwashing, and eating with minimal assistance;
 - (b) understand and follow simple instructions in a structured environment;
 - (c) express themselves using age-appropriate spoken language or alternative communication;
 - (d) regulate their emotions and behaviour in a way appropriate for learning with peers;
 - (e) sustain attention and participate in group activities for short periods;
 - (f) engage in cooperative play and early social interaction;
 - (g) demonstrate emerging fine and gross motor skills, including early mark-making, drawing, or movement.”

Member's explanatory statement

This clause introduces a duty on the Secretary of State to review and improve the national infrastructure for early childhood development monitoring and support to ensure that every child receives regular checks in their first five years and that local systems are better integrated to support school readiness.

BARONESS BARRAN

183C After Clause 26, insert the following new Clause –

“Court ordered reports

Any court ordered report produced for the purposes of either private or public law cases in family court proceedings under the Children Act 1989 must be done by a qualified social worker.”

Member's explanatory statement

This amendment seeks to ensure that all court ordered reports are produced by qualified social workers, for example those under Section 7 of the Children Act 1989.

BARONESS PENN

183CA After Clause 26, insert the following new Clause –

“Guidance on the use of screens and technology in early years settings

- (1) The Secretary of State must, within six months of the day on which this Act is passed, update the early years foundation stage statutory framework for children aged 0-5 in early years settings to include guidance on the appropriate and safe use of screens and technology in early years settings.
- (2) The guidance must include recommendations concerning –
 - (a) limits for screen time for children (specific to their age) in early years settings;
 - (b) safeguarding policies for the use of personal devices and other screens in early years settings;
 - (c) any benefits, harms or risk of harm associated with the exposure of children of differing ages to personal devices and other screens in early years settings;
 - (d) any benefits, harms or risk of harms associated specifically with the exposure of children with special educational needs or disabilities to personal devices and other screens in early years settings;
 - (e) any other positive or negative effects associated with the use or presence of personal devices for early years development and play;
 - (f) the balancing of screen-based and non-digital activities for children in early years settings.”

BARONESS PENN

183CB After Clause 26, insert the following new Clause –

“Public information campaign on the use of screens and technology for children aged 0-5

- (1) The Secretary of State must, within twelve months of the day on which this Act is passed, establish a public information campaign concerning the impact of screen time on the wellbeing of children aged 0-5.
- (2) The campaign must include, but is not limited to –
 - (a) guidance on the impact of screens on whole child health, both immediate and long term, including –
 - (i) cognitive,
 - (ii) social,
 - (iii) eyesight,
 - (iv) neurodevelopmental,
 - (v) speech, and
 - (vi) language issues.
 - (b) clear recommended boundaries on appropriate screen time limits for children, including times and places that should be screen-free, such as mealtimes and bedtimes;
 - (c) the impact of carers' usage of personal devices and screens on child development;
 - (d) guidance on the importance of screen-free time, outside time and child and parent interaction with examples of alternatives, such as –
 - (i) bedtime stories,
 - (ii) helping with chores, and
 - (iii) interacting with the environment;
 - (e) guidance that digital "educational" apps are not necessary for healthy development, and the risks of screen usage for young children still apply when using these apps.”

Clause 27

LORD WATSON OF INVERGOWRIE

183D Clause 27, page 45, line 29, at end insert “and for all pupils attending special schools”

Member's explanatory statement

This amendment would require the delivery of school breakfast provision to all pupils in special schools, regardless of their age.

LORD AGNEW OF OULTON

184 Clause 27, page 45, line 29, at end insert –

- “(1A) The Secretary of State must make arrangements to underwrite the full cost impact of the provision in subsection (1), including –
- (a) recompense for teachers’ directed time diverted from teaching,
 - (b) additional non-teaching staff required for catering and supervision, and
 - (c) the cost of good quality ingredients to ensure that the meals are nutritious.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State underwrites the cost of providing free breakfast club provision.

LORD ADDINGTON

185★ Clause 27, page 45, line 35, at end insert “and,

- (c) the provision before the start of the first school session on each school day of voluntary activities known to improve wellbeing, including –
 - (i) community sports programmes,
 - (ii) art, music and cultural activities, and
 - (iii) youth clubs and mentoring.
- (2A) When providing voluntary activities in subsection (2)(c), schools must –
- (a) identify and engage with local voluntary and community organisations,
 - (b) ensure pupils and families are informed about available opportunities, and
 - (c) consider access and inclusion for disadvantaged or vulnerable pupils.”

LORD MOYNIHAN

185A★ Clause 27, page 45, line 35, at end insert “and,

- (c) the provision of activities consisting of physical activity which contributes to the UK Chief Medical Officers' Physical Activity Guidelines before the start of the first school session on each school day.”

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON

186 Clause 27, page 46, line 10, at end insert –

- “(5A) The appropriate authority must take all reasonable measures to ensure that provision under this section is accessible to all qualifying pupils with special educational needs or who are disabled.
- (5B) In the case of a child who has special educational needs or is disabled, the local authority who is responsible for that child must co-operate with the appropriate authority in discharging its duties under this section in respect of that child.
- (5C) Co-operation under subsection (5B) must include, but not be limited to –
- (a) ensuring that any provision of home to school transport for that child is scheduled so that the child can attend the breakfast club, and
 - (b) reviewing any Education, Health and Care Plan to ensure that appropriate support is in place to enable the child to attend the breakfast club.
- (5D) Where a child is receiving education otherwise than at school but would have been a qualifying pupil were they attending school, the local authority who is responsible for that child must endeavour to make arrangements for breakfast provision for that child, taking into account any guidance issued by the Secretary of State.”

LORD WATSON OF INVERGOWRIE

186A Clause 27, page 46, line 30, at end insert –

““special schools” has the meaning set out in section 337 of the Education Act 1996.”

Member's explanatory statement

This amendment defines special schools and is consequential on another amendment to clause 27 in the name of Lord Watson of Invergowrie.

BARONESS LISTER OF BURTERSETT

187 Clause 27, page 47, line 35, at end insert –

“551CA Promotion of supplementary models of breakfast club provision

The Secretary of State must seek to promote and support the development of supplementary models of breakfast club provision where appropriate, including –

- (a) classroom based provision,
- (b) nurture group services, and

- (c) any other model that the Secretary of State reasonably considers to have added benefits beyond the provision of food.”

Member's explanatory statement

This amendment would require the Secretary of State to promote supplementary models of school breakfast provision.

LORD WATSON OF INVERGOWRIE

187A Clause 27, page 48, line 10, at end insert –

“551E Publication of data

The Secretary of State must acquire and regularly publish data on breakfast club provision in schools, including data on –

- (a) characteristics of those receiving breakfast in schools (including eligibility for free school meals);
- (b) uptake levels;
- (c) satisfaction levels amongst pupils and parents;
- (d) any assessment of the impact of provision on attendance, behaviour, health and wellbeing.”

Member's explanatory statement

This amendment would require the Secretary of State to acquire and regularly publish data on breakfast club provision in schools.

After Clause 28

BARONESS WALMSLEY
BARONESS LISTER OF BURTERSETT
LORD MOHAMMED OF TINSLEY
BARONESS CASS

188 After Clause 28, insert the following new Clause –

“Free school meals: provision and eligibility

Section 512ZB of the Education Act 1996 (provision of free school lunches and milk) is amended as follows –

- (a) after subsection (4)(c), insert –

“(ca) C meets any conditions prescribed for the purposes of this paragraph and belongs to a household whose income is less than £20,000 per year after tax.”

- (b) after paragraph (4B), insert –

“(4BA) The Secretary of State must ensure that free school meals are provided to all children in England who are eligible to receive free school meals.””

Member's explanatory statement

This amendment would expand eligibility for free school meals for children from families earning less than £20,000 after tax.

BARONESS WALMSLEY
BARONESS LISTER OF BURTERSETT
LORD MOHAMMED OF TINSLEY
BARONESS CASS

189

After Clause 28, insert the following new Clause –

“Review of free school meal eligibility and pupil premium registration

- (1) The Secretary of State must, within six months of the day on which this Act is passed, conduct a review of –
 - (a) the number of children in England who are eligible for free school meals but are not claiming them,
 - (b) the number of children who are eligible for free school meals but are not registered for the purposes of pupil premium funding,
 - (c) the number of additional children who would be eligible for free school meals if the income thresholds had been uprated in line with inflation since 2018, and
 - (d) the number of additional children who would be eligible for free school meals if the income thresholds were set at £20,000 per annum after tax.
- (2) A review under subsection (1) must include an assessment of –
 - (a) barriers preventing eligible children from claiming free school meals,
 - (b) disparities in take-up rates across different regions and demographics, and
 - (c) the financial and educational impact of under-registration on schools and local authorities.
- (3) The Secretary of State must lay a report before Parliament setting out the findings of the review, including any recommendations for improving registration for and take-up of free school meals and pupil premium funding.
- (4) The review and report required under this section must be repeated annually.”

Member's explanatory statement

This amendment requires a review of free school meal eligibility and pupil premium registration.

BARONESS WALMSLEY
BARONESS CASS

190 After Clause 28, insert the following new Clause –

“School food improvement scheme

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must review the national school food standards, including breakfasts, and institute a scheme for monitoring compliance with the standards in England, and supporting schools and school caterers in England to meet those standards (‘the national school food improvement scheme’).
- (2) The purpose of the national school food improvement scheme will be to determine whether applicable food standards duties are being met in the provision of all food in schools in England and to assist schools and school caterers in meeting applicable food standards duties in England.
- (3) The national school food improvement scheme may from time to time publish reports highlighting achievements, sharing successful approaches, and offering guidance as it sees fit relating to school food standards in England.”

Member's explanatory statement

This new clause would improve the national school food standards and establish a national school food improvement scheme, to ensure that the breakfast club provision included within this Bill, along with all other school food, follows school food standards, and to support schools to meet those standards.

BARONESS BENNETT OF MANOR CASTLE
BARONESS LISTER OF BURTERSETT

191 After Clause 28, insert the following new Clause –

“Auto-enrolment for free school meals

After section 512ZA of the Education Act 1996 (power to charge for meals etc.) insert –

“512ZAA Identification of children eligible for free school meals

- (1) The Secretary of State must identify all children eligible for free school meals in England.
- (2) A child’s eligibility for free school meals is not dependent on any application having been made for free school meals on their behalf.
- (3) Where a child has been identified as eligible for free school meals, the Secretary of State must provide for this information to be shared with –
 - (a) the school at which the child is registered, and
 - (b) the relevant local education authority.

- (4) Where a school has been informed that a child on its pupil roll is eligible for free school meals, the school must provide that child with a free school meal.
- (5) A local education authority must provide the means for a parent or guardian of a child who has been identified as eligible for free school meals to opt out of the provision of a free school meal under subsection (4).”

Member's explanatory statement

This new clause would place a duty on the Secretary of State to proactively identify all children eligible for free school meals in England, making the application process for free school meals opt-out rather than opt-in.

BARONESS BENNETT OF MANOR CASTLE
BARONESS LISTER OF BURTERSETT

192

After Clause 28, insert the following new Clause –

“Free school meals for all primary school pupils

- (1) Section 512ZB of the Education Act 1996 (provision of free school lunches and milk) is amended as follows.
- (2) In paragraph (4A)(b), after “year 2” insert “, year 3, year 4, year 5, year 6”.
- (3) In subsection (4C), after the definition of “year 2” insert –
 - ““year 3” means a year group in which the majority of children will, in the school year, attain the age of 8;
 - “year 4” means a year group in which the majority of children will, in the school year, attain the age of 9;
 - “year 5” means a year group in which the majority of children will, in the school year, attain the age of 10;
 - “year 6” means a year group in which the majority of children will, in the school year, attain the age of 11.””

Member's explanatory statement

This new clause would extend free school lunches to all primary school age children in state funded schools.

BARONESS WALMSLEY
 BARONESS LISTER OF BURTERSETT
 LORD MOHAMMED OF TINSLEY
 BARONESS CASS

193 After Clause 28, insert the following new Clause –

“Registration of children eligible for free school meals

After section 512ZA of the Education Act 1996 (power to charge for meals etc.) insert –

“512ZAA Registration of children eligible for free school meals

The Secretary of State must ensure that free school meals are provided to –

- (a) all children in England who are eligible to receive free school meals, and
- (b) all children whose household income is less than £20,000 per year.”

Member's explanatory statement

This amendment ensures auto-enrolment to free school meals for eligible children.

BARONESS BOYCOTT
 LORD BROOKE OF ALVERTHORPE
 BARONESS SUTTIE
 BARONESS WALMSLEY

194 After Clause 28, insert the following new Clause –

“School food standards: breakfasts and lunch

The Secretary of State must –

- (a) update the school food standards to ensure that –
 - (i) a variety of fruit is made available at both breakfast and lunchtime;
 - (ii) no food, condiment or spread is served at either breakfast or lunch that contains more than 5g of sugar per 100g;
 - (iii) two portions of vegetables are served with every lunch;
 - (iv) only water, dairy milk, or non-sweetened plant-based milk drinks are served at both breakfast and lunch;
- (b) update the school food standards annually to ensure they –
 - (i) conform to the most recent nutritional advice according to the Scientific Advisory Committee on Nutrition;
 - (ii) have regard to the country’s sustainability and food security needs.”

Clause 29

LORD MOHAMMED OF TINSLEY

195 Clause 29, page 49, leave out lines 9 to 16 and insert—

- “(1) The appropriate authority of a relevant school in England may not require a pupil at the school to have to buy branded items of school uniform for use during a school year which cost more in total to purchase than a specified monetary amount, to be reviewed annually.
- (1A) The Secretary of State may by regulations specify the monetary amount that may apply to—
 - (a) a primary pupil, and
 - (b) a secondary pupil.
- (1B) A statutory instrument containing regulations under subsection (1A) 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 imposes a monetary cap, rather than an item cap, on branded uniform items.

LORD HAMPTON

196 Clause 29, page 49, line 14, leave out “three” and insert “five”

Member's explanatory statement

This amendment raises the item limit on branded secondary school uniform that a school can mandate from three to five items.

LORD HAMPTON

197 Clause 29, page 49, line 15, leave out “four” and insert “six”

Member's explanatory statement

This amendment raises the item limit on branded secondary school uniform that a school can mandate from four to six items when including a tie.

LORD YOUNG OF ACTON

197A Clause 29, page 49, line 16, at end insert—

“unless the branded item of school uniform has been provided or lent to the primary pupil or the secondary pupil free of charge by the appropriate authority or by anyone else.”

Member's explanatory statement

The amendment would exclude from the restriction on branded clothing items of school uniform which have been provided or lent to a pupil free of charge.

BARONESS BARRAN

198 Clause 29, page 49, line 18, at end insert –

- “(2A) Where the appropriate authority of a relevant school provides second-hand branded items which –
- (a) comply with the school’s uniform requirements,
 - (b) are in an acceptable condition, and
 - (c) can be purchased for significantly less than the cost of buying the item new,
- the appropriate authority may require a pupil to have more than three branded items of uniform.
- (2B) Where the appropriate authority provides branded items which –
- (a) comply with the school’s uniform requirements,
 - (b) are new, and
 - (c) can be purchased for significantly less than the cost of buying the item non-branded,
- the appropriate authority may require a pupil to have more than three branded items of uniform.”

Member's explanatory statement

This amendment seeks to allow schools to require more than three branded items of uniform if they are making them available, whether new or second-hand, at a lower cost than buying non-branded items.

BARONESS BARRAN

199 Clause 29, page 49, line 27, at end insert “except items of kit required when representing the school in sporting activities”

Member's explanatory statement

This amendment seeks to exclude items of PE kit required when representing the school in sporting activities from the limit on branded items of school uniform.

LORD MOYNIHAN

199ZA★ Clause 29, page 49, line 27, at end insert “except items of kit required for sporting activities”

Member's explanatory statement

This amendment seeks to exclude items of PE kit from the limit on branded items of school uniform.

BARONESS PARMINTER
BARONESS BOYCOTT

199A [Withdrawn]

LORD AGNEW OF OULTON

200 Leave out Clause 29, and insert the following new Clause—

“School uniforms

- (1) Members of academy trusts must oversee the cost of school uniforms and all other apparel that is needed by pupils in their school in the course of an academic year.
- (2) Members of academy trusts must require that the board of the academy trust that they oversee produces an annual report on—
 - (a) the cost of this uniform and apparel,
 - (b) what actions are being taken to minimise the cost of this uniform and apparel, and
 - (c) how effective the academy board has been in administering its duties in relation to uniform and apparel.
- (3) The report in subsection (2) must be published on the Academy Trust website within 14 days of its submission to the members by the board.
- (4) The Director of Children’s Services must oversee the cost of school uniforms and all other apparel that is needed by pupils in the local authority schools for which they have responsibility in the course of an academic year.
- (5) Academy trusts or local authority schools must maintain and publish information on the cost of specific apparel needed by pupils in its schools.”

Member's explanatory statement

This amendment seeks to increase scrutiny and transparency in relation to the cost of bespoke uniform and apparel required by schools.

After Clause 29LORD MOHAMMED OF TINSLEY
THE LORD BISHOP OF MANCHESTER

201 After Clause 29, insert the following new Clause—

“VAT zero-rating for certain items of school uniform

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make provision by regulations for certain items of school uniform to be zero-rated for the purposes of VAT.
- (2) For the purposes of this section, “certain items of school uniform” means items of school uniform for pupils up to the age of 16.

- (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 makes provision for certain items of school uniform to be zero-rated for the purposes of VAT.

BARONESS PARMINTER

202 After Clause 29, insert the following new Clause –

“School uniforms: second-hand provision

- (1) The appropriate authority of a relevant school must provide access to second hand items of school uniform.
- (2) In this section, “the appropriate authority” means –
- (a) in relation to an Academy school, an alternative provision Academy, a non-maintained special school, a city technology college or a city college for the technology of the arts, the proprietor;
 - (b) in relation to a maintained school, the governing body;
 - (c) in relation to a pupil referral unit, the local authority.”

BARONESS PARMINTER

BARONESS BOYCOTT

BARONESS BENNETT OF MANOR CASTLE

This amendment replaces Amendment 199A, which was marshalled in the wrong place in error, and corrects its location on the Marshalled List

202A After Clause 29, insert the following new Clause –

“School uniforms: transparency and materials

After section 551ZA of the Education Act 1996, insert –

“Regulations for levels of PFAS chemicals and transparency

551ZB School uniforms: transparency and materials

- (1) The Secretary of State must, within three months of the day on which the Children’s Wellbeing and Schools Act 2025 comes into force, issue regulations to –
- (a) ban the use of PFAS in school uniforms;
 - (b) require producers of school uniforms to provide a digital product passport listing the chemicals in the product to enable safe end of life disposal or recycling.
- (2) The ban in section (1)(a) must set the limit for residual PFAS in textiles to no more than 50 mg F/kg (50 ppm).

(3) in this section—

“PFAS” means per- and polyfluoroalkyl substances as defined and listed by the Organisation for Economic Co-operation and Development (OECD);

“School uniforms” has the same meaning as in section 29(3) and (4).”

Member's explanatory statement

This amendment would ensure that branded school uniform items do not contain PFAS chemicals, and would require producers of non-branded school uniform items to state whether any PFAS chemicals have been used, and to provide a digital product passport to improve the recyclability of school uniform products.

BARONESS BENNETT OF MANOR CASTLE

202B After Clause 29, insert the following new Clause—

“Uniform safety: regulations and requirements

After section 551ZA of the Education Act 1996, insert—

“551ZB Uniform safety: regulations and requirements

Within one year of the day on which the Children’s Wellbeing and Schools Act 2025 is passed, the Secretary of State must, by regulation, make provision to reduce risks of school uniform items if, when used as intended or under conditions which can reasonably be foreseen, they could—

(a) endanger the health or safety of persons, or

(b) cause unreasonable public health or environmental health risk.”

Member's explanatory statement

This amendment seeks to allow the Secretary of State to regulate school uniforms, given the human and environmental health risks they represent from artificial fibres and chemical constituents.

Clause 30

BARONESS BARRAN

203 Clause 30, page 51, line 2, leave out “condition A or”

Member's explanatory statement

This amendment, along with another in the name of Baroness Barran, seeks to remove the requirement for local authorities to consent to the withdrawal of a child with SEND from school.

LORD LUCAS
BARONESS BARRAN

204 Clause 30, page 51, leave out lines 3 to 14

Member's explanatory statement

This amendment seeks to allow a general debate on condition A.

LORD LUCAS
LORD FROST

205 Clause 30, page 51, leave out lines 16 and 17

Member's explanatory statement

This amendment seeks to allow a debate on the effects of this clause and of the reasons for section 47 enquiries, and the intersection with abusive relationships.

LORD LUCAS
LORD FROST

206 Clause 30, page 51, line 17, after “child” insert “which bear directly upon the suitability of the child’s home as a location for their education, and are not prompted by the allegations of the other parent, or by the decision to home educate”

Member's explanatory statement

This amendment seeks to allow a debate of whether section 47 investigations can be excluded from being taken into account.

BARONESS BARRAN

207 Clause 30, page 51, line 23, at end insert –

- “(c) providing services to the child or their family under section 17 of the Children Act 1989 (provision of services for children in need, their families and others), or
- (d) has ever provided services to the child or their family under section 47 of the Children Act 1989 (local authority’s duty to investigate).”

Member's explanatory statement

This amendment seeks to ensure local authorities had to consent to withdrawing children from school if there is a child protection plan in place or if a child is a “child in need”, or if there has ever been a child protection plan in place, in relation to the relevant child or their family.

LORD LUCAS

208 Clause 30, page 51, leave out lines 30 and 31

Member's explanatory statement

This amendment seeks to probe how school proprietors have knowledge of the information referenced in this paragraph.

LORD YOUNG OF COOKHAM
LORD RUSSELL OF LIVERPOOL
LORD STOREY
LORD WATSON OF INVERGOWRIE

209 Clause 30, page 51, line 31, at end insert –

“(5A) If a local authority in England receives a notification relating to a child who is a young carer, then it must ensure that a Young Carers’ Needs Assessment is offered under section 17ZA of the Children Act 1989 prior to the child being withdrawn from the school.

(5B) If a local authority in Wales receives a notification relating to a child who is a young carer, then it must ensure that a Needs Assessment is offered under section 24 of the Social Services and Well-being (Wales) Act 2014 prior to the child being withdrawn from the school.”

Member's explanatory statement

This amendment seeks to ensure that withdrawing a young carer from school does not result in increases in their caring responsibilities or the loss of support.

LORD LUCAS
BARONESS FOX OF BUCKLEY

210 Clause 30, page 51, line 36, after “delay” insert “and, in any event, within 28 days”

Member's explanatory statement

This amendment seeks to probe the meaning of “without undue delay”.

LORD LUCAS
LORD FROST

211 Clause 30, page 51, leave out lines 39 and 40

Member's explanatory statement

This amendment seeks to restore the current relationship between state and parents with regard to education.

LORD WEI

212 Clause 30, page 51, leave out lines 39 to 42 and insert –

- “(i) that there exists clear, documented evidence that such withdrawal would result in harm to the child, or
- (ii) that there is no evidence that the child would suffer mental or physical harm by remaining in school,”

Member's explanatory statement

This amendment gives parents the right to withdraw their child from school if they believe remaining would cause harm, unless the local authority provides clear, documented evidence to the contrary – upholding parental authority while ensuring safeguarding remains subject to due process.

LORD CRISP

- 213** Clause 30, page 51, line 39, after “interests” insert “, intellectually, emotionally and physically,”

Member's explanatory statement

This amendment seeks to probe the meaning of “best interests”

LORD WEI

- 214** [Withdrawn]

LORD LUCAS

- 215** Clause 30, page 51, line 43, at end insert –

“(6A) In making a decision under subsection (6)(b)(i), a local authority must make a realistic assessment of similar children in the school where the child is to be placed.”

Member's explanatory statement

This amendment seeks to ensure that any refusal is taken against the background of the actual characteristics of the school that the child might attend.

LORD WEI

Revised version of amendment 214

- 215A★** Clause 30, page 51, line 43, at end insert –

“(6A) Before they deregister a child from a maintained school for the purpose of elective home education, the relevant local authority must offer the parent a voluntary information session, which must include –

- (a) an explanation of the parent’s legal rights and responsibilities involved in home education,
- (b) information on available support services, and
- (c) information on the process and implications of withdrawal.”

Member's explanatory statement

This amendment ensures parents receive clear, factual information about their legal rights and duties before deciding to deregister their child from school.

LORD LUCAS

216 Clause 30, page 52, leave out lines 8 and 9

Member's explanatory statement

This amendment seeks to allow discussion of “exceptional circumstances” and safeguards.

LORD LUCAS

217 Clause 30, page 52, line 11, at end insert –

“(8A) In subsection (8)(b), exceptional circumstances will always apply where domestic abuse is alleged or established, with or without the existence of a court order, unless the local authority has reasonable cause to think that the allegations are not true.”

Member's explanatory statement

This amendment seeks to probe the intersection of domestic abuse and subsection (8)(b).

LORD WEI

218 Clause 30, page 52, line 11, at end insert –

“(8A) A local authority representative must not make any decision under this section in relation to elective home education unless that representative has at least two years of personal experience of home educating their own children.”

Member's explanatory statement

This amendment requires officials overseeing home education to have at least two years of personal experience, to ensure that decisions are informed by genuine understanding, reducing conflict, and improving trust, fairness, and oversight quality.

BARONESS BARRAN

219 Clause 30, page 52, line 11, at end insert –

“(8A) Where a local authority refuses consent in respect of a child who meets the criteria for Condition A, the local authority must provide the parents or carers of the relevant child with a statement of reasons for the decision.

(8B) A statement of reasons provided under subsection (8A) must include an assessment of the costs and benefits to the child.”

Member's explanatory statement

This amendment would require a local authority to submit a statement of reasons when they do not agree for a child who meets Condition A to be home educated.

LORD LUCAS

- 220** Clause 30, page 52, line 18, after “child” insert “unless such other circumstances apply which make it unreasonable not to do so”

Member's explanatory statement

This amendment seeks to cover such events as children relocating including out of the UK.

LORD LUCAS

LORD FROST

BARONESS FOX OF BUCKLEY

- 221** Clause 30, page 52, leave out lines 24 to 35 and insert –

- “(10) A parent may appeal to the Tribunal against a decision of the local authority to refuse consent to withdraw the child from school, or the local authority’s failure to grant such consent within 28 days of the parent’s application for consent.
- (10A) An appeal under subsection (10) must be brought within a period of 28 days beginning with the date on which the local authority’s decision was notified to the parent.
- (10B) On an appeal, the Tribunal may –
- (a) confirm the decision of the local authority, or
 - (b) direct that consent for withdrawal is given.
- (10C) The Tribunal may, if the parent submits evidence from a suitably qualified medical practitioner as to the likely harm to the child if they remain in school, and evidence as to the parent’s suitability to care for the child at home, direct that the child be allowed to remain at home pending determination of the appeal.”

Member's explanatory statement

This amendment would afford a parent a right of appeal against a local authority decision to refuse home schooling.

LORD LUCAS

LORD FROST

- 222** Clause 30, page 53, line 10, at end insert “, unless –
- (a) substantial new evidence is available which could change that decision, or
 - (b) the child is being disadvantaged by the decision.”

LORD WEI

223 Clause 30, page 53, line 10, at end insert –

“(12A) If a parent is not satisfied with the determination of the Secretary of State or Welsh Ministers under subsections (10) or (11), they can refer that determination to an independent ombudsman who must investigate whether there have been any instances of local authority overreach in carrying out their duties in relation to subsection (6).”

Member's explanatory statement

This amendment establishes an independent ombudsman to review complaints about any local authority overreach in the parents' requests to educate otherwise, strengthening accountability and ensuring parents have recourse when treated unfairly.

BARONESS JONES OF MOULSECOOMB

224 Clause 30, page 53, line 10, at end insert –

“(12A) Where a local authority is in the process of making a decision about the removal of a child from the roll, all absences must be recorded as authorised by the proprietor of the school.”

Member's explanatory statement

Deregistration from school is often triggered by crises – mental health, safeguarding issues in school, flat refusal by the child to attend, etc. Unauthorised absence can lead to fines. This amendment would avoid a parent being fined or otherwise penalised in the scenario where the parent clearly no longer consents to the educational arrangement with the school (which is a voluntary arrangement at the point of enrollment) and the decision is still in the process of being taken.

LORD LUCAS

225 Clause 30, page 53, leave out lines 11 to 24

Member's explanatory statement

This amendment seeks to discuss whether the definition of “relevant local authority” is right.

LORD HACKING

Lord Hacking gives notice of his intention to oppose the Question that Clause 30 stand part of the Bill.

After Clause 30

LORD MESTON

226 After Clause 30, insert the following new Clause –

“Local authority duties in respect of children missing school

After Section 436A of the Education Act 1996 (Duty to make arrangements to identify children not receiving education), insert –

“436AB Local authority duties in respect of children missing school

Local authorities must –

- (a) implement and, where necessary, enforce consistent arrangements with all schools for the local authority to be promptly informed of any child missing education by reason of persistent non-attendance or irregular attendance at school for which no satisfactory or verifiable explanation is provided by those with parental responsibility for that child;
- (b) take urgent steps to trace any child known or believed by that local authority to be missing school without authorisation of the school or without satisfactory explanation;
- (c) provide appropriate support for that child as soon as the child has been traced;
- (d) inform any court dealing with proceedings relating to the welfare of the child of the measures taken under this section, either directly or through Children and Family Court Advisory and Support Service.””

Member's explanatory statement

This amendment seeks to require local authorities to trace and support children identified as missing school, and to inform the courts of this if proceedings relating to the welfare of the child are underway.

Clause 31LORD LUCAS
LORD WEI

227 Clause 31, page 54, leave out lines 6 to 12

Member's explanatory statement

This amendment seeks to allow discussion of how these provisions will work in practice, and the meanings of “some of the time” and “part-time”, and to avoid duplication and confusion.

BARONESS BENJAMIN
LORD PARKINSON OF WHITLEY BAY
LORD STOREY

228 Clause 31, page 54, line 12, at end insert –

“(5A) Subsection (5)(b) does not apply where a child has been granted a licence or an authorisation to perform under a Body of Persons Approval by a licensing authority under the Children (Performances and Activities) (England) Regulations 2014 (S.I. 2014/3309).”

Member's explanatory statement

This amendment would mean a local authority does not need to register a child where their absence is due to licensed performance granted under the 2014 Regulations, as licence conditions if applicable stipulate a child must receive an education during the licensing period.

LORD LUCAS
LORD WEI

229 Clause 31, page 54, line 18, at end insert –

“(c) for the maintenance by central government of a register of Gypsy, traveller, boat dwellers and show people and others who do not have a fixed local authority and move frequently.”

Member's explanatory statement

This amendment seek to adjust how itinerant populations, who often home educate for cultural reasons, and whose children need targeted support, are kept in view.

LORD WEI

230 Clause 31, page 54, line 18, at end insert –

“(6A) A child is not required to be registered under this section if the parent provides evidence that any one of the following conditions is met –

- (a) a competent home educator with at least five years of personal or professional experience has provided a sworn affidavit affirming that, in their judgment, the parent will be capable of providing a suitable education consistent with their educational philosophy,
- (b) the parent has arranged and paid for the child to sit at least three externally assessed national qualifications, including but not limited to GCSEs, A-Levels, or accredited vocational awards, or
- (c) the child is enrolled with a national online school or flexible provision provider known to support home-educated or otherwise educated children to a suitable standard.”

Member's explanatory statement

This amendment and another in the name of Lord Wei exempt families from registration and data submission requirements where they can show credible evidence of suitable education through

endorsement by an experienced educator, formal qualification entry, or enrolment in a recognised online provider.

LORD WEI

231 Clause 31, page 54, line 18, at end insert –

“(6A) A child is not required to be registered under this section if the parent has submitted a portfolio annually demonstrating suitable education and learning progress.”

Member's explanatory statement

This amendment allows an educational portfolio as an alternative to registration, offering a less intrusive way for parents to demonstrate their child is receiving suitable education.

LORD WEI

232 Clause 31, page 54, line 18, at end insert –

“(6A) A child is not required to be registered under this section if the parent has previously home-educated a child who progressed to university, employment, or vocational training.”

Member's explanatory statement

This amendment exempts families from the register where they have successfully home-educated another child into further education, training, or work, recognising proven parental competence.

LORD WEI

233 Clause 31, page 54, line 18, at end insert –

“(6A) A child is not required to be registered under this section if the parent holds Qualified Teacher Status or an education-related degree from a United Kingdom-accredited institution.”

Member's explanatory statement

This amendment exempts parents with formal teaching qualifications or degrees in education from registration, recognising their professional capacity to provide suitable education without additional oversight

LORD HACKING

233A Clause 31, page 54, line 36, leave out from beginning to end of line 9 on page 57

LORD LUCAS
LORD FROST
LORD WEI

234 Clause 31, page 54, line 37, leave out from beginning to end of line 15 on page 55

Member's explanatory statement

This amendment seeks to probe why this particular set of information is needed, and whether it is collected for non-elective home educated children.

LORD WEI

235 Clause 31, page 54, line 38, at end insert “, except where the collection of such information would be incompatible with the rights guaranteed by the European Convention on Human Rights, including Article 8 (right to respect for private and family life) and Article 2 of Protocol 1 (parental right to education in line with convictions)”

Member's explanatory statement

This amendment ensures that data collection under section 436B respects rights under the European Convention on Human Rights, including Article 8 and Article 2 of Protocol 1. It prevents disproportionate interference with family life or educational convictions and upholds privacy and parental choice in home education.

LORD LUCAS
LORD WEI

236 Clause 31, page 54, line 40, at end insert “, subject to such safeguards as the Secretary of State may specify”

Member's explanatory statement

This amendment seeks to probe how abused parents and children will be safeguarded.

LORD LUCAS

236A Clause 31, page 54, line 40 at end insert “, except in cases in which—

- (i) one parent has been found guilty in a Criminal Court of an offence of which the child is a victim, including assault, sexual assault including rape, or domestic abuse;
- (ii) there has been a finding of fact in a Family Court in which the child is a victim, including assault, sexual assault including rape, or domestic abuse by one parent;
- (iii) there is an open police investigation against one parent for charges in which the child is a victim, including assault, sexual assault including rape, or domestic abuse;
- (iv) there is a risk of harm to the child or other members of the family if the address of the non-residential parent is required;”

LORD CRISP

237 Clause 31, page 54, leave out lines 40 to 44 and insert—

“(b) the names and home addresses of the parent or parents who are taking responsibility for the education of the child;”

Member's explanatory statement

The amendment seeks to probe the minimum amount of information that can be provided for the register and to clarify whether there is parental responsibility or involvement in this.

LORD LUCAS
LORD WEI

238 Clause 31, page 54, leave out lines 41 to 44

Member's explanatory statement

This amendment seeks to probe why this data is needed and how it will be used.

BARONESS BARRAN

239 Clause 31, page 54, leave out lines 43 and 44

Member's explanatory statement

This amendment seeks to remove a requirement for the register of children not in school to include details of how much time a child spends being educated by parents.

LORD LUCAS
LORD WEI

240 Clause 31, page 54, line 44, after “from” insert “or under the supervision of”

Member's explanatory statement

This amendment seeks to probe the exact meaning of paragraph (d).

LORD LUCAS
LORD WEI

241 Clause 31, page 55, leave out lines 1 to 15

Member's explanatory statement

This amendment seeks to enable a discussion of the justification for and practicality of this provision, and the effect on providers.

LORD CRISP
LORD WEI

- 242 Clause 31, page 55, line 1, after “receives” insert “more than a specified amount of a specified type of”

Member's explanatory statement

This amendment seeks to enable debate of how the effect of this paragraph might be limited.

BARONESS BARRAN
LORD HAMPTON

- 243 Clause 31, page 55, line 2, at end insert “in respect of each individual or organisation which provides such education for more than six hours a week”

Member's explanatory statement

This amendment seeks to ensure that information relating to short activities such as those operated by museums, libraries, companies and charities, as well as individual private tutoring activities, would only need to be recorded on the register of children not in school if they are provided for more than six hours a week.

LORD WEI

- 244 Clause 31, page 55, line 3, leave out “individuals and organisations” and insert “organisations (or, where no organisation is involved, individuals)”

Member's explanatory statement

This amendment seeks to avoid having to provide details of all the staff at, for example, an online school.

LORD LUCAS
LORD WEI

- 245 Clause 31, page 55, line 4, at end insert “, unless the address concerned is a private residence and the child never visits it”

Member's explanatory statement

Private tutors will often not provide parents with their home address so this amendment would remove the requirement to provide it in circumstances where the child never visits it.

LORD LUCAS
LORD WEI

- 246 Clause 31, page 55, line 10, at end insert “, or a general description of the type of place if there is no fixed location”

LORD LUCAS
LORD WEI

247 Clause 31, page 55, leave out lines 11 to 15

Member's explanatory statement

This amendment seeks to enable a general discussion of the practicability of this sub-paragraph.

LORD WEI

248 Clause 31, page 55, line 11, at beginning insert “a rough estimate of”

Member's explanatory statement

This amendment seeks to probe the record-keeping required of parents under this sub-paragraph.

BARONESS BARRAN
LORD HAMPTON

249 Clause 31, page 55, line 15, at end insert –

“unless the provision is provided on weekends or during school holidays.”

Member's explanatory statement

This amendment seeks to ensure that the requirements of paragraph (e) do not apply to education provided on weekends or during holidays.

BARONESS WHITAKER

250 Clause 31, page 55, line 15, at end insert –

“(f) the reasons why a parent of a child has chosen to opt for elective home education.”

Member's explanatory statement

This amendment would require the recording of the reasons parents opt for elective home education.

LORD YOUNG OF COOKHAM
BARONESS TYLER OF ENFIELD
LORD RUSSELL OF LIVERPOOL
LORD STOREY

251 Clause 31, page 55, line 15, at end insert –

“(f) in the case of a child who is in the area of a local authority in England, whether the child is a young carer, including whether a young carers needs assessment has been carried out;

- (g) in the case of a child who is in the area of a local authority in Wales, whether the child is a young carer, including whether a needs assessment has been carried out.”

Member's explanatory statement

This amendment seeks to ensure that local authorities are aware of which children in their area being educated other than in a school who have caring responsibilities.

LORD CRISP
LORD WEI

252 Clause 31, page 55, line 15, at end insert –

- “(1A) In subsection (1) a child receives education from a person other than their parent if and only if that person is specifically employed (whether for remuneration or not) to provide education to that specific child.”

Member's explanatory statement

This amendment is intended to probe the definition of a child receiving education from a person other than their parent.

LORD LUCAS
LORD WEI

253 Clause 31, page 55, line 15, at end insert –

- “(1A) In subsection (1), “education” includes every experience which may result in a child learning.”

Member's explanatory statement

This amendment seeks to allow discussion of where, in the context of home education, the boundary is between education and other aspects of life.

LORD WEI

254 Clause 31, page 55, line 15, at end insert –

- “(1A) A child who is not regarded as eligible for registration under section 436B(6A) shall not be subject to the information requirements under this section.”

Member's explanatory statement

This amendment and another in the name of Lord Wei exempt families from registration and data submission requirements where they can show credible evidence of suitable education through endorsement by an experienced educator, formal qualification entry, or enrolment in a recognised online provider.

LORD STOREY

254A Clause 31, page 55, line 15, at end insert –

“(1A) The requirement to provide information under subsection (1)(b) does not apply where a safeguarding concern in respect of either parent has been identified.”

Member's explanatory statement

This amendment removes the necessity of having the details of both parents where there is a safeguarding concern.

LORD LUCAS
LORD WEI

255 Clause 31, page 55, leave out lines 20 and 21

Member's explanatory statement

This amendment seeks to probe whether the wording of this paragraph is compatible with ECHR rulings regarding requirements to disclose religion.

LORD LUCAS
LORD WEI

256 Clause 31, page 55, leave out lines 30 to 35

Member's explanatory statement

This amendment seeks to probe whether the wording of this paragraph could result in an enquiry which found no safeguarding concern being held on record without good cause.

LORD LUCAS

257 Clause 31, page 55, leave out lines 36 to 42

Member's explanatory statement

This amendment seeks to object to the inclusion of this paragraph and explore the reasons for it.

LORD LUCAS

258 Clause 31, page 56, line 8, at end insert “, and the reasons why the child was looked after and the duration of that arrangement”

Member's explanatory statement

This amendment is intended to address situations such as one where a parent rushed into hospital might result in their children being classified as looked after for a few days until discharge, without that being a reflection on the care they provide the rest of the time.

LORD LUCAS
LORD WEI

259 Clause 31, page 56, leave out lines 9 to 12

Member's explanatory statement

This amendment seeks to explore the reasons and need for this paragraph, and whether it is an unreasonable invasion of privacy.

BARONESS BARRAN
LORD HAMPTON

260 Clause 31, page 56, leave out lines 26 to 31

Member's explanatory statement

This amendment removes the ability of the Secretary of State to require additional information to be included in the register of children not in school.

LORD FROST
LORD WEI

261 Clause 31, page 56, leave out lines 32 and 33

Member's explanatory statement

This amendment seeks to enable a discussion about the breadth of this power and the lack of restrictions on it.

LORD LUCAS
LORD WEI

262 Clause 31, page 56, leave out lines 36 to 39

Member's explanatory statement

This amendment seeks to probe what it is anticipated this provision requires.

LORD CRISP
LORD WEI

263 Clause 31, page 56, leave out line 41

Member's explanatory statement

This amendment seeks to probe whether the register would be published if it contains sensitive data relating to children.

LORD LUCAS
LORD WEI

264 Clause 31, page 56, leave out lines 43 and 44

Member's explanatory statement

This amendment seeks to explore what is envisaged by this paragraph, the proposed purpose of time recording and limitations upon it.

LORD LUCAS
LORD WEI

265 Clause 31, page 57, leave out lines 1 to 9

Member's explanatory statement

This amendment seeks to probe data protection measures generally in relation to the register.

LORD WEI

266 Clause 31, page 57, line 9, at end insert “or information likely to be held by an abusive parent or partner”

Member's explanatory statement

This amendment seeks to probe how safeguarding obligations may be fully protected.

BARONESS WHITAKER

267 Clause 31, page 57, line 9, at end insert –

- “(6) All information on the register must be destroyed by the local authority when a child reaches the age of 18.
- (7) The local authority must ensure that all information shared from the register with other bodies is also destroyed.”

Member's explanatory statement

This amendment would require local authorities to destroy information held on the register once a child reaches the age of 18.

LORD LUCAS
LORD WEI

268 Clause 31, page 57, line 9, at end insert –

- “(6) A local authority is liable for the consequences of data breaches from the register.”

Member's explanatory statement

This amendment seeks to incentivise due care by local authorities.

LORD CRISP
LORD WEI

269 Clause 31, page 57, line 9, at end insert –

- “(6) A parent –
- (a) must be provided with full access to the register;
 - (b) may request the local authority to add to or to amend the register, and the local authority must do so if they are satisfied that the register requires amendment, or note the parent’s request in the appropriate place in the register if they are not so satisfied;
- insofar as it concerns the children in their care.
- (7) A parent may appeal to the Tribunal against a decision of the local authority to refuse access to the register, or to amend or annotate the register, or to the manner in which the register has been amended or annotated.
- (8) An appeal under subsection (7) must be brought within a period of 28 days beginning with the date on which the local authority’s decision was notified to the parent.
- (9) On an appeal, the Tribunal may –
- (a) confirm the decision of the local authority, or
 - (b) direct that the local authority complies with the Tribunal’s decision.”

Member's explanatory statement

This amendment would enable parents to see what is in the register (subject to anti-abuse measures) and ask for amendments.

LORD WEI

270 Clause 31, page 57, line 9, at end insert –

- “(6) Each local authority must establish a parental advisory board, composed primarily of home-educating parents, to advise on and scrutinise the authority’s home education policies and procedures.
- (7) Where a local authority acts in a way that is contrary to the formal advice of the parental advisory board, it must publish a written statement setting out its reasons for doing so and make that statement available to the public within 28 days.”

Member's explanatory statement

This amendment introduces a statutory requirement for each local authority to create a home education parental advisory board. It also requires authorities to provide public justification if they act against the advice of the board, ensuring greater accountability and transparency in decisions affecting home-educating families.

LORD WEI

271 Clause 31, page 57, line 9, at end insert –

- “(6) The register of children not in school created under section 436B must be maintained solely by the local authority and must not be compiled into or made accessible through a national database.”

Member's explanatory statement

This amendment prohibits the creation of a centralised national database of home-educated children. It ensures that all data collected under section 436B remains under local control, in line with principles of data minimisation, family privacy, and proportionality.

LORD WEI

272 Clause 31, page 57, line 9, at end insert –

- “(6) No information provided for the purposes of this section may be disclosed to any third party without the explicit written consent of the parent or guardian, unless the disclosure is necessary to comply with a statutory duty under the Children Act 1989.”

Member's explanatory statement

This amendment ensures that personal information collected under this section cannot be shared without parental consent, except where disclosure is required to fulfil statutory safeguarding duties under the Children Act 1989. It seeks to balance privacy protections with the need to act in a child's best interests.

LORD WEI

273 Clause 31, page 57, line 9, at end insert –

- “(6) All information collected under section 436B must be automatically deleted when the child reaches the age of 18, or re-enrols in a registered school.”

Member's explanatory statement

This amendment sets clear data retention limits, ensuring that children's personal information is deleted once they are no longer of compulsory education age or return to formal schooling.

LORD WEI

274 Clause 31, page 57, line 9, at end insert –

- “(6) The register established under section 436B shall expire two years after its creation unless the Secretary of State publishes evidence that it has demonstrably improved safeguarding outcomes.”

Member's explanatory statement

This amendment introduces a sunset clause to ensure the register remains under review and is retained only if shown to be effective in improving safeguarding outcomes.

LORD WEI

275 Clause 31, page 57, line 9, at end insert –

“(6) If any data collected under this section is subject to a breach, the responsible local authority must notify affected parents within 14 days and offer compensation.”

Member's explanatory statement

This amendment provides accountability for data breaches by requiring prompt notification and compensation for families affected by unauthorised disclosure of personal information.

LORD WEI

276 Clause 31, page 57, line 9, at end insert –

“(6) The registration system established under section 436B expires two years after the day on which the Children’s Wellbeing and Schools Act 2025 is passed, unless it is shown to improve safeguarding outcomes.”

Member's explanatory statement

This amendment introduces an automatic sunset clause requiring the registration system to demonstrate measurable safeguarding benefits to remain in effect.

BARONESS JONES OF MOULSECOOMB
LORD HACKING

277 Clause 31, page 57, line 10, leave out from beginning to end of line 16 on page 58

Member's explanatory statement

This would remove the obligation on parents to register or update information about their educational provision separate from the existing duties they have to respond to enquiries from local authorities.

LORD LUCAS
LORD WEI

278 Clause 31, page 57, line 16, at end insert “, in their own words”

Member's explanatory statement

This amendment would make it clear that a parent may provide information on, for example, the type of provider, in their own words.

LORD NASH
LORD AGNEW OF OULTON

279 Clause 31, page 57, line 16, at end insert –

“(c) allow the local authority to inspect the materials being used in the child’s education and to see the child’s work.”

LORD WEI

280 Clause 31, page 57, line 20, at end insert “but such a request may not be made more than once in any twelve-month period unless the local authority has reasonable cause to suspect that the child will suffer harm, as defined in section 31(9) of the Children Act 1989, if the information is not provided,”

Member's explanatory statement

This amendment ensures that local authorities may request information from parents no more than once per year, unless there is reasonable cause to suspect the child will otherwise suffer harm as defined in the Children Act 1989. It is intended to limit intrusion while preserving safeguarding powers.

LORD LUCAS
LORD WEI

281 Clause 31, page 57, line 21, after “a” insert “substantial”

LORD WEI

282 Clause 31, page 57, line 25, at end insert –

“(2A) Nothing in subsection (2) requires a parent to provide information to a local authority more than once in any period of 12 months.”

Member's explanatory statement

This amendment seeks to enable debate on the record-keeping and reporting required of parents.

LORD LUCAS
LORD WEI

283 Clause 31, page 57, line 30, leave out “15” and insert “30”

Member's explanatory statement

This amendment would allow more time for parents to register their children as the events which lead to this necessity are often traumatic and chaotic.

LORD LUCAS
LORD WEI

284 Clause 31, page 57, leave out lines 32 to 36 and insert –

“(b) in the case of duties under subsections (2)(a) and (2)(b), a period of 30 days following the request or event, or following the expiry of 12 months following the person’s previous response, whichever period ends later;”

LORD WEI

285 Clause 31, page 57, line 40, at end insert –

“(4A) A local authority may make no more than one request in any 12-month period for a meeting with the parent, to collect data submissions, or a visit to the child’s home, unless it has reasonable cause to suspect the child is at risk of harm.

(4B) A failure by a parent to meet or to provide information annually under subsection (2)(a) shall not, by itself, be treated as evidence that the child is not receiving suitable education.

(4C) Any unauthorised visit, investigation, or data request by a local authority in breach of this Part shall be subject to a civil penalty not exceeding £5,000.”

Member's explanatory statement

This amendment seeks to limit local authority requests to once per year unless there are safeguarding concerns, prevent assumptions of neglect based on non-cooperation alone, and introduce penalties for unauthorised actions. It reinforces proportionality, safeguards family privacy, and ensures statutory limits are respected.

LORD LUCAS
LORD WEI

286 Clause 31, page 57, leave out from line 41 to line 14 on page 58

Member's explanatory statement

This amendment seeks to probe checks and balances on SEND provision.

LORD WEI

287 Clause 31, page 58, line 16, at end insert –

“(7) Where a parent does not provide information following a request under this Part, the local authority may not initiate further investigatory steps unless authorised by a magistrate or independent tribunal.

(8) A magistrate or tribunal may grant authorisation under subsection (7) only if the authority demonstrates –

- (a) reasonable grounds to believe the child is not receiving suitable education, and
 - (b) that less intrusive alternatives have been attempted and exhausted.
- (9) The authorisation under subsection (7) must specify –
- (a) the purpose and limits of the investigation,
 - (b) the period of time for which it is valid, and
 - (c) how it complies with the child and family's rights under the European Convention on Human Rights.”

Member's explanatory statement

This amendment introduces a judicial oversight mechanism, requiring local authorities to seek authorisation from a magistrate or independent tribunal before undertaking intrusive investigations where a parent has not voluntarily provided information. It seeks to protect families from disproportionate interference and mirrors safeguards in criminal and child protection law.

LORD LUCAS
LORD WEI

288 Clause 31, page 58, leave out from beginning of line 17 to end of line 30 on page 59

Member's explanatory statement

This amendment would enable discussion about new inserted section 436E.

LORD CRISP
LORD WEI

289 Clause 31, page 58, line 20, after “time” insert “(which must not be less than 10 hours per week)”

Member's explanatory statement

This amendment seeks to probe the intention of paragraph (1)(a) and enable debate on any consequences of this provision.

LORD LUCAS
LORD WEI

290 Clause 31, page 58, line 27, leave out “structured”

Member's explanatory statement

This amendment seeks to probe what is meant by “structured”.

BARONESS BARRAN
LORD HAMPTON

291 Clause 31, page 58, line 29, at end insert “but does not include any person or provider that is providing out-of-school education to home-educated children on weekends or during school holidays”

Member's explanatory statement

This amendment seeks to remove the requirement that providers of out-of-school education must provide information to local authorities in respect of education they provide on weekends or during school holidays to home-schooled children.

LORD LUCAS
LORD WEI

292 Clause 31, page 58, leave out line 36

Member's explanatory statement

This amendment probes why the provision in sub-paragraph (iii) is required.

BARONESS BARRAN
LORD HAMPTON

293 Clause 31, page 58, line 36, at end insert –

“but may not refer to an amount of time that is less than or equal to six hours a week.”

Member's explanatory statement

This amendment seeks to remove the requirement that providers of out-of-school education must provide information to local authorities where they provide education for fewer than six hours a week.

LORD LUCAS
LORD WEI

294 Clause 31, page 58, line 39, leave out “as mentioned in subsection (1)(a)”

Member's explanatory statement

This amendment seeks to clarify how the provider might know this information.

BARONESS JONES OF MOULSECOOMB

295 Clause 31, page 58, line 42, leave out “the following information” and insert “any of the following information they possess”

Member's explanatory statement

This amendment seeks to ensure that providers will not risk fines for not having information.

LORD LUCAS
LORD WEI

296 Clause 31, page 58, line 42, after “information” insert “(if they have it)”

Member's explanatory statement

This amendment seeks to probe this provision in relation to the case of websites, AI-assisted or otherwise, that the parents have signed up to.

LORD LUCAS

297 Clause 31, page 59, leave out line 3

Member's explanatory statement

This amendment seeks to ensure that ministers and Ofsted do not have access to individual-level personal data.

LORD LUCAS
LORD WEI

298 Clause 31, page 59, line 5, after “child,” insert, “measured by the time elapsed between the child clocking in and clocking out,”

Member's explanatory statement

This amendment seeks to explore how time will be measured, and the requirements imposed by this provision.

LORD LUCAS
LORD WEI

299 Clause 31, page 59, line 7, leave out from the first “child” to end of line 9

Member's explanatory statement

This amendment seeks to explore the meaning of the omitted words, and how the provider can know this information.

LORD LUCAS
LORD WEI

300 Clause 31, page 59, leave out lines 10 to 12

Member's explanatory statement

This amendment seeks to enable debate on virtual and overseas providers.

LORD LUCAS
LORD WEI

301 Clause 31, page 59, line 17, leave out “15” and insert “30”

LORD LUCAS
LORD WEI

- 302 Clause 31, page 59, line 18, at end insert “, or on the date on which the provider next opens for business”

Member's explanatory statement

This amendment addresses the fact that some providers close for substantial periods, for example, over the summer.

LORD LUCAS
LORD WEI

- 303 Clause 31, page 59, line 22, at beginning insert “intentionally”

LORD LUCAS
LORD WEI

- 304 Clause 31, page 59, line 22, after “(5)” insert –

“(ab) is a substantial provider of out-of-school education,”

Member's explanatory statement

This amendment seeks to discuss the effects of making small providers liable for fines.

LORD LUCAS
LORD WEI

- 305 Clause 31, page 59, leave out from beginning of line 31 to end of line 43 on page 60

Member's explanatory statement

This amendment seeks to enable debate on safeguarding.

BARONESS BARRAN

- 306 Clause 31, page 60, line 43, at end insert –

“(9) The Secretary of State must publish annually the GCSE results of children listed on the register.

(10) The Secretary of State must ensure that the GCSE results of children on the register are included for each set of outcome data published by the Government.”

Member's explanatory statement

This amendment would require the Secretary of State to record outcome data for children on the register as a subsection of each set of performance data published by the Department for Education.

LORD LUCAS

307 Clause 31, page 60, line 43, at end insert –

“436FA Duty to maintain a transparency register of information processing

- (1) The relevant person must maintain a record of processing of the use of information under section 463F, in a publicly available register.
- (2) The record of processing under subsection (1) must contain the following information –
 - (a) the date on which the data was processed;
 - (b) the name of the organisation given access;
 - (c) the purpose for which the data was processed;
 - (d) a list of any of the types of data items accessed (as specified in sections 436C, 436D and 436E);
 - (e) whether the processing included automated-decision making;
 - (f) the date after which it is expected that the data must not be preserved in a form which permits identification of the data subjects.
- (3) The relevant person must make the transparency register public.
- (4) The Secretary of State may by regulations make provision about –
 - (a) the form in which the record of processing under subsection (2) is to be kept and made public;
 - (b) the period for which information in the record is to be retained;
 - (c) the circumstances in which information in the record may be disclosed, including any restrictions or safeguards that apply to such disclosures;
 - (d) the circumstances in which information in the record must be disclosed to the data subject or their legal guardian.”

Member's explanatory statement

This amendment should provide the same level of transparency to home educators and others in the new registers, as the Department for Education provides in an online transparency register of its national distribution of identifying state pupil data. This creates an oversight tool to mitigate risks of uncontrolled disclosure. This should promote public trust in use of the new data powers.

LORD LUCAS

308 Clause 31, page 60, line 43, at end insert –

“436FA Use of information in the register at national level

- (1) A local authority must, if the Secretary of State so directs in relation to a local authority in England, or the Welsh Ministers so direct in relation to a local authority in Wales, provide the Secretary of State or the Welsh Ministers (as the case may be) with information of a prescribed description from their register under section 436B (whether that is information relating to an individual child or aggregated information as specified in subsection (2)).

- (2) The Secretary of State may collect and process –
 - (a) information relating to an individual child only on a case-by-case basis for the purposes of giving a direction on a school attendance order following a parental request under section 442 and in accordance with UK data protection law;
 - (b) statistics regarding children in receipt of Elective Home Education (EHE), or Children Missing Education (CME) for the purposes of monitoring educational trends and informing policy.
- (3) The data collected under subsection (2)(b) must be limited to prior aggregated statistical information and may not include any personal data that would enable the identification of individual children or linkage with other data that would do so.
- (4) The statistical information may include, but is not limited to –
 - (a) the collective number of children on any requested date;
 - (b) the collective number of children throughout a year;
 - (c) the percentage of children in each category relative to the overall child population.”

Member's explanatory statement

This amendment separates the Ministerial powers for use of individual level data and aggregated data that are conflated in 436F as drafted. This new clause explicitly enables the Secretary of State and Welsh Ministers to collect case-specific individual data for adjudication of school attendance orders which is the case today but for no other purpose. It prevents bulk national-level collection of identifiable home education data about individual children and their family members, as listed in clauses 436C, 436D, and 436E.

BARONESS WHITAKER
LORD BOURNE OF ABERYSTWYTH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 309** Clause 31, page 61, line 2, leave out from beginning to “provide” on line 3 and insert “A local authority must offer to”

Member's explanatory statement

This amendment would require local authorities to offer appropriate support to the parent of a child on the register.

BARONESS GARDEN OF FROGNAL

- 309A** Clause 31, page 61, line 5, at end insert "in a language which the parent understands."

Member's explanatory statement

This amendment seek to ensure that families parents who speak English as a second or other language are informed about the requirements in a language they understand.

BARONESS WHITAKER
LORD BOURNE OF ABERYSTWYTH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

310 Clause 31, page 61, line 6, leave out from “provided” to end of line 7 and insert “must”

Member's explanatory statement

This amendment would require local authorities to offer appropriate support to the parent of a child on the register.

LORD LUCAS
LORD WEI

311 Clause 31, page 61, line 7, after “request” insert “and the needs of the child and the educational preferences of its parents”

LORD LUCAS
LORD WEI

312 Clause 31, page 61, line 11, at end insert –

“(2A) A local authority must, on request, secure the provision of an examination centre within a reasonable distance where a child registered under section 436B may take any examination that the Secretary of State has authorised for administration by a relevant school.”

Member's explanatory statement

This amendment would ensure that elective home educated children are able to access an examination centre within a reasonable distance.

LORD CRISP
LORD WEI

313 Clause 31, page 61, line 11, at end insert –

“(2A) A local authority must facilitate, or make, arrangements for children registered under section 436B –

- (a) to be offered facilities and training on the same terms as the local authority offers them to pupils at relevant schools,
- (b) to be offered advantages (e.g. student discounts) on the same terms as organisations other than the local authority offer them to pupils at relevant schools,
- (c) to have access to colleges for courses for 14–16 year-olds, and for level 3 courses at colleges for which a home educated child has the aptitude but not standard qualifications,
- (d) to be offered signposting and support to access SEN referrals and assessments, support for older SEN students transitioning into

- adulthood, and access SEN provision such as speech therapists if not in school,
- (e) to be offered access to school nursing services,
 - (f) to be offered, on request, the provision of vouchers equivalent to the value of free school meals for qualifying children,
 - (g) to be offered, on request, the provision of alternative provision such as equine therapy which ordinarily requires a school referral,
 - (h) to be offered, on request, the provision of speciality equipment for children with SEND (such as braille readers),
 - (i) where they have an ECHP, to have personal budgets and independent payments in line with provision to children in schools, and
 - (j) to have access to work experience.”

Member's explanatory statement

This amendment seeks to extend to elective home educated children the support available to children in schools.

LORD LUCAS

313A Clause 31, page 61, line 23, at end insert –

“if (taken together with the local authority’s other actions) to do so is in the best interests of the child concerned”

LORD CRISP
LORD WEI

314 Clause 31, page 61, line 23, at end insert –

- “(4) It is the duty of a local authority –
- (a) as far as possible, to maintain good relationships with, consult with, and support local elective home education groups,
 - (b) as far as possible, to build positive and mutually respectful relationships with home education families and support them with the intellectual, emotional and physical development and wellbeing of their children,
 - (c) to employ staff to manage their elective home education functions who are suitably trained and experienced, with knowledge and understanding of approaches to home education, SEND, Gypsy, Roma and Traveller people, human rights & GDPR, and
 - (d) to organise supportive and informal events where the local authority officials can meet home educating families and facilitate question and answer sessions between home educators and the officials.”

Member's explanatory statement

This amendment requires local authorities to meet their home educating children in informal settings, and to establish support structures, with a view to making the local authority's work constructive and efficient.

BARONESS JONES OF MOULSECOOMB

315 Clause 31, page 61, line 23, at end insert –

- “(4) Where a parent has made a request for support, no action under section 436H may be taken in relation to educational suitability in the area where support has been requested.”

Member's explanatory statement

A request for support could be taken as an indication that the education is currently not suitable. This amendment would avoid penalising any parents coming forward to improve their provision in this way.

LORD STOREY
LORD CRISP

316 Clause 31, page 61, line 23, at end insert –

“436GA Arrangement for national examinations for children not in school

Where a child is eligible to be registered by the authority under section 436B, the authority must –

- (a) provide for the child to be able to sit any relevant national examination, and
- (b) provide financial assistance to enable the child to sit any relevant national examination,

where requested by the parent or carer of the child.”

Member's explanatory statement

This amendment would mean that where a child is required to be placed on the register, that child qualifies for financial assistance to sit any relevant national exam.

LORD LUCAS
LORD WEI

317 Clause 31, page 61, line 23, at end insert –

“436GA Performance reporting

A local authority must report annually, in a form specified by the Secretary of State, on the educational performance of children who attained the age of 19 in the previous year and who did belong to one of the following categories –

- (a) children under section 19 (exceptional provision of education in pupil referral units or elsewhere: England);
- (b) children educated under section 61 of the Children and Families Act 2014 (special education provision otherwise than in schools, post-16 institutions etc);
- (c) children who are “looked after”;
- (d) children who are on the register established by section 436B.”

LORD WEI

318 Clause 31, page 61, line 23, at end insert –

“436GA No oversight in rural areas

Families living more than ten miles from the nearest maintained school shall not be required to be registered under section 436B unless safeguarding concerns are present.”

Member's explanatory statement

This amendment seeks to provide a practical exemption from registration for families in remote areas, in the light of any difficulty in accessing schools and to reduce any unnecessary administrative burden.

LORD WEI

319 Clause 31, page 61, line 23, at end insert –

“436GA Privacy-preserving AI reporting tool for home education

- (1) A home-educating parent may satisfy a local authority request for information under section 436D(2)(a) by submitting progress data to an approved AI-based reporting tool.
- (2) A tool under subsection (1) may generate an anonymised summary report accessible to the local authority.
- (3) The report must not be stored, copied, or reused, and must be automatically destroyed after 30 days.
- (4) The local authority may not request such a report from any given home-educating family more than once in any 12-month period.
- (5) Any AI tool used must be open source or subject to independent peer review to ensure fairness and transparency.”

Member's explanatory statement

This amendment allows parents to submit education data to a privacy-preserving AI system that generates a temporary, anonymised report for local authorities. The tool must be transparent, and data cannot be retained or reused. The amendment seeks to limit requests to once per year, with the intention of protecting family privacy and preventing misuse.

LORD WEI

320 Clause 31, page 61, line 23, at end insert –

“436GA Rolling review requirement

- (1) The Secretary of State shall review the operation and impact of sections 436B to 436G every two years and lay the findings before Parliament.
- (2) Sections 436B to 436G shall cease to have effect 12 months after the review, unless a resolution approving their continuation has been passed by both Houses of Parliament.
- (3) Any such resolution may be subject to conditions, modifications, or time limits as Parliament sees fit.”

Member's explanatory statement

This amendment mandates a biennial review of the home education register to ensure transparency, accountability, and continuous policy evaluation.

LORD WEI

321 Clause 31, page 61, line 23, at end insert –

“436GA Automatic home education registration exemption for chess masters

A child who has achieved chess grandmaster status shall be considered to be receiving a suitable education and shall be exempt from registration under section 436B.”

Member's explanatory statement

This amendment recognises that children who attain chess grandmaster status demonstrate exceptional intellectual achievement. It automatically treats them as receiving a sufficient education.

LORD WEI

322 Clause 31, page 61, line 23, at end insert –

“436GA Recognition of nomadic learning lifestyles

Families who live a nomadic lifestyle, including but not limited to travelling performers, van-dwellers, or digital nomads, shall be exempt from registration under section 436B, provided education is demonstrably provided.”

Member's explanatory statement

This amendment seeks to recognise the requirements of nomadic families and seeks to exempt them from fixed-registration rules, while preserving the requirement to provide suitable education.

LORD WEI

323 Clause 31, page 61, line 23, at end insert –

“436GA Diplomatic immunity for international educators

A parent temporarily residing in the United Kingdom whose child is actively engaged in a recognised international education program shall be exempt from registration requirements under section 436B to 436D.”

Member's explanatory statement

This amendment exempts families temporarily based in the UK while participating in international education programs, allowing them to maintain their existing educational arrangements without regulatory interference.

LORD WEI

324 Clause 31, page 61, line 23, at end insert –

“436GA Right of asylum-seeking families to home educate

- (1) A family awaiting a decision on an asylum application shall have the right to educate their child at home without being subject to registration under section 436B.
- (2) The parent must provide a written statement confirming they are providing suitable home education and, to the best of their knowledge, have done so prior to arrival in the United Kingdom.
- (3) A local authority may not require further information unless it has reasonable grounds to believe the child is at risk of significant harm, as defined in section 31(9) of the Children Act 1989.”

Member's explanatory statement

This amendment seeks to ensure families seeking asylum retain the right to home educate without added procedural burdens while awaiting immigration decisions, with the intention of minimising disruption to children's education.

LORD WEI

325 Clause 31, page 61, line 23, at end insert –

“436GA Age-based reduction of oversight

A child aged 14 or over may, with parental agreement, register as a self-directed learner and shall not be subject to oversight under section 436B unless safeguarding concerns arise.”

Member's explanatory statement

This amendment seeks to allow children aged 14 and older to register as self-directed learners, free from routine oversight. It seeks to respect the autonomy of older students to take control of their education outside of formal systems.

LORD WEI

326 Clause 31, page 61, line 23, at end insert –

“436GA Crisis exemption from educational requirements

A child shall not be required to be registered under section 436B or comply with formal education duties if their family is displaced or severely affected by war, natural disaster, or economic collapse.”

Member's explanatory statement

This amendment seeks to provide compassionate exemptions from educational regulation during periods of personal or national crisis.

LORD WEI

327 Clause 31, page 61, line 23, at end insert –

“436GA Appeal rights for older children

A child aged 14 to 18 shall have the right to appeal to an independent tribunal against a local authority decision under sections 436B to 436G.”

Member's explanatory statement

This amendment seeks to give older children the right to challenge decisions that affect their education, ensuring their voice is included in home education matters.

LORD WEI

328 Clause 31, page 61, line 23, at end insert –

“436GA Prohibition on data sharing with immigration authorities

Data collected under section 436B must not be shared with immigration enforcement bodies under any circumstances.”

Member's explanatory statement

This amendment seeks to ensure that data collected under section 436B may not be shared with immigration enforcement bodies under any circumstances.

LORD WEI

329 Clause 31, page 61, line 23, at end insert –

“436GA Independent review board

The Secretary of State must establish a board composed of home educators and education law experts to monitor and evaluate the impact of section 436B.”

Member's explanatory statement

This amendment creates a board to independently assess the register's operation and ensure home educators are represented in the evaluation process.

LORD WEI

330 Clause 31, page 61, line 23, at end insert –

“436GA Pilot scheme before national implementation

Sections 436B to 436G must not come into full effect until a two-year pilot programme of the registration requirements has been completed in at least three local authorities.”

Member's explanatory statement

This amendment introduces a pilot phase to test the registration scheme before full national rollout, in order to allow for evidence-led refinement of the provisions.

LORD LUCAS

LORD FROST

LORD WEI

BARONESS JONES OF MOULSECOOMB

The above-named Lords give notice of their intention to oppose the Question that Clause 31 stand part of the Bill.

Member's explanatory statement

This is intended to probe how Clause 31 relates to Clause 4, whether all children will now be included in registers or whether some are still left out, and how children will come to the local authority's attention as needing to be registered.

After Clause 31

LORD STOREY

LORD CRISP

331 After Clause 31, insert the following new Clause –

“Review of impact on home educators and reduction of unnecessary reporting

- (1) The Secretary of State must, within six months of the day on which this Act is passed, conduct a review and report of the impact of section 31 on home educators in England.
- (2) The review must include an assessment of –
 - (a) the administrative and reporting requirements placed on home educators as a result of section 31,
 - (b) the administrative and reporting requirements placed on local authorities as a result of section 31,

- (c) the extent to which such requirements are necessary for safeguarding purposes, and
 - (d) any data or reporting obligations that can be reduced or removed for home educators where they are not essential for safeguarding.
- (3) The Secretary of State must lay a report before Parliament setting out the findings of the review, including—
- (a) an analysis of the impact of section 31 on home educators,
 - (b) a clear outline of any data or reporting obligations that will no longer be required from home educators, and
 - (c) a timeline for the removal of unnecessary reporting obligations, which must not exceed 12 months from the publication of the report.
- (4) In conducting the review, the Secretary of State must consult with representatives of home educators and relevant stakeholders.
- (5) The report must be made publicly available.
- (6) The Secretary of State must ensure that any reporting obligations identified as unnecessary under subsection (3)(b) are removed within the timeframe specified in subsection (3)(c).”

Member's explanatory statement

This amendment requires the Secretary of State to conduct a review and report of the impact of section 31 on home educators in England.

LORD WEI

332 After Clause 31, insert the following new Clause—

“Self-certification for SEN students

A child with special educational needs must not be required to be registered under section 436B of the Education Act 1996 if the parent provides a written statement that—

- (a) identifies the child’s special educational needs or the basis on which such needs are reasonably suspected,
- (b) describes the tailored educational provision being made to meet those needs, and
- (c) outlines a reasonable approach for monitoring progress or outcomes.”

Member's explanatory statement

This amendment allows parents to self-certify SEN provision, provided they identify the child’s needs, describe tailored provision, and outline how they will monitor progress. It seeks to ensure educational adequacy while respecting family flexibility and protecting against misuse.

LORD WEI

333 After Clause 31, insert the following new Clause –

“Multi-year registration certificates

A home-educating parent may apply for a certificate valid for five years that exempts them from annual oversight under section 436D of the Education Act 1996, provided no safeguarding concerns are present and educational provision has been deemed suitable.”

Member's explanatory statement

This amendment seeks to reduce unnecessary oversight by allowing families with a strong record to receive a five-year exemption certificate, recognising consistent good practice and reducing administrative burden.

Clause 32

LORD HACKING

333A Clause 32, page 64, line 28, leave out from beginning to end of line 3 on page 66

LORD LUCAS
LORD WEI

334 Clause 32, page 64, line 29, leave out “must” and insert “may”

Member's explanatory statement

This amendment seeks to ensure that a local authority does not have to serve a preliminary notice, if this would be better for the child's wellbeing.

LORD LUCAS
LORD WEI

335 Clause 32, page 64, line 32, after “age” insert –

“(ab) all relevant support has been offered to the parent,”

Member's explanatory statement

This amendment seeks to ensure that local authorities have offered support to parents, before they can serve a preliminary notice.

BARONESS JONES OF MOULSECOOMB

336 Clause 32, page 64, leave out lines 34 to 36

BARONESS JONES OF MOULSECOOMB

337 Clause 32, page 65, line 1, leave out “, C or D”

LORD LUCAS
LORD WEI

338 Clause 32, page 65, leave out lines 3 and 4

Member's explanatory statement

This amendment probes the circumstances in which the “best interest” test would be applied.

LORD LUCAS
LORD WEI

339 Clause 32, page 65, leave out lines 9 to 11

Member's explanatory statement

This amendment probes the circumstances in which a local authority enquiry would satisfy condition B.

LORD LUCAS
LORD WEI

340 Clause 32, page 65, line 10, at end insert “if those enquiries meet a specified threshold”

Member's explanatory statement

This amendment seeks to explore the circumstances under which this would satisfy condition B.

LORD LUCAS
LORD WEI

341 Clause 32, page 65, leave out lines 20 and 21

Member's explanatory statement

This amendment seeks to prevent local authorities from judging when it would be in a child's best interest for them to receive education by regular attendance at school.

BARONESS JONES OF MOULSECOOMB

342 Clause 32, page 65, leave out lines 22 to 35

LORD LUCAS
LORD WEI

- 343 Clause 32, page 65, line 29, at end insert –
“and the information not provided, or the inaccuracy of the information provided, is of sufficient importance to justify a school attendance order.”

Member's explanatory statement

This amendment seeks to require a parent's serious error in relation to the provision of information before a preliminary notice can be justified under Condition C.

LORD LUCAS
LORD WEI

- 344 Clause 32, page 65, leave out lines 30 to 35

Member's explanatory statement

This amendment probes the circumstances under which Condition D could justify the serving of a preliminary notice.

LORD LUCAS
LORD WEI

- 345 Clause 32, page 65, line 35, at end insert –
“and the information not provided, or the inaccuracy of the information provided, is of sufficient importance to justify a school attendance order.”

Member's explanatory statement

This amendment seeks to require that a preliminary notice can only be justified under Condition D if there is a serious error in the information provided by the parent.

BARONESS JONES OF MOULSECOOMB

- 346 Clause 32, page 65, line 37, leave out “to D” and insert “or B”

LORD LUCAS
LORD WEI

- 347 Clause 32, page 65, line 39, leave out from “delay” to “and” in line 42

Member's explanatory statement

This amendment seeks to probe the five day deadline for serving a preliminary notice.

LORD LUCAS
LORD WEI
LORD HACKING

348 Clause 32, page 66, line 4, leave out from beginning to end of line 36 on page 67

Member's explanatory statement

This amendment seeks to facilitate debate of school attendance orders

LORD LUCAS
LORD WEI

349 Clause 32, page 66, leave out lines 24 to 27

Member's explanatory statement

This probing amendment seeks to remove the “suitable education” test from provision preventing the serving of a school attendance order.

LORD STOREY

349A★ Clause 32, page 66, line 34, at end insert –

- “(2A) A local authority must not serve an order under this section on a child’s parents if the child –
- (a) has an education, health and care plan,
 - (b) experiences emotionally-based school avoidance, or
 - (c) is eligible for special educational needs support.”

Member's explanatory statement

This amendment seeks to prevent school attendance orders being applied to children with certain health, emotional and learning needs.

LORD LUCAS
LORD WEI

350 Clause 32, page 66, line 37 leave out “all of the” and insert “the major”

Member's explanatory statement

This amendment seeks to remove the requirement for local authorities to consider all of a child’s educational settings when determining whether to serve a school attendance order, as this could require them to consider an infeasibly large number of settings. Instead, the amendment proposes that local authorities consider “the major” settings.

LORD LUCAS
LORD WEI

351 Clause 32, page 66, line 38, leave out “and where the child lives”

Member's explanatory statement

This amendment seeks to avoid any discrimination based on the location of a child's residence, when a local authority is considering settings for the purposes of determining whether a school attendance order must be served.

LORD LUCAS
LORD WEI

- 352 Clause 32, page 66, line 39, leave out "how the child is being educated" and insert "the form the child's education takes"

Member's explanatory statement

This amendment seeks to avoid any implied ability to make financial enquiries.

LORD WEI

- 353 Clause 32, page 66, line 42, leave out from beginning to end of line 2 on page 67

Member's explanatory statement

This amendment seeks to remove the local authority's power to request to visit a child at home, for the purpose of determining whether a school attendance order should be served.

LORD LUCAS
LORD WEI

- 354 Clause 32, page 67, line 2, at end insert " , subject to a court order to that effect."

Member's explanatory statement

This amendment seeks to require that a local authority must possess a court order before visiting a child at home, for the purpose of determining whether a school attendance order should be served.

LORD LUCAS
LORD WEI

- 355 Clause 32, page 67, line 2, at end insert –

“(d) must consider what the local authority knows of the child's reaction to strangers, schools and persons in authority.”

LORD LUCAS
LORD WEI

- 356 Clause 32, page 67, line 11, leave out from "delay" to "and" in line 14

Member's explanatory statement

This amendment seeks to probe the deadline for informing the governing body and headteacher when a maintained school is named in a school attendance order.

BARONESS JONES OF MOULSECOOMB

357 Clause 32, page 67, line 15, at end insert –

“(c) must describe the reasons for the decision to serve the order.”

Member's explanatory statement

This amendment seeks to give parents the information needed to be able to challenge a school attendance order, or if they wish to make changes and then request revocation.

LORD LUCAS

LORD WEI

358 Clause 32, page 67, line 21, at end insert –

“(c) the child relocates outside the jurisdiction.”

LORD LUCAS

LORD WEI

359 Clause 32, page 67, line 24, leave out from “delay” to “inform” in line 26

Member's explanatory statement

This amendment seeks to probe the deadline for informing the governing body and headteacher when a maintained school is named in a school attendance order.

LORD STOREY

359A★ Clause 32, page 67, leave out from line 37 to line 19 on page 68

Member's explanatory statement

This amendment is connected to another in the name of Lord Storey which seeks to prevent school attendance orders being applied to children with an education, health and care plan.

LORD LUCAS

LORD WEI

360 Clause 32, page 68, line 4, leave out “amend” and insert “review”

LORD LUCAS

LORD WEI

361 Clause 32, page 68, leave out lines 7 to 10

Member's explanatory statement

This amendment seeks to probe how this subsection could result in an inappropriate school being named if no review is held.

LORD LUCAS
LORD WEI

362 Clause 32, page 70, leave out line 10 and insert –

“the parent shall be considered as having fulfilled their duty to provide suitable education to the child.”

Member's explanatory statement

This amendment seeks to ensure that if a parent enrolled their child into an independent school and their financial circumstances changed, they would not be forced to pay unaffordable bills.

LORD STOREY

362A★ Clause 32, page 72, line 40, leave out from “than” to “a” on line 41

Member's explanatory statement

This amendment is connected to another in the name of Lord Storey which seeks to prevent school attendance orders being applied to children with an education, health and care plan.

LORD LUCAS
LORD WEI

363 Clause 32, page 73, line 42, at end insert –

“(5) If a child subject to a notice leaves the jurisdiction, the local authority must revoke the order.”

LORD WEI

364 Clause 32, page 74, line 37, at end insert –

“(4A) In arriving at an opinion under subsection (4) the local authority must consult a panel, established for that purpose, including established home-educating parents.”

LORD CRISP
LORD WEI

365 Clause 32, page 74, leave out lines 38 to 42 and insert –

“(5) A parent may appeal to the Tribunal against a decision of the local authority to refuse to comply with a request under subsection (3).

(5A) An appeal under subsection (5) must be brought within a period of 28 days beginning with the date on which the local authority’s decision was notified to the parent.

(5B) On an appeal, the Tribunal may –

- (a) confirm the decision of the local authority, or
- (b) direct that the parent's request should be granted."

Member's explanatory statement

This amendment would afford a parent a right of appeal against a local authority decision to refuse to end or revise a school attendance order.

LORD LUCAS
LORD WEI

- 366 Clause 32, page 74, line 43, leave out from beginning to end of line 12 on page 75

LORD STOREY

- 366A★ Clause 32, page 75, leave out lines 4 to 12

Member's explanatory statement

This amendment is connected to another in the name of Lord Storey which seeks to prevent school attendance orders being applied to children with an education, health and care plan.

LORD LUCAS
LORD WEI

- 367 Clause 32, page 76, line 9, at end insert “, unless the child is no longer resident within the jurisdiction.”

BARONESS WHITAKER
LORD BOURNE OF ABERYSTWYTH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 368 Clause 32, page 76, leave out lines 30 to 33 and insert—

- “(8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Member's explanatory statement

This amendment would retain the maximum fine at level 3 (£1000) rather than level 4 (£2500) and would remove the possibility of imprisonment.

LORD WEI

- 369 Clause 32, page 76, leave out lines 30 to 37 and insert—

- “(8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding the equivalent of one day's wages at the National Minimum Wage.”

Member's explanatory statement

This amendment sets a reasonable upper limit on fines for failure to comply with school attendance orders to ensure they remain proportionate and do not unfairly burden low-income families.

BARONESS BLACKSTONE
BARONESS MORRIS OF YARDLEY

370 [Withdrawn]

LORD LUCAS
LORD WEI

371 Clause 32, page 76, line 33, at end insert “but the child’s best interests shall be taken fully into account when deciding the sentence.”

LORD LUCAS
LORD FROST
LORD WEI
BARONESS JONES OF MOULSECOOMB

The above-named Lords give notice of their intention to oppose the Question that Clause 32 stand part of the Bill.

Member's explanatory statement

This is intended to allow a general discussion of school attendance orders.

After Clause 32

LORD WEI

372 After Clause 32, insert the following new Clause –

“Non-criminalisation of home education

- (1) A parent shall not be subject to criminal conviction, and no criminal record shall result, solely from a failure to comply with the registration requirements under section 436D of the Education Act 1996 (inserted by this Act).
- (2) Any enforcement action for non-registration must be civil in nature and proportionate to the educational context.”

Member's explanatory statement

This amendment prevents parents from acquiring a criminal record solely due to a failure to register under new section 436D. It would ensure that enforcement is civil, not criminal, to avoid long-term harm to the family and child, while still allowing proportionate oversight where needed.

LORD WEI

373 After Clause 32, insert the following new Clause –

“Exemption from penalty for mental health or bullying

A parent must not be subject to penalty or enforcement under section 436Q of the Education Act 1996 if the withdrawal of their child from school was supported by a medical professional due to bullying or mental health concerns.”

Member's explanatory statement

This amendment protects families from penalties where withdrawal is supported by clinical advice due to bullying or mental health risks.

LORD WEI

374 After Clause 32, insert the following new Clause –

“No fines for off-grid families

A family that produces its own energy and food and lives more than ten miles from the nearest maintained school shall be exempt from penalties for non-attendance under section 436Q of the Education Act 1996.”

Member's explanatory statement

This amendment seeks to exempt off-grid families from education-related fines where conventional schooling is impractical or unnecessary.

Clause 33

LORD LUCAS

LORD WEI

375 Clause 33, page 78, line 28, at end insert –

“(5) A parent is entitled to claim compensation in respect of any breaches of data protection in relation to actions under this Act.”

BARONESS JONES OF MOULSECOOMB

Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 33 stand part of the Bill.

Clause 34

BARONESS JONES OF MOULSECOOMB

Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 34 stand part of the Bill.

After Clause 34

BARONESS BENJAMIN
LORD STOREY

376 After Clause 34, insert the following new Clause –

“Notification and registration of licence or Body of Persons Approval to local authority

In the Children (Performances and Activities) (England) Regulations 2014 (S.I. 2014/3309), after regulation 31, insert the following –

“32 Notification and registration of licence approval to local authorities

- (1) Where a licensing authority approves a licence or authorises a performance under a Body of Persons Approval, they must notify the local authority in which the child resides, including information about the –
 - (a) type of licence or Body of Persons Approval;
 - (b) duration of performance;
 - (c) duration of absence from school setting;
 - (d) details of any alternative education provision during performance.
- (2) Where a local authority receives notification of an approved licence and must register a child under section 436B of the Education Act 1996, they must update the register to specify the reason of absence as performance-related.
- (3) Where a local authority is also the licensing authority and must register a child under section 436B of the Education Act 1996, they must update the register to specify the reason of absence as performance-related.”

Member's explanatory statement

This amendment requires licensing authorities that approve a licence or authorise a performance under a Body of Persons Approval for a child to perform to notify the local authority in which the child resides.

BARONESS BENJAMIN

377 After Clause 34, insert the following new Clause –

“Review of The Children (Performances and Activities) (England) Regulations 2014

Within 6 months of the passing of this Act, the Secretary of State must conduct a review of the effect of the provisions in this Act on the operation of The Children (Performances and Activities) (England) Regulations 2014.”

Clause 35

BARONESS JONES OF MOULSECOOMB

Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 35 stand part of the Bill.

After Clause 35

LORD WEI

378 After Clause 35, insert the following new Clause –

“Protection of home education rights during emergency or authoritarian rule

- (1) In the event of a national emergency or authoritarian governance, the courts shall have the final authority to safeguard the right to home educate in accordance with this Act.
- (2) Authoritarian governance shall be defined as any period during which emergency regulations or executive actions suspend, limit, or derogate from rights protected under the Human Rights Act 1998 or the European Convention on Human Rights.”

Member's explanatory statement

This amendment seeks to protect the legal right to home educate in exceptional national circumstances by placing judicial oversight above executive restrictions.

LORD WEI

379 After Clause 35, insert the following new Clause –

“Limit on review duration without cause

- (1) A home-educating family must not remain under continued review or monitoring by a local authority for more than 30 days unless the authority has reasonable cause to suspect that the child is at risk of significant harm, as defined in section 31(9) of the Children Act 1989.
- (2) Where no such risk is found, the case must be closed, and the family notified in writing within 10 working days.”

Member's explanatory statement

This amendment ensures that home-educating families are not subject to prolonged review without specific concerns. If no safeguarding risk is identified within 30 days, local authorities must close the case and notify the family, protecting against unnecessary surveillance or open-ended monitoring.

LORD WEI

380 After Clause 35, insert the following new Clause –

“Protection from reporting bias

If more than 50% of home education reports from a local authority in any calendar year are negative, an independent review must be triggered to assess objectivity and fairness.”

Member's explanatory statement

This amendment ensures that if local authority reports about home educators show consistent negativity, an independent review will assess potential bias, promoting fair and balanced oversight.

LORD WEI

381 After Clause 35, insert the following new Clause –

“Inclusion of home educators on safeguarding panels

- (1) Any safeguarding panel considering cases involving home-educated children must include at least one person with direct home education experience.
- (2) For the purposes of this section, a “safeguarding panel” means any joint inter-agency structure, entity, local authority or other authority making decisions about children who are home-educated, or may be home-educated in the future, for safeguarding purposes or to prevent them from harm.”

Member's explanatory statement

This amendment ensures home education is fairly represented on safeguarding panels, adding practical insight to decision-making processes.

LORD WEI

382 After Clause 35, insert the following new Clause –

“Home Education Ombudsman

- (1) The Secretary of State must appoint an independent Home Education Ombudsman.
- (2) The Ombudsman’s function is to investigate complaints from parents relating to the conduct, decisions, or practices of local authorities in the exercise of their functions under sections 436B to 436U of the Education Act 1996 (inserted by this Act).
- (3) The Ombudsman must be independent of the Government and of local authorities.
- (4) The Ombudsman must publish an annual report of findings and recommendations, designed to support any relevant judicial reviews undertaken by parents or carers who provide home education who are dissatisfied with the response of the Secretary of State to any written complaints made by those parents or carers about

their treatment by local authorities and the impact of such treatment upon their activities or their rights to privacy, family life, and ability to home educate.”

Member's explanatory statement

This amendment creates a statutory office of an independent Home Education Ombudsman, empowered to investigate complaints from families about how local authorities are exercising their duties in relation to elective home education. This would strengthen accountability and protect families from unjustified or inconsistent local practice.

LORD WEI

383 After Clause 35, insert the following new Clause –

“Exam support for home-educated children

The Secretary of State must ensure that home-educated children are entitled to the same exam fee support and access to recent past papers as children enrolled in maintained schools.”

Member's explanatory statement

This amendment ensures exam access parity by providing home-educated children with equivalent support to their peers in schools.

LORD WEI

384 After Clause 35, insert the following new Clause –

“Parity of treatment for home education

A local authority, in exercising its functions under sections 436B to 436G of the Education Act 1996, must treat home education provision on a par with that of independent schools, including respecting the right of parents to determine curriculum, teaching methods, and educational philosophy, provided the education is suitable within the meaning of section 7 of the Education Act 1996.”

Member's explanatory statement

This amendment requires local authorities to apply the same level of respect and discretion to home education as is afforded to independent schools, provided the education is suitable under section 7 of the Education Act 1996. It affirms parental discretion over curriculum, pedagogy, and educational approach.

LORD WEI

385 After Clause 35, insert the following new Clause –

“Presumption of parental competence

In assessing whether a child is receiving suitable education, a local authority shall presume that the parent is competent to provide such education, unless the

authority can demonstrate, with clear and documented evidence, beyond reasonable doubt, that the education being provided is unsuitable.”

Member's explanatory statement

This amendment creates a legal presumption that parents are competent to educate their children. It requires local authorities to prove, beyond reasonable doubt and with clear evidence, that the education is unsuitable before intervening – ensuring parental rights are protected against speculative or unjustified action.

LORD WEI

386 After Clause 35, insert the following new Clause –

“Right to sue for educational failure

A child compelled into formal schooling by a local authority may bring legal action against that authority for educational harm or failure to provide a suitable education if it can be demonstrated to have been as a result of being taken out of home education.”

Member's explanatory statement

This amendment gives children the right to seek redress where forced schooling leads to demonstrable harm or failure, holding authorities accountable for poor educational outcomes.

LORD WEI

387 After Clause 35, insert the following new Clause –

“No regulation of educational content

A local authority must not comment on or assess the content or methodology of home education provided by a parent, provided it meets the standard of suitability under section 7 of the Education Act 1996.”

Member's explanatory statement

This amendment protects curriculum freedom by preventing local authorities from regulating or judging the materials and pedagogical approaches used in lawful home education.

LORD WEI

388 After Clause 35, insert the following new Clause –

“Children’s advisory board for home education policy

The Secretary of State shall establish an annual review panel comprising at least 12 home-educated children aged 10 to 16, selected by lottery, to advise on education legislation affecting home education.”

Member's explanatory statement

This amendment seeks to empower children who are home educated to contribute directly to policy through an annual children's jury, ensuring their experiences and views are considered in law-making.

LORD WEI

389 After Clause 35, insert the following new Clause –

“Home education workers’ union

Home-educating parents have the right to form, join, and collectively organise in a registered home education workers’ union, including the right to petition and collectively bargain on education policy, on a par with other unions such as teachers’ unions.”

Member's explanatory statement

This amendment ensures that home-educating parents have the legal right to form and join a recognised union, giving them formal standing to be consulted on education policy, seek legal redress collectively, and advocate for resources. It mirrors protections available to teachers’ unions and enables fair representation in law and policy making.

LORD WEI

390 After Clause 35, insert the following new Clause –

“Tax relief for home education expenses

The Secretary of State must, within six months of the day on which this Act comes into force, introduce a scheme allowing parents who home educate to deduct education-related expenses from their taxable income.”

Member's explanatory statement

This amendment seeks to allow home educators to deduct educational costs such as books, tutoring, and exams from their taxable income.

LORD WEI

391 After Clause 35, insert the following new Clause –

“Right to jury trial in forced school attendance cases

No child may be compelled to attend school against the wishes of their parent or guardian unless the decision is upheld by a jury trial in a Magistrates’ Court or Crown Court.”

Member's explanatory statement

This amendment ensures that families facing forced school attendance orders have the right to a jury trial, providing stronger procedural safeguards and a community-based judgment in contested cases.

LORD WEI

392 After Clause 35, insert the following new Clause –

“Protection from truancy penalties in lawful home education

After section 447 of the Education Act 1996 insert –

“447A Protection from truancy penalties in lawful home education

- (1) No parent shall be subject to prosecution or penalty under sections 444 to 447 of this Act for non-attendance, where –
 - (a) the child has been lawfully withdrawn from school, and
 - (b) the parent is providing, or intends to provide, suitable education in accordance with section 7.
- (2) This section does not prevent a local authority from issuing a School Attendance Order under section 437, but no such order may be issued solely on the basis of non-attendance, without first assessing the suitability of education being provided.”

Member's explanatory statement

This amendment protects parents from truancy-related penalties when they have lawfully withdrawn their child for home education. It ensures that enforcement action is only taken where there is clear evidence that suitable education is not being provided, not merely on the basis of school non-attendance.

LORD WEI

393 After Clause 35, insert the following new Clause –

“Right to delay formal education

A parent may elect to delay the start of their child’s formal education until the academic year following their seventh birthday without penalty.”

Member's explanatory statement

This amendment allows parents to delay formal education to age seven, aligning with international practice and supporting readiness-based learning.

LORD WEI

394 After Clause 35, insert the following new Clause –

“Study into privacy-preserving technologies

- (1) The Secretary of State must, within six months of the passing of this Act, commission an independent study into the use of zero-knowledge proof technology as a method to verify educational provision in elective home educating families without compromising the privacy of those families.
- (2) The findings of the study must be published and laid before Parliament.”

Member's explanatory statement

This amendment requires the Secretary of State to commission an independent study into the use of zero-knowledge proof technologies as a means of verifying education provision without compromising family privacy in elective home-educating families. It supports innovation in safeguarding and accountability while upholding principles of data minimisation and proportionality.

LORD WEI

395 After Clause 35, insert the following new Clause –

“Local authority transparency reports

Each local authority must publish an annual report detailing its engagement with home-educating families, including data on support, complaints, and outcomes.”

Member's explanatory statement

This amendment seeks to increase transparency by requiring annual reporting of local authority practice, with the intention of supporting public accountability in the regulation of home education.

LORD WEI

396 After Clause 35, insert the following new Clause –

“Independent research into home education

The Secretary of State must fund independent academic research into effective home education practices and publish findings every three years.”

Member's explanatory statement

This amendment seeks to commit the government to funding research into home education methods, ensuring evidence-based policy and best practice guidance.

LORD WEI

397 After Clause 35, insert the following new Clause –

“Parental referendum on regulatory expansion

No new national regulatory measure concerning home education may be introduced unless approved by a majority of registered home-educating families through a parental referendum.”

Member's explanatory statement

This amendment intends to create a democratic safeguard requiring parental approval before introducing new national home education regulations.

LORD WEI

398 After Clause 35, insert the following new Clause –

“Protections for parents with disabilities

Parents with disabilities who home educate must not be subjected to more oversight than other parents solely on the basis of disability.”

Member's explanatory statement

This amendment seeks to protect parents with disabilities from unequal treatment in home education oversight, with the intention of ensuring non-discrimination.

LORD WEI

399 After Clause 35, insert the following new Clause –

“Children’s right to refuse school attendance

A child aged eight or over has the right to express a preference for home education or school attendance, and this preference must be taken into account in any local authority or court decision.”

Member's explanatory statement

This amendment seeks to ensure that children aged eight and older have a say in their educational setting, with the intention of recognising their developing autonomy and right to participate in decisions affecting them.

LORD WEI

400 After Clause 35, insert the following new Clause –

“Petition system for policy review

If 10,000 or more home-educating parents sign a verified petition on any home education matter, the Secretary of State must publish a formal response and conduct a policy review within six months.”

Member's explanatory statement

This amendment seeks to allow the home education community to initiate a government review on key issues, with the intention of promoting responsiveness and democratic engagement in education policy.

LORD WEI

401 After Clause 35, insert the following new Clause –

“Home education rebate for school place shortages

Where no school place is available within a reasonable distance, a parent who home educates shall be entitled to claim a rebate equal to the per-pupil education funding allocation.”

Member's explanatory statement

This amendment ensures parents who home educate due to lack of available school places are not financially penalised, by enabling them to reclaim equivalent funding.

LORD WEI

402 After Clause 35, insert the following new Clause –

“Council tax exemption for home educators

A local authority must reduce the council tax bill of any household educating a child at home by an amount equivalent to the funding per pupil provided to schools by local authorities.”

Member's explanatory statement

This amendment ensures that home-educating families are not required to contribute financially to local school services they do not use, through a council tax adjustment.

LORD WEI

403 After Clause 35, insert the following new Clause –

“Emergency hearings: home education cases

Where a child is removed or proposed to be removed from the care of a parent due to concerns arising from home education, the parent shall have the right to an emergency court hearing within 48 hours.”

Member's explanatory statement

This amendment seeks to provide a legal right to parents to a prompt court hearing if a local authority seeks to remove a child due to concerns about home education.

LORD WEI

404 After Clause 35, insert the following new Clause –

“Ban on algorithmic school allocation

A child withdrawn from school for elective home education may not be automatically re-enrolled in another school through an algorithmic or automated placement process without parental consent.”

Member's explanatory statement

This amendment seeks to ensure that families who choose home education are not automatically re-enrolled into a different school by local authorities. It seeks to protect the family's right to decide on home education without interference from algorithmic school allocation systems.

LORD WEI

405 After Clause 35, insert the following new Clause –

“Local authorities: requirement for proof of educational superiority

A local authority may not interfere with a child's home education under section 436B of the Education Act 1996 unless it can demonstrate that its own maintained schools consistently outperform the education provided by the parent.”

Member's explanatory statement

This amendment requires councils to show that their state schools offer superior outcomes before intervening with a home-educating family, preventing arbitrary enforcement.

LORD WEI

406 After Clause 35, insert the following new Clause –

“Qualifications for local authority officers making determinations about home education suitability

No local authority officer may make determinations about home education suitability unless they have passed an accredited assessment in alternative education methods.”

Member's explanatory statement

This amendment seeks to ensure that officials overseeing home education are qualified in alternative education, with the intention of improving the quality and fairness of their decisions.

LORD WEI

407 After Clause 35, insert the following new Clause –

“Home education funding parity

The Secretary of State must ensure that home-educating families are eligible to receive per-pupil funding equivalent to that provided to maintained schools.”

Member's explanatory statement

This amendment seeks to give home educators access to public education funding, with the intention of supporting fairer distribution of educational resources.

LORD WEI

408 After Clause 35, insert the following new Clause –

“Equal access to SEN and mental health services

A child educated at home must be entitled to the same access to publicly funded special educational needs and mental health support as children attending maintained schools.”

Member's explanatory statement

This amendment seeks to ensure that home-educated children are not excluded from essential services provided to school pupils.

LORD WEI

409 After Clause 35, insert the following new Clause –

“Child-led school closure mechanism

Where at least 80% of pupils in a maintained school, aged 10 or over, express a preference for home education through a verified process, the Secretary of State must consult on transitioning that school into a home education support hub.”

Member's explanatory statement

This amendment provides a mechanism for students to initiate the transformation of a school into a home education hub if the vast majority prefer home-based learning, with the intention of supporting child-led educational reform.

LORD WEI

410 After Clause 35, insert the following new Clause –

“National home education TV channel

The Secretary of State must fund and maintain a public broadcast service dedicated to delivering curriculum-aligned educational content for home-educated children.”

Member's explanatory statement

This amendment establishes a government-funded educational TV channel to support home-educating families.

LORD WEI

411 After Clause 35, insert the following new Clause –

“National Insurance credits for full-time home educators

A parent who provides full-time home education must be treated as having limited capability for work for the purpose of receiving National Insurance credits.”

Member's explanatory statement

This amendment seeks to enable parents who home educate full-time to receive pension protection through NI credits, similar to unpaid carers.

LORD WEI

412 After Clause 35, insert the following new Clause —

“Access to school facilities

A child educated at home shall be entitled to reasonable access to facilities and extracurricular activities offered by local maintained schools, including sports facilities and libraries.”

Member's explanatory statement

This amendment provides home-educated children with access to public school resources, supporting enrichment and inclusion.

LORD WEI

413 After Clause 35, insert the following new Clause —

“Multi-generational home education tax break

A grandparent, aunt, uncle, or other extended family member who materially contributes to a child's home education may claim a pro-rata tax rebate equivalent to 20% of the average per-pupil state funding allocation.”

Member's explanatory statement

This amendment offers a tax rebate to extended family members who actively support home education, recognising multi-generational educational care and relieving household financial burdens.

LORD WEI

414 After Clause 35, insert the following new Clause —

“Removal of school-based legal custody

A school may not exercise in loco parentis responsibilities for a child unless the parent has provided explicit written consent, renewed annually.”

Member's explanatory statement

This amendment ensures that schools may only assume parental responsibility (in loco parentis) with explicit, annually renewed parental consent. It seeks to protect part-time home-educating families by preventing schools from automatically claiming authority over a child's welfare or educational decisions without the parent's ongoing approval.

LORD WEI

415 After Clause 35, insert the following new Clause –

“Mandatory secondment for education officials

Any Department for Education employee involved in home education policy must undertake a twelve-month secondment in an alternative education setting before drafting or revising guidance.”

Member's explanatory statement

This amendment ensures that DfE staff have real-world experience with alternative education before shaping policy, improving relevance and reducing bias.

LORD WEI

416 After Clause 35, insert the following new Clause –

“Oath of non-coercion for teachers

A teacher employed by a maintained school must not attempt to coerce or pressure a child or parent to attend or remain in school if they express a desire to home educate, and must swear or affirm an annual oath in writing to that effect as part of their professional responsibilities.”

Member's explanatory statement

This amendment prevents teachers from using undue influence to discourage or obstruct home education. It reinforces the right of families to choose education freely without coercion from school personnel.

LORD WEI

417 After Clause 35, insert the following new Clause –

“Home education and the school year

When making a decision under a provision in this Act, a Local Authority cannot consider the educational calendar or timetable used by a family whose child has been withdrawn from school.”

Member's explanatory statement

This amendment grants home-educating families freedom from the school term calendar, allowing them to provide flexible, continuous education suited to their child's needs. It also protects explicitly against local authorities penalising them for following a non-traditional timetable.

LORD WEI

418 After Clause 35, insert the following new Clause –

“Penalties for false allegations against home educators

Where a report concerning a home-educating family is found to be malicious or knowingly false, the local authority shall refer the reporting individual for review, and a civil penalty may be imposed by a magistrate.”

Member's explanatory statement

This amendment seeks to deter false or malicious claims against home-educating families by introducing consequences for those who make unfounded reports, while maintaining proper safeguards and due process.

LORD WEI

419 After Clause 35, insert the following new Clause –

“Funding eligibility for home education cooperatives

A home education cooperative comprising 50 or more families shall be eligible to apply for per-pupil public education funding equivalent to that received by maintained schools.”

Member's explanatory statement

This amendment seeks to allow large home education cooperatives to access public funding on a similar basis to schools.

LORD WEI

420 After Clause 35, insert the following new Clause –

“Disqualification of inspectors by parent report

If three or more home-educating families submit documented complaints of misconduct by a local authority inspector, that individual shall be suspended from duties relating to home education pending review.”

Member's explanatory statement

This amendment seeks to protect home educators from any bias or inappropriate conduct by officials by requiring their temporary removal from oversight roles following multiple complaints.

LORD WEI

421 After Clause 35, insert the following new Clause –

“Home educators may vote on local school budgets

A home-educating parent who pays local education-related taxes shall have the right to vote on local authority education budgets and school funding allocations.”

Member's explanatory statement

This amendment seeks to grants home educators a say in how local education funds are spent.

LORD WEI

422 After Clause 35, insert the following new Clause –

“Minimum wage compensation for mandated oversight

Where home educators are required to submit reports, attend meetings, or be subject to oversight, they shall be entitled to compensation equal to the prevailing hourly minimum wage for time spent complying.”

Member's explanatory statement

This amendment seeks to ensure that home educators are compensated for time spent complying with oversight requirements, in the light of their role as unpaid educators and protecting against any uncompensated administrative burdens.

LORD WEI

423 After Clause 35, insert the following new Clause –

““Education as trade” model

- (1) A home-educated child is permitted to demonstrate educational attainment through the provision of services, mentoring, or trade in knowledge-based activities as evidence of learning.
- (2) Such activities are to be considered education for the purposes of section 7 of the Education Act 1996 (Duty of parents to secure education of children of compulsory school age).”

Member's explanatory statement

This amendment seeks to allow children to demonstrate learning through trade, mentorship, or service-based contributions.

LORD WEI

424 After Clause 35, insert the following new Clause –

“Home educator policy initiative

A local authority must formally consider and respond to any education policy proposal signed by at least 500 home-educating families in its area.”

Member's explanatory statement

This amendment seeks to enable home educators to initiate policy discussions with local authorities, who must respond if 500 home-educating families sign a proposal.

LORD WEI

425 After Clause 35, insert the following new Clause –

“Sunset clauses on home education legislation

Any legislation or regulation concerning home education shall automatically expire five years after enactment unless reviewed and reapproved by Parliament following public consultation.”

Member's explanatory statement

This amendment ensures that all laws concerning home education are regularly reviewed and renewed only with public and parliamentary input, promoting accountability and adaptability in policy.

LORD WEI

426 After Clause 35, insert the following new Clause –

“Exam access at independent schools

- (1) An independent school must not deny access to sit examinations to a home-educated child solely on the basis that the child is not enrolled.
- (2) Reasonable fees may be charged for administration.”

Member's explanatory statement

This amendment seeks to require independent schools to allow home-educated children to sit exams even if they are not enrolled.

LORD AGNEW OF OULTON

This amendment replaces Amendment 139

426A After Clause 35, insert the following new Clause –

“CIECSS: attendance enforcement

After section 448 of the Education Act 1996 (Exemption where child becomes five during term) insert –

“448A CIECSS: attendance enforcement

- (1) His Majesty’s Chief Inspector of Education, Children’s Services and Skills (the CIECSS) may impose fines against parents where one or more of their children are attending school for less than 80% of the designated time required.
- (2) The CIECSS must, when determining the amount of fine to be levied, take account the reason for non-attendance.
- (3) The Secretary of State must, by regulations, make provision for the establishment of the enforcement function in this section within six months

of the day on which the Children's Wellbeing and Schools Act 2025 comes into force.

- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment seeks to allow the Chief Inspector of Schools to levy fines for poor attendance in parallel to school attendance orders.

LORD STOREY

426B★ After Clause 35, insert the following new Clause—

“Review: factory shutdowns and school attendance

- (1) On the day on which this Act is passed, the Secretary of State must order a review of the effect of factory shutdowns on local school attendance.
- (2) The review must consider the merits of varying local school holiday dates to minimise the impact of factory shutdowns on school attendance.
- (3) The review must be published within six months of the day on which this Act is passed and must be laid before both Houses of Parliament.”

LORD MOYNIHAN

426C★ After Clause 35, insert the following new Clause—

“Access to extracurricular sport and recreation opportunities

A child educated at home is entitled to reasonable access to extracurricular sport and recreation opportunities offered and co-ordinated by local maintained schools.”

Member's explanatory statement

This amendment provides home-educated children with access to sport and recreational activities offered by maintained schools.

Clause 36

LORD LUCAS

427 Clause 36, page 79, line 16, at end insert—

- “(c) institutions in England that cater for children placed with them for alternative provision by local authorities.”

Member's explanatory statement

This amendment seeks to bring unregistered alternative provision within the scope of routine oversight.

LORD LUCAS

427A Clause 36, page 79, line 16, at end insert –

“but an institution which provides religious instruction as an addition to the education which its students receive elsewhere is not an independent educational institution.”

LORD LUCAS

427B Clause 36, page 79, line 29, at end insert –

“(e) provide that several separate organisations should be considered as one organisation for the purposes of this section.”

Member's explanatory statement

This amendment would allow the government to counter evasion based on dividing a child's education between several institutions.

LORD LUCAS

Lord Lucas gives notice of his intention to oppose the Question that Clause 36 stand part of the Bill.

Member's explanatory statement

This is intended to allow discussion of this clause in general, the intended regulations, and the effect on various classes of entity including after-school religious instruction.

Clause 37

BARONESS BARRAN

428 Clause 37, page 81, line 36, at end insert –

“(1B) Powers under subsection (1) may not be exercised in relation to an academy.”

Member's explanatory statement

This amendment specifies that the Secretary of State should rely on the provisions in Funding Agreements as regards to academies.

LORD LEXDEN
LORD BLACK OF BRENTWOOD

429 Clause 37, page 81, line 41, at end insert –

“(3B) Before the Secretary of State may prescribe any standard under subsection (3A), they must lay before Parliament a statement certifying that the proposed standard will not limit independent educational institutions’

independence with respect to admissions, the curriculum, or examinations, except if necessary to secure the safeguarding, wellbeing, or the spiritual, moral, social, and cultural development of pupils.

- (3C) Before the Secretary of State may issue any guidance or publish any document which a proprietor of any independent educational institution must have regard to by virtue of the independent educational institution standards (including any standard prescribed by virtue of subsection (3A)), the Secretary of State must lay before Parliament a statement certifying that the proposed guidance or document will not interfere with independent educational institutions' independence with respect to admissions, the curriculum, or examinations, except if necessary to secure the safeguarding, wellbeing, or the spiritual, moral, social, and cultural development of pupils."

Member's explanatory statement

This amendment seeks to limit the Government's power to require independent educational institutions to have regard to guidance on topics where these institutions are not already subject to Government control.

BARONESS MORGAN OF COTES
BARONESS BERRIDGE

430 Clause 37, page 82, line 16, at end insert –

- “(3A) Omit sections 106 (Independent inspectorates) and 107 (Quality assurance of independent inspectorates).”

Member's explanatory statement

This amendment would remove sections 106 and 107 of the Education and Skills Act 2008 which give the Secretary of State powers to approve bodies to inspect independent schools (such as the Independent Schools Inspectorate) and requires the Chief Inspector to report on those bodies. The amendment seeks to probe the Government's readiness for the Independent Schools Inspectorate to become part of OFSTED.

BARONESS SMITH OF MALVERN

431 Clause 37, page 86, line 4, leave out from beginning to “(see” in line 5 and insert “In subsection (1), the reference to providing education or supervised activity does not include providing boarding accommodation or activities necessary to ensure the welfare of boarders”

Member's explanatory statement

This amendment clarifies that the offence of providing education or supervised activity while the registration of an independent educational institution is suspended is not committed by providing boarding accommodation (which may be prohibited separately) or activity necessary to ensure the welfare of boarders, such as supervised meals or fire safety instruction.

After Clause 38

LORD LUCAS

432 After Clause 38, insert the following new Clause –

“Unregistered independent educational institutions: inspection powers

Section 97 of the Education and Skills Act 2008 (Unregistered independent educational institutions: inspection) is amended as follows –

- (a) at the beginning of subsection (1)(a) insert “without a warrant,”
- (b) at the beginning of subsection (1)(b) insert “compel the production of,”.”

Member's explanatory statement

This amendment seeks to allow discussion of the efficiency and effectiveness of Ofsted's powers in regard to investigating unregistered independent schools.

Clause 39LORD LEXDEN
LORD BLACK OF BRENTWOOD

433 Clause 39, page 96, line 43, at end insert –

- “(2D) Subsection (2)(i) does not prevent any special institution from making special provision for any child after they have been admitted to the institution if, in the professional opinion of the institution, that child has a type or types of special needs for which the school does not ordinarily make special provision and which could only be identified after admission.
- (2E) In the case of any school relying on the provisions of subsection (2D), they may make a material change application if they reasonably expect that the special provision will be required for more than two academic terms, or if the exemption will apply to three or more pupils on their roll.
- (2F) In making this material change application, it is not to be considered retrospective, nor will a school relying on the provisions of subsection (2D) suffer any detriment or adverse judgement, even if the application is made after the special provision begins, provided that they make the application within two academic terms of the provision beginning.”

Member's explanatory statement

This amendment reflects the concerns of some independent special institutions that the requirement to submit a material change application before offering new special needs provision would make it impossible to support pupils who are admitted presenting one need, but are later discovered to have further special needs.

Clause 42

BARONESS BLACKSTONE
BARONESS MORRIS OF YARDLEY

434 Clause 42, page 100, line 31, at end insert—

“(f) search the premises.”

Member's explanatory statement

This amendment seeks to allow the HM Inspectors to search premises for evidence it is conducting an offence of operating an illegal school without need for a warrant.

After Clause 44

LORD BLUNKETT
BARONESS BLOWER
LORD WATSON OF INVERGOWRIE

435 After Clause 44, insert the following new Clause—

“School inspections: multi-academy trusts

In section 5(2)(d) of the Education Act 2005, after “schools”, insert “and trusts””

BARONESS MORGAN OF COTES
BARONESS BERRIDGE

436 After Clause 44, insert the following new Clause—

“Transfer of the Independent Schools Inspectorate functions to Ofsted

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) After section 156, insert—

“156A Transfer of the Independent Schools Inspectorate functions to the Office

- (1) The Secretary of State must by regulations transfer the functions of the Independent Schools Inspectorate to the Office.
- (2) The Secretary of State must make regulations under this section within one year of the day on which the Children's Wellbeing and Schools Act 2025 is passed.
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.””

Member's explanatory statement

This probing amendment seeks to clarify the Government's readiness for the Independent Schools Inspectorate to become part of OFSTED.

Clause 46

LORD HOLMES OF RICHMOND

437 Clause 46, page 110, line 18, after “qualified),” insert –

“(za) after subsection (1), insert –

“(1A) The specified requirements in subsection (1)(b) may include that the person is a practitioner, in a particular profession, skill, business or other relevant pursuit who has the necessary expertise to assist a child’s learning experience in a formal learning environment.””

LORD AGNEW OF OULTON

437A Clause 46, page 110, line 22, at end insert –

“(2A) In section 133, after subsection (6), insert –

“(7) “qualified teacher” shall include individuals who, though not possessing formal teacher training certification, hold a university-level qualification directly related to the subject they are teaching, and who demonstrate competency through practical teaching experience or relevant professional experience in their subject area.””

Member's explanatory statement

This amendment seeks to include in the definition of “qualified teacher” individuals who have significant subject-specific qualifications and practical teaching or professional experience, recognising the expertise they bring to educational settings without a traditional teaching qualification.

BARONESS BARRAN

Baroness Barran gives notice of her intention to oppose the Question that Clause 46 stand part of the Bill.

After Clause 46

LORD WEI

438 After Clause 46, insert the following new Clause –

“Fast-track teacher qualification access for home educators

A parent who has home educated for at least three years may apply for fast-tracked access to a qualified teacher status pathway, without requiring additional in-school experience.”

Member's explanatory statement

This amendment seeks to acknowledge the teaching experience of home educators by enabling direct access to teacher qualification pathways without repeating basic training.

LORD STOREY

439 After Clause 46, insert the following new Clause –

“Anti-bullying training for school staff and inspectors

- (1) The Secretary of State must ensure that anti-bullying training is a core component of –
 - (a) all initial teacher training programmes;
 - (b) induction training for Ofsted inspectors.
- (2) The Secretary of State must ensure all school staff in England and Ofsted inspectors are provided with continuing professional development (CPD) in anti-bullying strategies with refresher training to be provided at appropriate intervals.”

Clause 47

LORD AGNEW OF OULTON

440 Clause 47, page 111, line 13, at end insert –

“(5A) Subsection (1)(b)(ii) does not apply in relation to an educational institution that has received an OFSTED rating of Good or equivalent in the last three years.”

Member's explanatory statement

This amendment and another in the name of Lord Agnew seeks to ensure that academies which are rated as “Good” are not required to follow the National Curriculum.

LORD ADDINGTON

441 Clause 47, page 111, line 16, at end insert, “, except that an Academy school is not obliged to deliver the National Curriculum to a child with SEND, provided that, if appropriate, assisted technology is used to support the child's learning.”

Member's explanatory statement

This amendment seeks to remove an obligation to deliver the National Curriculum to a child with SEND, provided the child is offered appropriate assistive technology to support their learning.

LORD AGNEW OF OULTON

442 Clause 47, page 111, line 28, at end insert “, unless the Academy school has received an OFSTED rating of Good or equivalent in the last three years.”

Member's explanatory statement

This amendment and another in the name of Lord Agnew seeks to ensure that academies which are rated as “Good” are not required to follow the National Curriculum.

LORD CARTER OF HASLEMERE
BARONESS BARRAN

443 In Clause 47, page 112, line 25, leave out subsection (5) and insert –

- “(5) Section 96 of the Education Act 2002 (procedure for making certain orders and regulations) is amended as follows –
- (a) at the beginning of subsection (7), insert “Subject to subsection (8),”;
 - (b) after subsection (7) insert –
 - “(8) An order made under any provision of this Part which would amend primary legislation, or regulations made under section 91, does not apply to an Academy school.”

Member's explanatory statement

This amendment seeks to prevent orders made under section 96 of the Education Act 2002 which would amend primary legislation, or regulations under section 91 of the Act, from applying to an Academy School.

BARONESS BARRAN

Baroness Barran gives notice of her intention to oppose the Question that Clause 47 stand part of the Bill.

After Clause 47

LORD STOREY

444 After Clause 47, insert the following new Clause –

“Flexibility to take into account local circumstances when following the National Curriculum

- (1) The Education Act 2002 (establishment of the National Curriculum for England by order) is amended as follows.
- (2) In section 87, after subsection (1) insert –
 - “(1A) In any revision to the National Curriculum for England, the Secretary of State must ensure that the National Curriculum shall consist of –
 - (a) a core framework, and
 - (b) subjects or areas of learning outside the core framework that allow flexibility for each school to take account of their specific circumstances.”

- (3) In section 210 (orders and regulations), after subsection (3)(e) insert –
 “(ea) section 87, or”.

Member's explanatory statement

This amendment seeks to increase flexibility to take into account local circumstances when following the National Curriculum and to make any changes to the National Curriculum subject to Parliamentary approval.

Clause 49

BARONESS BARRAN

- 445** Clause 49, page 113, line 26, leave out from “as” to the end of line 28 and insert “are necessary to secure compliance with statutory duties, the requirements of a Funding Agreement, or charity law.”

Member's explanatory statement

This amendment seeks to limit the Secretary of State's power of direction should an Academy breach, or act unreasonably in respect of, the performance of a relevant duty.

BARONESS BARRAN

Baroness Barran gives notice of her intention to oppose the Question that Clause 49 stand part of the Bill.

Clause 50

LORD BLUNKETT
 BARONESS MORGAN OF HUYTON

- 446** Clause 50, page 114, line 20, at end insert –
 “(c) after subsection (1) insert –
 “(1ZA) When making an order under subsection (1)(b) of this section and within the meaning of section 62 of the Education and Inspections Act 2006 (school requiring special measures), the Secretary of State must make an order to –
 (a) transfer the school to a high performing multi-academy trust, or
 (b) merge the school with a high performing maintained school serving a similar cohort of children (by demographic background and prior attainment), provided that school is within the same local authority or geographical area,
 unless the Secretary of State believes that there is good reason to undertake another course of action.””

BARONESS BARRAN

Baroness Barran gives notice of her intention to oppose the Question that Clause 50 stand part of the Bill.

After Clause 50

BARONESS BENNETT OF MANOR CASTLE

447 After Clause 50, insert the following new Clause –

“Review: conversion to maintained schools

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a report setting out proposals for converting –
 - (a) academy chains,
 - (b) individual academies, and
 - (c) free schools,to maintained schools under local authority control.
- (2) The review must consider –
 - (a) legislative changes required to enable the conversion process,
 - (b) how a conversion process for a school would be triggered,
 - (c) the potential role of different levels of local government in school oversight,
 - (d) how conversion would impact the ownership of school land and buildings, and
 - (e) the resources made available to local authorities when schools are converted.
- (3) Within six months of the completion of the review, the Secretary of State must publish and lay before Parliament a report on the findings and conclusions of the review.”

Schedule 3

BARONESS BOUSTED

447A Schedule 3, page 128, line 24, at end insert –

“1A In section 120(1)(a), after “teachers”, insert –

“(aa) academy schools Chief Executive Officers’ pay,””

After Clause 52

BARONESS BARRAN

448 After Clause 52, insert the following new Clause –

“Power to prescribe pay and conditions for teachers

The Secretary of State must, within three months of the passing of this Act –

- (a) make provision for the power of the governing bodies of maintained schools to set the pay and working conditions of school teachers to be made equivalent with the relevant powers of academies;
- (b) provide guidance to all applicable schools that –
 - (i) pay levels given in the School Teachers’ Pay and Conditions Document are to be treated as the minimum pay of relevant teachers;
 - (ii) teachers may be paid above the pay levels given in the School Teachers’ Pay and Conditions Document;
 - (iii) they must have regard to the School Teachers’ Pay and Conditions Document but may vary from it.”

Member's explanatory statement

This new clause would make the pay set out in the School Teachers’ Pay and Conditions Document a “floor”, and extend freedoms over pay and conditions to local authority maintained schools.

Clause 53

LORD LUCAS

449 Clause 53, page 115, line 26, at end insert –

“85ZB Co-operation in providing parents with admissions information

- (1) A local authority in England and the governing body of a maintained school in England must co-operate in the provision of admissions information to parents.
- (2) The governing body of such a school, where it is the admissions authority for the school, must provide the local authority with such admissions information as is specified in regulations in the electronic format set out in those regulations, within the timescale set out in those regulations.
- (3) Within one month of the deadline for schools to provide that information, a local authority must publish the information so provided and the equivalent information for schools for which it is the admissions authority in the same electronic format.”

Member's explanatory statement

This amendment seeks to ensure that complete, accurate, and consistent admissions information is available to all parents.

BARONESS LONGFIELD
LORD STOREY

450 Clause 53, page 115, line 26, at end insert –

“85ZB Managed moves and the Fair Access Protocol

- (1) Before the initiation of any managed move of a registered pupil from one maintained school or Academy to another, the pupil must be considered under the local authority’s Fair Access Protocol.
- (2) The consideration under subsection (1) must include consultation with –
 - (a) the current school,
 - (b) the proposed receiving school, and
 - (c) the parent or carer of the pupil, and where appropriate, the pupil.
- (3) The local authority must keep and maintain a record of all managed moves occurring to, from, or within its area.
- (4) Where a managed move results in the registration of a pupil at a school within the area of a different local authority, the responsibility for monitoring the educational outcomes and welfare of the pupil following the move shall transfer to that receiving local authority upon the pupil's registration at the new school.
- (5) The duty imposed by subsection (1) above does not apply –
 - (a) in circumstances where the child of compulsory school age is removed from the roll of one school and registered at another school solely as a consequence of the child's change of ordinary residence, provided that –
 - (i) the change of residence is documented and verified, and
 - (ii) arrangements for re-registration at a new school are underway or have been made within a reasonable period.
- (6) A record under subsection (3) must include –
 - (a) the reasons for the move,
 - (b) the schools involved,
 - (c) whether the move was voluntary or directed, and
 - (d) the outcome for the pupil.
- (7) Each local authority must submit an annual report to the Secretary of State containing a summary of managed moves conducted under this section.
- (8) The Secretary of State may issue guidance to local authorities and schools on the implementation of this section, to which they must have regard.
- (9) In this section –

“managed moves” means a permanent change of the pupil’s school registration, where a move is not a result of –

 - (a) a permanent exclusion under Section 51A of the Education Act 1996;

- (b) a transfer to a special school pursuant to Section 42 of the Children and Families Act 2014;
- (c) a change of registration due to school closure;
- (d) movement between educational phases;
- (e) change in school type as a consequence of the Academy Act 2010.

“school” has the same meaning as in Part 4 of the Education Act 1996.”

After Clause 53

LORD STOREY

451 After Clause 53, insert the following new Clause –

“Placement of permanently excluded children of compulsory school age with unregistered providers

In the Education Act 1996, in section 19 (exceptional provision of education in pupil referral units or elsewhere), after subsection (4A) insert –

- “(4B) Local authorities may not discharge their duty of providing suitable education under subsection (1) for children of compulsory school age, by reason of permanent exclusion, through full-time placement in an unregistered school or the equivalent of a full-time placement in multiple unregistered schools, unless the provider is, or the providers are, working towards registration.””

Member's explanatory statement

This amendment aims to prevent the long-term placement of permanently excluded pupils with unregistered providers, which lack regular inspection and formal oversight. It includes an exception for providers actively working towards registration, acknowledging both the shortage of registered alternative provision in some local authority areas and the valuable support offered by many unregistered settings.

Clause 54

LORD AGNEW OF OULTON

452 Leave out Clause 54, and insert the following new Clause –

“Local authority and academy admission intervention threshold

For section 96 of School Standards and Framework Act 1998 (Direction to admit child to specified school) substitute –

“96 Local authority and academy admission intervention threshold

- (1) A local authority may only directly intervene to admit pupils to a school where –
 - (a) the admission authority has demonstrably failed to meet admissions obligations, or

- (b) there is clear evidence of disadvantage or unfair treatment of the pupil involved.
- (2) Any local authority direction for admission under subsection (1) must –
 - (a) be justified with clear evidence, or
 - (b) be preceded by formal consultation with the relevant admission authority.
- (3) An admission authority which is an academy trust may independently determine admission criteria for schools under its control, provided such criteria –
 - (a) comply with basic fairness and minimum national standards, and
 - (b) are published and transparent.
- (4) Before making significant changes to admission criteria under subsection (3), the admissions authority must consult –
 - (a) local authorities,
 - (b) parents of pupils attending schools within the Trust, and
 - (c) other relevant stakeholders as determined appropriate by the Trust.””

Member's explanatory statement

This amendment limits local authority powers to intervene in admissions to situations where the admission authority has failed to meet its admissions obligations or has treated pupils unfairly. It also outlines the procedure for academy admissions.

Clause 55

BARONESS GARDEN OF FROGNAL

452A Clause 55, page 117, line 20, at end insert –

- “(c) a child is otherwise vulnerable, including children with refugee or humanitarian protection, or on resettlement schemes, but who do not qualify as an Unaccompanied Asylum-Seeking Child.”

Member's explanatory statement

This amendment and another in the name of Baroness Garden of Frognal broaden the scope of the LA's new power to include all refugee and asylum-seeking children, not just unaccompanied asylum-seeking children.

BARONESS GARDEN OF FROGNAL

452B Clause 55, page 118, line 2, at end insert "and this may include a child in the asylum process or who has refugee status"

Member's explanatory statement

This amendment and another in the name Baroness Garden of Frognal broaden the scope of the LA's new power to include all refugee and asylum-seeking children, not just unaccompanied asylum-seeking children.

LORD AGNEW OF OULTON

Lord Agnew of Oulton gives notice of his intention to oppose the Question that Clause 55 stand part of the Bill.

After Clause 55

LORD STOREY
BARONESS LONGFIELD

453 After Clause 55, insert the following new Clause –

“Governance of managed moves by the local authority

After section 96 of the School Standards and Framework Act 1998, insert –

“96A Governance of managed moves by the local authority

- (1) Managed moves of a registered pupil from one maintained school or Academy to another must be arranged through the local authority's fair access panel, as governed by the area's Fair Access Protocol.
- (2) The duty imposed by subsection (1) does not apply in circumstances where the child of compulsory school age is removed from the roll of one school and registered at another school solely as a consequence of the child's change of ordinary residence, provided that the change of residence is documented and verified.
- (3) The local authority must keep and maintain a record of all managed moves occurring to, from, or within its area and this record must include –
 - (a) the reasons for the move,
 - (b) the schools involved,
 - (c) whether the move was voluntary or directed, and
 - (d) the outcome for the pupil.
- (4) Where a managed move results in the registration of a pupil at a school within the area of a different local authority, the responsibility for monitoring the educational outcomes and welfare of the pupil following the move transfer to the receiving local authority upon the pupil's registration at the new school.
- (5) Each local authority must submit an annual report to the Secretary of State containing a summary of managed moves conducted under this section.

- (6) The Secretary of State may issue guidance to local authorities and schools on the implementation of this section, to which they must have regard.
- (7) In this section –
- “managed moves” means a permanent change of the pupil’s school registration, where a move is not a result of –
- (a) a permanent exclusion under section 51A of the Education Act 2002,
 - (b) a transfer to a special school pursuant to section 42 of the Children and Families Act 2014,
 - (c) a change of registration due to school closure,
 - (d) movement between educational phases,
 - (e) a change in school type as a consequence of the Academy Act 2010;
- “school” has the same meaning as in Part 4 of the Education Act 1996.””

Member's explanatory statement

This amendment requires all schools to route all managed moves through the local area’s existing Fair Access Protocol (FAP) and local authorities to report on their use to the Department for Education. This would subject managed moves to a collaborative peer review and ensure appropriate local authority and the Department of Education knowledge and oversight.

Clause 56

LORD AGNEW OF OULTON

454 Clause 56, page 119, line 7, at end insert –

“88IB Admission authority appeals

- (1) An admission authority may appeal decisions made by the schools' adjudicator regarding admissions numbers or arrangements.
- (2) Appeals under subsection (1) must be made to an independent panel appointed by the Secretary of State, whose decision is to be final.”

Member's explanatory statement

This amendment seeks to provide admission authorities with an explicit right to appeal adjudicator decisions in relation to admission numbers.

BARONESS BARRAN

Baroness Barran gives notice of her intention to oppose the Question that Clause 56 stand part of the Bill.

After Clause 56

BARONESS MCINTOSH OF PICKERING

455 After Clause 56, insert the following new Clause –

“Review: rural school admissions policies

- (1) The Secretary of State must, within six months of the day on which this Act is passed, lay before Parliament a review of school admission policies in rural areas.
- (2) The review under subsection (1) must include an assessment of whether admissions policies in these areas are affected by the availability of home to school transport.”

LORD WATSON OF INVERGOWRIE
LORD DUBS

456 After Clause 56, insert the following new Clause –

“50% cap on all new faith school admissions

- (1) Any newly established maintained school or academy of a religious character that is selective on the basis of faith must adopt admissions criteria that provide that, if oversubscribed, at least 50% of its places available each year will be allocated without reference to faith-based admission criteria.
- (2) Subsection (1) does not apply to an Academy established by virtue of a maintained school being converted into an Academy under section 4 of the Academies Act 2010, unless it applied to the maintained school prior to conversion.
- (3) In subsection (1), “newly established” means schools established more than two months after the date on which this Act comes into force.”

Member's explanatory statement

This new clause would require all new schools with faith-based admissions (other than those which were pre-existing maintained schools that have converted to being academies) to apply a 50% cap on faith-based admissions places when oversubscribed, in line with the cap for new academies and free schools.

BARONESS BURT OF SOLIHULL

457 After Clause 56, insert the following new Clause –

“Reporting of faith-based selection in school admissions

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, collect and publish data on the individual admission arrangements used by all schools.
- (2) The Secretary of State must, on an annual basis –

- (a) require schools, via the school census, to report their current admission policy, specifying the proportion of places that may be allocated based on faith-related criteria such as proof of religious affiliation;
- (b) include information on school admissions and faith-based selection in all relevant education data publications, including national education statistics, Department for Education published data files, and the 'Get Information About Schools' service."

Member's explanatory statement

This new Clause would introduce a requirement for regular and transparent reporting of individual school admission arrangements. It seeks to clarify the extent to which schools with a religious character use faith-based criteria – such as proof of faith – for selecting pupils.

Clause 57

BARONESS BARRAN

Baroness Barran gives notice of her intention to oppose the Question that Clause 57 stand part of the Bill.

After Clause 62

BARONESS BARRAN
LORD HAMPTON
BARONESS KIDRON

458

After Clause 62, insert the following new Clause –

“Prohibition of smartphones during the school day

- (1) Within 12 months of the day on which this Act is passed, all schools in England must have a policy that prohibits the use and possession of smartphones by pupils during the school day.
- (2) Any policy implemented under subsection (1) –
 - (a) may provide for exemptions from the policy, or for an alternative policy, for sixth form students, in so far as such exemptions or alternative policies do not negatively impact upon the wider policy,
 - (b) may provide for exemptions for medical devices,
 - (c) is to be implemented as the relevant school leader considers appropriate, and
 - (d) may, where implemented by a boarding school or residential school, include appropriate guidance for the use of certain devices during other periods in which their pupils are on school premises, subject to such policies safeguarding and promoting the welfare of children in accordance with relevant national standards.
- (3) For the purposes of this section –

“smartphones” means a mobile telephone that is able to connect to the internet and whose main purpose is not the support of learning or study;
 “the school day” includes all time between the start of the first lesson period and the end of the final lesson period.”

Member's explanatory statement

This new clause requires schools to ban the use of smartphones during the school day.

BARONESS BARRAN
 LORD HAMPTON

459 After Clause 62, insert the following new Clause –

“Duty for schools to report acts of violence against staff to the police

- (1) Where an act which meets the conditions set out in subsection (2) takes place which involves the use or threat of force against a member of a school’s staff, the school must report the incident to the police.
- (2) An act must be reported to the police where –
 - (a) it is directed towards a member of school staff or their property, and
 - (b) it takes place –
 - (i) on school property, or
 - (ii) because of the victim’s status as a member of a school’s staff.
- (3) The provisions of this section do not require or imply a duty on the police to take specific actions in response to such reports.”

Member's explanatory statement

This new clause seeks to create a duty for all schools to report acts or threats of violence against their staff to the police. It would not create a requirement for the police to charge the perpetrator.

LORD STOREY

460 After Clause 62, insert the following new Clause –

“National tutoring guarantee

- (1) The Secretary of State must, within six months of the passing of this Act, publish a report outlining the steps necessary to introduce a national tutoring guarantee.
- (2) A “national tutoring guarantee” means a statutory requirement on the Secretary of State to ensure access to small group academic tutoring for all disadvantaged children who require academic support.
- (3) A report published under this section must include an assessment of how best to deliver targeted academic support from qualified tutors to children –
 - (a) from low-income backgrounds,
 - (b) with low prior attainment,
 - (c) with additional needs, or

- (d) who are young carers.
- (4) In preparing a report under this section, the Secretary of State must consult with—
 - (a) headteachers,
 - (b) teachers,
 - (c) school leaders,
 - (d) parents of children from low-income backgrounds,
 - (e) children from low-income backgrounds, and
 - (f) other individuals or organisations as the Secretary of State considers appropriate.
- (5) A report under this section must be laid before Parliament.
- (6) Within three months of a report under this section being laid before Parliament, the Secretary of State must take steps to begin implementation of the recommendations contained in the report.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a report outlining the steps required to introduce a national tutoring guarantee, and to begin implementing its recommendations.

LORD ADDINGTON

461 After Clause 62, insert the following new Clause—

“Establishment of a national body for SEND

- (1) The Secretary of State must, within 12 months of the passing of this Act, establish a national body for special educational needs and disabilities (SEND) in relation to children.
- (2) The functions of the national body for SEND will include, but not be limited to—
 - (a) national coordination of SEND provision for children,
 - (b) supporting the delivery of SEND support for children with very high needs, and
 - (c) advising on funding needed by local authorities for SEND provision for children.
- (3) Any mechanism used by the national body for SEND in advising on funding under subsection (2)(c) should be based on current need and may disregard historic spend.”

Member's explanatory statement

This amendment requires the Secretary of State to establish a national body for special educational needs and disabilities (SEND) in relation to children.

BARONESS TYLER OF ENFIELD
LORD STOREY
BARONESS FINLAY OF LLANDAFF

462 After Clause 62, insert the following new Clause –

“Duty of school governing bodies regarding mental health provision

- (1) Subject to subsection (3), the governing body of a maintained or academy school in England has a duty to make arrangements for provision in the school of a dedicated education mental health practitioner.
- (2) In subsection (1) “education mental health practitioner” means a person with a graduate-level or postgraduate-level qualification of that name earned through a course commissioned by NHS England.
- (3) Where a school has 100 or fewer pupils, the duty under subsection (1) may be satisfied through collaborative provision between several schools.
- (4) The Secretary of State must provide, or make arrangements for the provision of, appropriate financial and other support to school governing bodies for the purposes of facilitating the fulfilling of the duty in subsection (1).”

Member's explanatory statement

This amendment requires the governing body of a maintained or academy school in England to make arrangements for provision in the school of a dedicated education mental health practitioner.

BARONESS LISTER OF BURTERSETT
BARONESS MORGAN OF COTES
LORD HAMPTON
THE LORD BISHOP OF GLOUCESTER

463 After Clause 62, insert the following new Clause –

“Duty to provide relationships and sex education and PSHE to persons who have not attained the age of 18 at further education institutions

- (1) The Children and Social Work Act 2017 is amended as follows.
- (2) In section 34 (education relating to relationships and sex) –
 - (a) at the end of subsection (1)(b) insert –
 - “(c) relationships and sex education to be provided to persons who have not attained the age of 18 and who are receiving education at post-16 education institutions in England.”;
 - (b) in subsection (2)(a), after “schools” insert “and further education providers”;
 - (c) in subsection (2)(b), after “schools” insert “and further education providers”;
 - (d) in subsection (2)(c), after “schools” insert “and further education providers”.
- (3) In section 35 (other personal, social, health and economic education) –

- (a) at the end of subsection (1)(b) insert –
 - “(c) to persons who have not attained the age of 18 and who are receiving education at post-16 education institutions in England.”;
- (b) in subsection (2)(a), after “schools” insert “and further education providers”;
- (c) in subsection (2)(b), after “schools” insert “and further education providers”;
- (d) in subsection (2)(c), after “schools” insert “and further education providers”.

Member's explanatory statement

This new clause would extend the existing provision of relationships and sex education and PSHE under the Children and Social Work Act 2017 to people under the age of 18 who are receiving education at post-16 education institutions in England.

BARONESS WHITAKER
THE LORD BISHOP OF LINCOLN
LORD BOURNE OF ABERYSTWYTH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
Revised version of Amendment 464

464 After Clause 62, insert the following new Clause –

“Reporting of racist incidents in schools

Local authorities must require all schools under their authority to record and report any incidents of racism and faith-based bullying, and any subsequent action taken.”

Member's explanatory statement

This amendment would require local authorities to require schools to record and report racist incidents and the action taken.

BARONESS BURT OF SOLIHULL
LORD WATSON OF INVERGOWRIE
LORD DUBS
LORD STOREY

465 After Clause 62, insert the following new Clause –

“Spiritual, moral, social and cultural education in assemblies

- (1) Chapter VI of Part II of the School Standards and Framework Act 1998 (religious education and worship) is amended as follows.
- (2) For section 70(1) (requirements relating to collective worship) substitute –
 - “(1) Subject to section 71, each pupil in attendance at –
 - (a) a community, foundation or voluntary school in Wales,

- (b) a foundation or voluntary school in England which is designated with a religious character, or
 - (c) an Academy in England which is designated with a religious character,
- must take part in an act of collective worship at least one time per week.”
- (3) In section 70(2), for “community, foundation or voluntary school”, substitute “school to which subsection (1) applies”.
 - (4) After section 70, insert –

“70A Requirements relating to assemblies

- (1) This section applies to schools in England that are –
 - (a) maintained schools without a religious character,
 - (b) non-maintained special schools,
 - (c) City Technology Colleges, and
 - (d) academies without a religious character.
- (2) Each pupil in attendance at a school to which this section applies must at least once during the school week take part in an assembly which is principally directed towards furthering the spiritual, moral, social and cultural education of the pupils regardless of religion or belief.
- (3) In relation to any school to which this section applies –
 - (a) the local authority responsible for education (in the case of maintained schools) and the governing body must exercise their functions with a view to securing, and
 - (b) the head teacher must secure,
 that subsection (2) is complied with.””

Member's explanatory statement

This amendment removes the requirement for daily collective worship in England for maintained schools and academies without a religious character, non-maintained special schools, and city technology colleges, and instead introduces a requirement for a minimum weekly assembly furthering spiritual, moral, social and cultural education.

LORD SANDHURST
 BARONESS MORRIS OF YARDLEY
 BARONESS FINLAY OF LLANDAFF
 BARONESS CASS

466

After Clause 62, insert the following new Clause –

“Relationship, sex, and health education curriculum

All external resources used in schools within the relationship, sex, and health education curriculum and teaching time must be published, citable, and accessible for public and regulatory scrutiny.”

Member's explanatory statement

This amendment seeks to ensure that only resources that are accessible in the public domain are used to teach the RSHE curriculum.

LORD SANDHURST
BARONESS MORRIS OF YARDLEY
BARONESS CASS
BARONESS LUDFORD

467 After Clause 62, insert the following new Clause –

“Relationship, sex, and health education curriculum (No. 2)

- (1) The Secretary of State must issue guidance to schools on parental access to RSHE school curriculum materials.
- (2) The guidance issued under subsection (1) must include –
 - (a) a clear instruction to schools that they must not prevent parents from requesting and viewing copies of school curriculum materials on the grounds that this could risk a breach of copyright, but may remind them of copyright law around copying and replication, and
 - (b) a clear instruction that schools must not enter into commercial confidentiality arrangements with third party providers who provide curriculum material for use with children in schools which purport to prevent their disclosure to parents and carers.”

Member's explanatory statement

This amendment seeks to ensure parents are able to view materials in the RSHE curriculum as existing copyright law already allows for limited copying and sharing of published material and seeks to prevent schools from entering into commercial confidentiality arrangements around curriculum material.

LORD LUCAS

468 After Clause 62, insert the following new Clause –

“Alternative systems of education

- (1) The Secretary of State may, if so requested, make a declaration that an alternative system of education is expected, when carefully followed, to be a suitable education for most children.
- (2) The Secretary of State may take whatever advice they deem appropriate in arriving at such a conclusion.
- (3) If the Secretary of State, having been so requested, refuses to make such a declaration, they shall publish in full their reasons for refusal.
- (4) If the Secretary of State makes such a declaration, they must publish a full account of the alternative system of education concerned.

- (5) In deciding whether to grant such a declaration, the Secretary of State may not require of the alternative system of education standards better than those obtaining, on average, in the worst 10 per cent of English state schools.
- (6) The Secretary of State may at any time reconsider a decision to grant or refuse a declaration.
- (7) A parent may appeal to the Tribunal against a decision of the secretary of state to refuse to make a declaration.
- (8) An appeal under subsection (7) must be brought within a period of 28 days beginning with the date on which the Secretary of State's decision was notified to the parent.
- (9) On an appeal, the Tribunal may –
 - (a) confirm the decision of the Secretary of State, or
 - (b) direct that the Secretary of State should make a declaration.”

Member's explanatory statement

This amendment seeks to provide a route for the in-principle approval of religious and other systems of education, for example, Charedi schooling. This will allow discussion of how the government intends to approach these systems.

BARONESS LISTER OF BURTERSETT
BARONESS BENNETT OF MANOR CASTLE
THE LORD BISHOP OF GLOUCESTER
BARONESS WALMSLEY

469 After Clause 62, insert the following new Clause –

“Child rights impact assessment

- (1) A Minister of the Crown must prepare and publish a child rights impact assessment in relation to any legislative provision, policy decision, budgetary decision, or other decision of a strategic or operational nature that has or will have a direct or indirect impact on children's wellbeing, social care or education, which are undertaken by virtue of the provisions in this Act.
- (2) The purpose of a child rights impact assessment is to secure better or further effect of the rights set out in the United Nations Convention on the Rights of the Child (UNCRC).
- (3) A child rights impact assessment must include consideration of the views, wishes and feeling of children and young people affected by the decision, insofar as the Minister is able to ascertain those views.
- (4) A child rights impact assessment should be undertaken on all relevant legislation, policy and budget development which are undertaken by virtue of the provisions in this Act at the earliest possible opportunity and prior to making final decisions.
- (5) The UNCRC includes the rights and obligations set out in –
 - (a) the United Nations Convention on the Rights of the Child Part 1;

- (b) Articles 1 to 6(1), 6(3) and 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
 - (c) Articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
 - (d) any other Optional Protocols to the UNCRC that the United Kingdom may in future ratify.
- (6) The UNCRC rights and obligations for the purposes of this Act are subject to any reservations, objections or interpretative declarations by the United Kingdom as may be in force at the time.
- (7) The UNCRC rights and obligations for the purposes of this Act should be interpreted in the light of General Comments prepared by the UN Committee on the Rights of the Child under rule 77 of its procedure and Concluding Observations made by the UN Committee on the Rights of the Child in response to a United Kingdom report under Article 45 paragraph (d) of the Convention.”

Member's explanatory statement

This amendment will introduce a statutory requirement for Ministers – and thereby government departments – to routinely prepare and make publicly available a children’s rights assessment of the impact and/or expected impact of any proposed legislation, policy, budgetary decision or other strategic or operational decision undertaken by virtue of the provisions in this Act as they relate to children’s wellbeing, social care or education.

BARONESS LISTER OF BURTERSETT
BARONESS BENNETT OF MANOR CASTLE
THE LORD BISHOP OF GLOUCESTER
BARONESS WALMSLEY

470 After Clause 62, insert the following new Clause –

“Duty on UK Ministers

- (1) A Minister of the Crown must, when exercising any or all of their functions under this Act, as they relate to children’s wellbeing, social care or education, have due regard to the rights and obligations set out in the United Nations Convention on the Rights of the Child (UNCRC).
- (2) In complying with the duty under subsection (1), Ministers of the Crown must take account of the relevant views, wishes and feelings of children insofar as the Minister is able to ascertain those views.
- (3) When discharging their duties under the provisions in this Act, Ministers of the Crown must promote public awareness and understanding of the UNCRC as it relates to children’s wellbeing, social care or education, including among children, public authorities, and those performing public functions impacting children’s wellbeing, social care or education.
- (4) In complying with this duty, Ministers of the Crown must prepare and publish child rights impact assessments in relation to any legislative provision, policy

decision, budgetary decision, or other decision of a strategic or operational nature that has or will have a direct or indirect impact on children's wellbeing, social care or education, which are undertaken by virtue of the provisions in this Act.

- (5) As soon as is practicable after the end of each three-year period, the Secretary of State must publish (in such a manner as they deem appropriate) a report of the steps taken in that period specifically to secure implementation of the rights and obligations set out in the UNCRC, as they relate to children's wellbeing, social care or education.
- (6) A report published under subsection (5) must include—
 - (a) an assessment of the extent to which the UNCRC is being implemented for children and young people in relation to wellbeing, social care and education;
 - (b) steps taken to promote understanding and awareness of the rights of children, as they relate to wellbeing, social care or education.
- (7) The UNCRC includes the rights and obligations set out in—
 - (a) the United Nations Convention on the Rights of the Child Part 1;
 - (b) Articles 1 to 6(1), 6(3) and 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
 - (c) Articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
 - (d) any other Optional Protocols to the UNCRC that the UK may in future ratify.
- (8) The UNCRC rights and obligations for the purposes of this Act are subject to any reservations, objections or interpretative declarations by the United Kingdom as may be in force at the time.
- (9) The UNCRC rights and obligations for the purposes of this Act should be interpreted in light of General Comments prepared by the UN Committee on the Rights of the Child under rule 77 of its procedure and Concluding Observations made by the UN Committee on the Rights of the Child in response to a UK report under Article 45 paragraph (d) of the Convention.”

Member's explanatory statement

The purpose of this amendment is to require Ministers to have due regard to the rights and obligations set out in the United Nations Convention on the Rights of the Child (UNCRC) when exercising their functions under this Act, as they relate to children's wellbeing, social care or education.

BARONESS BURT OF SOLIHULL
LORD WATSON OF INVERGOWRIE
LORD DUBS

471 After Clause 62, insert the following new Clause –

“Inclusion of non-religious beliefs in religious education

- (1) Section 375 of the Education Act 1996 is amended as follows.
- (2) Omit subsection (3) and insert –
 - “(3) Every agreed syllabus shall –
 - (a) reflect the fact that the religious traditions in Great Britain are in the main Christian, and
 - (b) take account of the teachings of the other principal religions and non-religious beliefs represented in Great Britain.
 - (3A) In subsection (3)(b), the reference to non-religious beliefs is to non-religious philosophical convictions that –
 - (a) are explicitly non-religious, and
 - (b) are philosophical convictions within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights.
 - (3B) In subsection (3A)(b) “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.””

Member's explanatory statement

This amendment requires non-religious beliefs to be taught in religious education, and defines non-religious beliefs for those purposes.

LORD O'DONNELL
LORD LAYARD
BARONESS TYLER OF ENFIELD
LORD MOYNIHAN

472 After Clause 62, insert the following new Clause –

“Establishment of a national children’s wellbeing measurement programme

- (1) The Secretary of State must establish a national children’s wellbeing measurement programme.
- (2) A programme established under this section must –
 - (a) conduct an annual online national survey of the wellbeing of children in relevant schools in England;

- (b) provide central analysis of data and support for schools in the administration of the survey;
 - (c) make provision for school, parental and student consent to participation in the survey, ensuring that participation is voluntary and that results are handled confidentially;
 - (d) regularly publish the results of the survey and provide relevant data to participating schools, local authorities and other public bodies for the purposes of improving children's wellbeing.
- (3) For the purposes of this section, "wellbeing" includes the drivers of wellbeing, including nutrition, physical activity, participation in arts, culture and entertainment and any other factors the Secretary of State deems relevant.
- (4) For the purposes of this section, "relevant schools" includes academy schools, alternative provision, maintained schools, non-maintained special schools, independent schools, and pupil referral units."

LORD WEI

473 After Clause 62, insert the following new Clause –

“Right to convert underperforming schools to community learning hubs

Where Ofsted rates a school as inadequate for three consecutive years, a majority vote of local home-educating families may petition for its conversion into a community learning hub.”

Member's explanatory statement

This amendment empowers communities to repurpose failing schools into shared learning centres for home-educated children, promoting community-led education and flexible use of public assets.

LORD LUCAS

474 After Clause 62, insert the following new Clause –

“Curriculum materials

All external resources used in schools must be published, citable, and accessible for public and regulatory scrutiny.”

Member's explanatory statement

This amendment seeks to ensure that only resources that are accessible in the public domain are used, so that parents can at all times know what their children are being taught.

LORD ADDINGTON

475 After Clause 62, insert the following new Clause —

“Review of off-rolling in schools

- (1) Within 12 months of the passing of this Act, the Secretary of State must publish a review into the practice of off-rolling in schools.
- (2) The review must produce proposals outlining the steps necessary to eliminate the practice of off-rolling in schools.”

Member's explanatory statement

This amendment requires the Secretary of State to review the practice of off-rolling and to produce proposals to eliminate the practice.

LORD WEI

476 After Clause 62, insert the following new Clause —

“Educational cessation

Where a child has demonstrably completed a course of education equivalent to five GCSEs at grades 4–9, they shall no longer be subject to compulsory education requirements under Part VI of the Education Act 1996.”

Member's explanatory statement

This amendment seeks to allow children who have already completed the equivalent of GCSE-level work to be exempt from further compulsory education. This acknowledges that some children may exceed the educational requirements before the traditional age of 16.

LORD WEI

477 After Clause 62, insert the following new Clause —

“Experimental home education zones

The Secretary of State may designate up to three local authority areas as experimental education zones, exempt from national education regulation for a period of ten years.”

Member's explanatory statement

This amendment seeks to create experimental zones where communities may opt out of national education laws to trial alternative education systems including in relation to home education and gather long-term data.

LORD WEI

478 After Clause 62, insert the following new Clause –

“Early graduate certificate for advanced learners

A child who has demonstrably completed education equivalent to A-levels before the age of 16 is entitled to an official certificate of graduation issued by the Secretary of State.”

Member's explanatory statement

This amendment enables early academic achievers to receive formal recognition, ensuring they can progress to further education or employment without being held back by age-based constraints.

LORD WATSON OF INVERGOWRIE
BARONESS LONGFIELD
BARONESS FINLAY OF LLANDAFF

479 After Clause 62, insert the following new Clause –

“Wellbeing support for schools

- (1) The Secretary of State must provide statutory guidance for all relevant schools on whole school approaches to mental health and wellbeing.
- (2) Such guidance should include, but not be limited to –
 - (a) identifying and measuring children and young people’s mental health and wellbeing;
 - (b) the collation of appropriate wellbeing data to adapt both internal and external support within settings;
 - (c) appropriate training and development for teachers and other school staff;
 - (d) access to mental health support within schools;
 - (e) further specialist provision as required within community services.
- (3) The Secretary of State must report to Parliament each year on progress made in implementing the guidance and how wellbeing data collected is informing appropriate support offered through community services.”

Member's explanatory statement

This amendment would require the Secretary of State to provide statutory guidance on whole school approaches to mental health and wellbeing and to report to Parliament annually on progress.

BARONESS BARRAN

480 After Clause 62, insert the following new Clause –

“Approved free schools in pre-opening

The Secretary of State must make provision for the opening of all free schools whose applications were approved prior to October 2024.”

Member's explanatory statement

This new clause would require the Secretary of State to proceed with the opening of free schools whose opening was paused in October 2024.

LORD AGNEW OF OULTON

481 After Clause 62, insert the following new Clause –

“Financial governance of local authority schools

- (1) Local authority maintained schools must –
 - (a) ensure that their accounts are externally audited between the end of the academic year and 31st December annually, and
 - (b) publish these accounts on their school website by no later than 31st January of the following year.
- (2) The relevant local authority must monitor the resolution by the school of any material issues raised in these audit reports.”

Member's explanatory statement

This amendment seeks to ensure that the same standard of financial governance exists between academy schools and local authority schools.

THE LORD BISHOP OF GLOUCESTER

482 After Clause 62, insert the following new Clause –

“Educational attainment of children with a parent in prison

- (1) Within six months of the day on which this Act is passed, the Secretary of State must commission a report on the educational attainment of school age children with a parent who is in prison.
- (2) The report must make recommendations for how the educational attainment of those children can be improved.
- (3) The Secretary of State must publish the report and lay it before Parliament.”

LORD LAYARD
BARONESS TYLER OF ENFIELD
LORD MACPHERSON OF EARL'S COURT
LORD CLARKE OF NOTTINGHAM

483 After Clause 62, insert the following new Clause –

“Apprenticeship provision

The Secretary of State must promote sufficient provision of apprenticeship places up to level 3 to ensure that every qualified applicant aged 16 to 18 receives an offer of a place.”

BARONESS BENNETT OF MANOR CASTLE

484 After Clause 62, insert the following new Clause –

“School: hair requirements

Pupils must not be denied opportunities to take part in classes, or any other school activities, by reason of their hair style or cut, unless for reasons of health and safety.”

Member's explanatory statement

This clause aims to ensure children are not denied education or other school-related opportunities for reasons of hair cut or style.

LORD JACKSON OF PETERBOROUGH

485 After Clause 62, insert the following new Clause –

“Parental complaints (maintained schools)

(1) After section 29 of the Education Act 2002 insert –

“29ZA Parental complaints: appeals

- (1) A complainant may appeal to the First-tier Tribunal (Health, Education and Social Care Chamber) where –
 - (a) the complaint was against a maintained school in England under section 29(1),
 - (b) the complainant was a parent of a registered pupil at the school at the time they first pursued the complaint,
 - (c) the complaint specified one or more legal duties listed in Schedule 1A of which the school was alleged to be in breach,
 - (d) the complaints process under section 29(1) was completed,
 - (e) the complaint was not fully upheld in respect of one or more of the matters specified as described in paragraph (c), and
 - (f) the complainant does not have and has not had any other prescribed right of appeal apart from that provided under section 29(1) and this section.
- (2) The Secretary of State must make regulations about appeals to the First-tier Tribunal in respect of subsection (1), including –
 - (a) making and determining appeals;
 - (b) the powers of the tribunal on determining an appeal.
- (3) Regulations under subsection (2) may include provision conferring power on the First-tier Tribunal, on determining an appeal against a matter, to make recommendations in respect of other matters (including matters against which no appeal may be brought).
- (4) A person commits an offence if without reasonable excuse that person fails to comply with any requirement –

- (a) in respect of the discovery or inspection of documents, or
 - (b) to attend to give evidence and produce documents,
- where that requirement is imposed by Tribunal Procedure Rules in relation to an appeal under this section or regulations under subsection (2).
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (2) After Schedule 1 to the Education Act 2002 insert –

“SCHEDULE 1A

LEGAL DUTIES FOR THE PURPOSES OF SECTION 29ZA

- 1 (1) The legal duties to which section 29ZA applies are as follows.
- (2) The Education Act 1996 –
 - (a) section 9 (Education in accordance with parental wishes),
 - (b) section 402 (Obligation to enter pupils for public examinations),
 - (c) sections 403 to 405 (Sex education),
 - (d) sections 406 to 407 (Politics) and
 - (e) section 542(1) (Prescribed standards for school premises);
- (3) The Education Act 2002 –
 - (a) sections 78 to 80B (General duties in respect of the curriculum), and
 - (b) section 175(2) and (3) (Duties ... in relation to welfare of children);
- (4) The School Standards and Framework Act 1998 –
 - (a) section 1(6) (Duty in relation to infant class size),
 - (b) sections 69 to 71 (Religious education and worship), and
 - (c) section 114A (Requirements for food and drink provided on school premises etc);
- (5) Childcare Act 2006, section 40 (Duty to implement Early Years Foundation Stage);
- (6) Children Act 1989, sections 87 and 87C (Welfare of children in boarding schools and colleges and national minimum standards) and
- (7) The Education and Inspections Act 2006, sections 88 to 94 (School Discipline).”

LORD RUSSELL OF LIVERPOOL
LORD YOUNG OF COOKHAM
BARONESS THORNTON

486 After Clause 62, insert the following new Clause –

“Draft legislative proposal: early years strategy

- (1) The Secretary of State must lay before Parliament a draft Bill containing legislative proposals for a comprehensive early years strategy.
- (2) The draft Bill required by subsection (1) must include –
 - (a) provisions to support the rollout of the Start for Life and Family Hubs programme nationally,
 - (b) adequate funding for government departments to improve data collection on the wellbeing of children in social care,
 - (c) a workforce plan for the children’s social care workforce, to complement the NHS Workforce Plan and support multi-disciplinary working in teams for the most vulnerable children, and
 - (d) guidelines for the recording of children’s early health and development as key data points contributing to consistent identifiers required by section 16LB of the Children Act 2004.
- (3) The Secretary of State must lay the draft Bill under subsection (1) before Parliament within six months of the day on which this Act is passed.”

LORD JACKSON OF PETERBOROUGH

487 After Clause 62, insert the following new Clause –

“Parental complaints (independent educational institutions, including academies)

After section 137 of the Education and Skills Act 2008 (Service of notice etc) insert –

“137A Parental Complaints: appeals

- (1) A complainant may appeal to the First-tier Tribunal (Health, Education and Social Care Chamber) where –
 - (a) the complaint was against an independent educational institution in England under Part 7 of the Schedule of The Education (Independent School Standards) Regulations 2014,
 - (b) the complainant was a parent of a registered pupil at the institution at the time they first pursued the complaint, and
 - (c) the complaint specified one or more –
 - (i) Independent School Standard Regulations that apply to the institution, or
 - (ii) terms of any funding agreements between the proprietor of the institution and the Secretary of State, or
 - (iii) obligations under the memorandum and articles of the proprietor company, or

- (iv) the proprietor's charitable objects, or
 - (v) legal requirements that apply to the institution under the Academies Act 2010,
in relation to the institution's provision for pupils with which the proprietor is alleged to be in breach, and
 - (d) the complaints process under (a) has been completed,
 - (e) the complaint was not fully upheld in respect of one or more of the matters specified as described in (c), and
 - (f) the complainant does not have and has not had any other prescribed right of appeal beyond that provided in Part 7 of the Schedule of The Education (Independent School Standards) Regulations 2014 and this section.
- (2) The Secretary of State must make regulations about appeals to the First-tier Tribunal in respect of subsection (1), including –
- (a) making and determining appeals,
 - (b) the powers of the tribunal on determining an appeal.
- (3) Regulations under subsection (2) may include provision conferring power on the First-tier Tribunal, on determining an appeal against a matter, to make recommendations in respect of other matters (including matters against which no appeal may be brought).
- (4) A person commits an offence if without reasonable excuse that person fails to comply with any requirement –
- (a) in respect of the discovery or inspection of documents, or
 - (b) to attend to give evidence and produce documents,
- where that requirement is imposed by Tribunal Procedure Rules in relation to an appeal under this section or regulations under subsection (2).
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.””

Member's explanatory statement

This clause would afford to parents the ability to appeal complaints about an independent educational institution failing to comply with its legal duties in educational provision to the first-tier tribunal in circumstances where the institution's internal complaints process has been completed and has not upheld their complaint. Independent Educational Institutions include academies.

LORD JACKSON OF PETERBOROUGH

488 After Clause 62, insert the following new Clause –

“Parental complaints (non-maintained special schools)

After section 342C of the Education Act 1996 insert –

“342D Parental complaints: appeals

- (1) A complainant may appeal to the First-tier Tribunal (Health, Education and Social Care Chamber) where –
 - (a) they have pursued a complaint against a non-maintained special school in England under paragraph 31 of the Schedule of the Non-Maintained Special Schools (England) Regulations 2015 (S.I. 2015/728),
 - (b) the complainant was the parent of a registered pupil at the school at the time of first pursuing the complaint,
 - (c) the complaint specified one or more –
 - (i) non-maintained Special School Regulations
 - (ii) obligations under the memorandum and articles of any proprietor company, or
 - (iii) obligations imposed under any trust deed of the school in relation to the institution’s provision for pupils with which the proprietor is alleged to be in breach,
 - (d) the complaints process under (a) has been completed,
 - (e) the complaint was not fully upheld in respect of one or more of the matters specified as described in (c), and
 - (f) the complainant does not have and has not had any other prescribed right of appeal beyond that provided in paragraph 31 of the Schedule of the Non-Maintained Special Schools (England) Regulations 2015 and this section.
- (2) The Secretary of State must make regulations about appeals to the First-tier Tribunal in respect of subsection (1), including –
 - (a) making and determining appeals;
 - (b) the powers of the tribunal on determining an appeal.
- (3) Regulations under subsection (2) may include provision conferring power on the First-tier Tribunal, on determining an appeal against a matter, to make recommendations in respect of other matters (including matters against which no appeal may be brought).
- (4) A person commits an offence if without reasonable excuse that person fails to comply with any requirement –
 - (a) in respect of the discovery or inspection of documents, or
 - (b) to attend to give evidence and produce documents,
 where that requirement is imposed by Tribunal Procedure Rules in relation to an appeal under this section or regulations under subsection (2).

- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.””

Member's explanatory statement

This clause would afford to parents the ability to appeal complaints about a non-maintained special school failing to comply with its legal duties in educational provision to the first-tier tribunal in circumstances where the school's internal complaints process has been completed and has not upheld their complaint.

LORD JACKSON OF PETERBOROUGH

489 After Clause 62, insert the following new Clause –

“Amendment of the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010

The Secretary of State may by regulations make such amendments to the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010, the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, and any other relevant subordinate legislation as are necessary or expedient in consequence of, or in connection with, sections (*Parental Complaints (Maintained Schools)*), (*Parental Complaints (Independent educational institutions, including academies)*), and (*Parental Complaints (Non-maintained Special Schools)*) of this Act.”

Member's explanatory statement

This clause allows the Secretary of State to make amendments to secondary legislation for tribunals as a consequence of the amendments proposed on parental complaints.

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON

490 After Clause 62, insert the following new Clause –

“Royal Commission on the education attainment gap

- (1) On the day on which this Act is passed, the Secretary of State must make arrangements to establish a Royal Commission to investigate the education attainment gap for children with special educational needs and disabilities (SEND).
- (2) The Commission must investigate and make recommendations relating to –
 - (a) the education attainment gap for individual special educational needs and disabilities;
 - (b) the education attainment gap at each level of examination, including Key Stage 2, GCSE, A-Level and other relevant qualifications;
 - (c) the level of understanding of the social model of disability in teacher training and schools.
- (3) The Commission must publish recommendations and recommend a deadline by which the SEND education attainment gap must be closed.”

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON

491 After Clause 62, insert the following new Clause –

“School mentorship scheme for children with SEND

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish a school mentorship scheme for children with special educational needs and disabilities (SEND).
- (2) The mentorship scheme must –
 - (a) involve members of local communities, business and wider society who are disabled people or have other relevant lived experience to offer to support children with SEND,
 - (b) offer appropriate, relevant and contextualised advice from mentors, and
 - (c) include the delivery of mentors’ advice gained from lived experience, work experience opportunities and other experience as appropriate.”

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON
LORD MOYNIHAN

492 After Clause 62, insert the following new Clause –

“Curriculum review: recommended physical activity

Within six months of the day on which this Act is passed, the Secretary of State must undertake a curriculum review on how the levels of physical activity recommended by the Chief Medical Officer can form part of physical education provision within schools.”

LORD HOLMES OF RICHMOND

493 After Clause 62, insert the following new Clause –

“Education technology: guiding principles

- (1) The Secretary of State must by regulations made by statutory instrument make provision for the regulation of education technology deployed in schools in England.
- (2) The regulations made under subsection (1) must ensure that education technology used in schools in England –
 - (a) is inclusive by design,
 - (b) is accessible to all,
 - (c) is transparent with regard to its training data and, where applicable, its algorithmic make-up,
 - (d) is labelled clearly if it uses artificial intelligence,
 - (e) does not sell or provide data to third parties, and

- (f) does not store personal data at a location other than that of the school in which it is being used.
- (3) A statutory instrument that contains regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD HOLMES OF RICHMOND

494 After Clause 62, insert the following new Clause –

“Procurement standard for education technology

Within six months of the day on which this Act is passed, the Secretary of State must publish guidance for schools on procurement standards for education technology.”

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON
LORD MOYNIHAN

495 After Clause 62, insert the following new Clause –

“Teacher training review

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish a review of teacher training in England.
- (2) The review must assess the extent to which teacher training includes physical and mental literacy and the challenges of new technologies.
- (3) The review must –
 - (a) report within 12 months of the day on which it is established, and
 - (b) recommend a new teacher training offer which includes –
 - (i) artificial intelligence,
 - (ii) sport and physical literacy,
 - (iii) data literacy,
 - (iv) media literacy, and
 - (v) financial literacy.”

LORD HOLMES OF RICHMOND

496 After Clause 62, insert the following new Clause –

“Character education

Within six months of the day on which this Act is passed, the Secretary of State must establish a review of the research, evidence and practice in relation to character education in schools in England.”

LORD HOLMES OF RICHMOND

497 After Clause 62, insert the following new Clause –

“Curriculum review: AI

- (1) Within six months of the day on which this Act is passed, the Secretary of State must undertake a curriculum review to explore how children can receive teaching, learning and a curriculum which recognises any opportunities and challenges of technologies including, but not limited to, artificial intelligence.
- (2) The curriculum review must investigate how children can be equipped with the learning and skills to flourish through their use of technology in all subjects in the National Curriculum.”

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON

498 After Clause 62, insert the following new Clause –

“SEND provision review

- (1) Within six months of the day on which this Act is passed, the Secretary of State must undertake a review of provision for children with special educational needs and disabilities (SEND provision) in schools in England.
- (2) The review must report within 12 months of the day on which it is established.
- (3) The review must produce recommendations, including on how the Secretary of State should fund SEND provision required by law.”

LORD HOLMES OF RICHMOND
LORD WEI

499 After Clause 62, insert the following new Clause –

“Attendance code of practice

- (1) The Secretary of State must issue an attendance code of practice giving guidance to the following bodies on their functions in relation to school attendance –
 - (a) local authorities in England,
 - (b) admission authorities in England,
 - (c) the governing bodies of schools,
 - (d) the proprietors of Academies, and
 - (e) the management committees of pupil referral units.
- (2) The Secretary of State may revise the code from time to time.
- (3) The bodies listed in subsection (1) must have regard to the code in exercising their functions in relation to school attendance.

- (4) Those who exercise functions on behalf of the bodies in subsection (1) in relation to school attendance must also have regard to the code.”

LORD HOLMES OF RICHMOND
BARONESS GREY-THOMPSON
LORD MOYNIHAN

500 After Clause 62, insert the following new Clause –

“Review: physical and mental wellbeing standards

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish standards for schools in England on the physical and mental wellbeing –
- (a) teaching,
 - (b) training, and
 - (c) care and support,
- which they provide to children.
- (2) The standards must include delivery targets to which schools must adhere.”

LORD STOREY

501 After Clause 62, insert the following new Clause –

“National survey on bullying

- (1) The Secretary of State must arrange for the collection and publication of national data on bullying experienced by children and young people in schools in England on an annual basis.
- (2) The survey must include –
- (a) the groups of children most at risk of experiencing bullying;
 - (b) the nature and type of bullying experienced, including, but not limited, to sexual, sexist, racial, and online bullying;
 - (c) the interventions and responses perceived as most effective in reducing bullying;
 - (d) how schools in England are responding to bullying, including in both in-person and online contexts.
- (3) The report must be published annually and the Secretary of State must lay the report before Parliament which outlines the findings and a proposed policy response.”

BARONESS COFFEY

502 After Clause 62, insert the following new Clause –

“Review: educational attainment

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a review into the impact of this Act on the educational attainment of children.
- (2) The review must consider the merits of commencing section 34 of the Child Maintenance and Other Payments Act 2008 (Transfer of arrears) and uncommenced sections of the Child Support Collection (Domestic Abuse) Act 2023 for the purposes of improving the educational attainment of children.”

LORD STOREY

502A After Clause 62, insert the following new Clause –

“Review: number of teachers unable to stand in local elections

With six months of the day on which this Act is passed, the Secretary of State must publish a review of the anticipated impact of this Act on the number of teachers in maintained schools who will, because of their employment, be unable to stand for election to local education authorities.”

BARONESS BENNETT OF MANOR CASTLE

LORD FARMER

502B After Clause 62, insert the following new Clause –

“Right to access to nature

- (1) The Secretary of State shall have a duty to promote school pupils' access to nature, with the aim of ensuring that each pupil spends an average of one hour per week as a minimum during term time in a natural setting during class time.
- (2) The Secretary of State must, within 12 months of the day on which this Act is passed, and every 12 months thereafter, lay before Parliament a report on progress on achieving this goal.
- (3) For the purposes of this section, “natural environment” has the same meaning as in section 44 of the Environment Act 2021.”

Member's explanatory statement

This amendment aims to improve pupils' exposure to and knowledge of natural environments.

LORD NORTON OF LOUTH

502C After Clause 62, insert the following new Clause –

“Review of the Act

- (1) The Secretary of State must –
 - (a) carry out a review of the operation and effect of this Act,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay a copy of the report before Parliament.
- (2) The report must be published before the end of the period of five years beginning with the day on which this Act is passed.
- (3) The report must, in particular –
 - (a) assess the extent to which the objectives intended to be achieved by this Act have been achieved, and
 - (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved more effectively in any other way.
- (4) In carrying out the review, the Secretary of State must publish an invitation for interested parties to make submissions on the operation of the Act.”

BARONESS SATER
LORD FARMER

502D After Clause 62, insert the following new Clause –

“Financial education in primary schools

- (1) All primary schools must teach financial education from Year 1.
- (2) For the purposes of this section, “financial education” is the teaching of knowledge, skills and behaviours that allow an individual to understand and manage money.”

LORD CARLILE OF BERRIEW

502E After Clause 62, insert the following new Clause –

“Anti-Bullying Lead

- (1) In pursuance of their duty under section 89 (1)(b) of the Education and Inspections Act 2006, the head teacher of a relevant school in England must appoint a member of staff who is the school’s Anti-Bullying Lead.
- (2) The role of the Anti-Bullying Lead will include developing the school’s written anti-bullying strategy.
- (3) The anti-bullying strategy must include details of –
 - (a) the steps taken by the school to prevent all forms of bullying among pupils, including those with protected characteristics.

- (b) how the school records incidences of bullying.
- (c) the training that the school makes available for staff related to bullying.”

Member's explanatory statement

This amendment seeks to protect children from bullying by requiring head teachers to appoint an Anti-Bullying Lead to develop an Anti-Bullying Strategy in applicable schools.

LORD BANNER
BARONESS HALE OF RICHMOND

502F After Clause 62, insert the following new Clause –

“Duty on public authorities

- (1) A public authority must, in the exercise of a relevant function, have due regard to the desirability of exercising that function in a way that is consistent with the UNCRC requirements.
- (2) The Secretary of State may by regulations make provision about how a public authority is to comply with the duty under subsection (1) (including provision about things that the authority may, must or must not do to comply with the duty).
- (3) A court or tribunal is exempt from subsection (1).
- (4) The Secretary of State may, by regulations, exempt from the duty in subsection (1) –
 - (a) a public authority, or
 - (b) a relevant function.
- (5) The power under subsection (4) may only be exercised if the Secretary of State is satisfied that the duty under subsection (1) should not apply to a public authority or a relevant function because it will not result in any adverse impacts on the wellbeing and safety of children.
- (6) Regulations made under subsections (2) and (4) are to be made by statutory instrument and may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A power to make regulations under this section includes the power to make –
 - (a) consequential, incidental, supplementary, transitional or saving provision;
 - (b) different provision for different purposes.
- (8) The Secretary of State must –
 - (a) on or before 31 January 2026, and
 - (b) at or before the end of each successive period of five years,
 publish a report on how the Government has complied with the duty under this section.
- (9) The Government must lay before Parliament a copy of each report published under subsection (8).

- (10) For the purposes of this section—
 “public authority” has, subject to the specific provision made above about courts and tribunals, the same meaning as in section 6 of the Human Rights Act 1998;
 “relevant function” means a function exercised under this Act.
- (11) In this section—
 “the Convention” means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989;
 “the UNCRC requirements” means the rights and obligations from the Convention, and the articles of the first optional protocol and the second optional protocol as referred to above.
- (12) The UNCRC requirements have effect for the purposes of this Act subject to any reservations, objections or interpretative declarations by the United Kingdom as may be in force from time to time.”

LORD CARTER OF HASLEMERE

502G After Clause 62, insert the following new Clause—

“Application of Part 2

Nothing in Part 2 of this Act shall apply if it would have the effect of impeding the right of parents to ensure access to such education and teaching for their children as is in conformity with their own religious and philosophical convictions.”

Member's explanatory statement

This amendment disapplies any provision of Part 2 if its effect would be to impede the right of parents to educate their children consistently with their own religious and philosophical beliefs.

LORD MOYNIHAN
 LORD ADDINGTON
 BARONESS SATER

502H★ After Clause 62, insert the following new Clause—

“National strategy for physical education and sport in schools

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a national strategy for physical education and sport in schools.
- (2) The strategy must include recommendations related to—
- (a) the delivery of a minimum of 60 minutes of school sport and physical activity per day;
 - (b) physical and mental wellbeing;
 - (c) incentivising pupils to continue sport and physical activity throughout their school careers;

- (d) full and integrated sports provision for disabled students;
 - (e) integrating physical education and sport into the teaching of other school subjects;
 - (f) integrating outdoor recreation, non-traditional sport, physical activity and natural facilities into sports provision in schools;
 - (g) meeting swimming attainment standards through school sport provision;
 - (h) the levels of investment in and effectiveness of primary physical education and sport premium funding;
 - (i) the role of volunteering in the teaching of sport and physical education in schools, including qualifications, standards, and engagement of external coaches and parents with qualifications recognised by the governing bodies of sport in Great Britain;
 - (j) a duty of care for all schoolchildren participating in sport;
 - (k) the development of a list of key performance indicators to measure outcomes of the national strategy.
- (3) The national strategy must be reviewed, updated and laid before both Houses of Parliament annually.”

LORD MOYNIHAN
LORD ADDINGTON
BARONESS SATER

502J★ After Clause 62, insert the following new Clause—

“Curriculum review: physical education programmes of study

Within six months of the day on which this Act is passed, the Secretary of State must undertake a curriculum review which investigates how sport provision in schools can help ensure that pupils—

- (a) develop competence in a broad range of competitive and physically demanding activities;
- (b) are physically active for a sustained period of time equal to or in excess of the minimum time recommended by the Chief Medical Officer;
- (c) can engage in competitive sports and activities in a way which supports their health and fitness;
- (d) can lead healthy, active lives and help embed values such as fairness and respect.”

Clause 65

BARONESS SMITH OF MALVERN

503 Clause 65, page 123, line 33, at end insert—

- “(b) section (*Employment of children in Scotland*) extends to Scotland only.”

Member's explanatory statement

This amendment provides for the clause inserted after clause 26 (by my amendment) to extend to Scotland.

Clause 66

LORD LUCAS

- 504 Clause 66, page 124, line 4, at end insert, “, but no part of Sections 30 to 35 and Schedule 2 may be commenced earlier than the day on which the National Cyber Security Centre (or an equivalent body designated by the Secretary of State) certifies that the arrangements for the security of the register of children not in school are in line with best practice and that testing of its systems is complete.”

BARONESS FINLAY OF LLANDAFF
LORD HAMPTON
BARONESS WALMSLEY

- 505 Clause 66, page 124, line 18, at end insert –
“(2A) Section (*Abolition of common law defence of reasonable punishment*) comes into force at the end of the period of 12 months beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment is consequential on a new clause amendment by Baroness Finlay of Llandaff.

BARONESS SMITH OF MALVERN

- 506 Clause 66, page 124, line 19, leave out subsection (3) and insert –
“(3) Subject to subsection (1), the following come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations made by statutory instrument appoint –
(a) section (*Employment of children in England and Wales*);
(b) sections 30 to 35 and Schedule 2.
(3A) Subject to subsection (1), section (*Employment of children in Scotland*) comes into force on such day as the Scottish Ministers may by regulations appoint.”

Member's explanatory statement

This amendment provides for certain provision for Wales or Scotland to be brought into force by (respectively) the Welsh Ministers or Scottish Ministers.

BARONESS FOX OF BUCKLEY

506A Clause 66, page 124, line 21, at end insert –

- “(3A) Section 47 comes into force when all the following conditions are met –
- (a) the period of six months, beginning on the day that the Secretary of State publishes the final report of the Curriculum and Assessment Review, has elapsed;
 - (b) the Secretary of State has published a draft Bill making legislative provision for the changes recommended by the Curriculum and Assessment Review;
 - (c) the Secretary of State has undertaken a consultation on the findings of the Curriculum and Assessment Review.”

LORD WATSON OF INVERGOWRIE

506B★ Clause 66, page 124, line 21, at end insert –

- “(3A) Section 11 may not come into force until regulations under section 11 (qualifying for civil legal aid) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 providing legal aid on a non-means tested basis in relation to proceedings that may result in the deprivation of a child’s liberty have come into force.”

Member's explanatory statement

This amendment would provide that the provisions in the Bill on accommodation for the deprivation of liberty for children cannot come into force until legal aid has been provided on a non-means tested basis for children at risk of this and their families.

BARONESS SMITH OF MALVERN

507 Clause 66, page 124, line 22, leave out “(3)” and insert “(3A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66 inserting new subsection (3A).

BARONESS BARRAN

508 Clause 66, page 124, line 23, at end insert –

- “(4A) Section 3 may not come into force until the Secretary of State has made a statement confirming that safeguarding partners which are party to an agreement under section 16J(1) of the Children Act 2004 (combining safeguarding partner areas and delegating functions) have equal responsibility for the effective delivery of the multi-agency child protection team.”

Member's explanatory statement

This amendment would require the Secretary of State to clarify that safeguarding partners which are party to an agreement under section 16J of the Children Act 2004 have equal responsibility for the effective delivery of the MACPT.

BARONESS BARRAN

509 Clause 66, page 124, line 23, at end insert –

“(4A) Section 3 may not come into force until the Secretary of State has published guidance to clarify how the duties in section 3 will be delivered and funded, including for non-statutory agencies.”

Member's explanatory statement

This amendment seeks to clarify what resources and funding will be provided to ensure effective delivery of the additional duties set out in clause 3.

BARONESS SMITH OF MALVERN

510 Clause 66, page 124, line 24, after “(3)” insert “, (3A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66 inserting new subsection (3A).

BARONESS SMITH OF MALVERN

511 Clause 66, page 124, line 28, leave out from “Act” to end of line 29 and insert “other than –

- (a) the provisions listed in subsection (3) in relation to Wales;
- (b) section (*Employment of children in Scotland*).

Member's explanatory statement

This amendment is consequential on my amendments to clause 66 inserting new subsections (3), (3A) and (7A).

BARONESS SMITH OF MALVERN

512 Clause 66, page 124, leave out line 32 and insert “any provision listed in subsection (3) in relation to Wales.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66 inserting new subsection (3).

BARONESS SMITH OF MALVERN

513 Clause 66, page 124, line 32, at end insert –

“(7A) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of section (*Employment of children in Scotland*).

Member's explanatory statement

This amendment provides for the Scottish Ministers to make transitional and saving provision in connection with certain provision relating to Scotland.

BARONESS SMITH OF MALVERN

514 Clause 66, page 124, line 33, leave out “or (7)” and insert “, (7) or (7A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 66 inserting new subsection (7A).

Children's Wellbeing and Schools Bill

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

5 June 2025

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