

Children's Wellbeing and Schools Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Fifth Marshalled List]

Amendment
No.

After Clause 11

BARONESS BARRAN

134C★ After Clause 11, insert the following new Clause—

“Affirmative procedure for deprivation of liberty orders

- (1) Section 25 of the Children Act 1989 (use of accommodation for restricting liberty) is amended as follows.
- (2) After subsection (2) insert—
 - “(2A) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (3) After subsection (7) insert—
 - “(7A) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (4) In section 104 of that Act (regulations and orders), in subsection (2), after “17(4),” insert “25(2), 25(7),”.

Member's explanatory statement

This amendment seeks to ensure that any changes to the time a deprivation of liberty order lasts, the type of accommodation used or the descriptions of children to whom the section applies are subject to affirmative procedure.

Clause 15

BARONESS BARRAN

- ★ *Baroness Barran gives notice of her intention to oppose the Question that Clause 15 stand part of the Bill.*

Member's explanatory statement

This is intended to probe how the power to limit profits will work in practice.

Clause 19

BARONESS BARRAN

- ★ *Baroness Barran gives notice of her intention to oppose the Question that Clause 19 stand part of the Bill.*

Member's explanatory statement

This is to clarify how the scope of regulation of agency workers used in children's social care will differ from the current situation.

Clause 24

BARONESS BARRAN

- 152A★ *Clause 24, page 41, line 29, at end insert —*

“(2A) Guidance given by the Secretary of State under subsection (1) shall be laid before Parliament in draft form and is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment seeks to ensure that guidance issued under Clause 24 is subject to draft negative procedure, as recommended by the Delegated Powers and Regulatory Reform Committee.

Clause 30

LORD FROST

- 202C★ *Clause 30, page 50, line 32, leave out “withdraw the child from school” and insert “remove the child's name from the school roll”*

Member's explanatory statement

This is a probing amendment seeking to establish how these provisions would relate to flexischooling children, that is, children who are not full-time in school with the agreement of their school and therefore remain on the school roll.

Clause 31

LORD FROST

227A★ Clause 31, page 54, line 8, after “school,” insert –

“but does not include where an alternative arrangement has been agreed between the proprietor of the school and a parent of the child, where the child will receive a full-time education, partly in school, and partly under the supervision of the parent,”

Member's explanatory statement

This is a probing amendment seeking to establish what the arrangements would be for flexischooling children, that is, children who are not full-time in school with the agreement of their school, and whether they would be exempt from the children not in school register.

After Clause 62

LORD CARLILE OF BERRIEW

502Q★ After Clause 62, insert the following new Clause –

“Preventing school exclusion and strengthening support for vulnerable children

- (1) Where a child is subject to police involvement or is known to youth justice services, a youth justice practitioner must be invited to attend any school exclusion hearing or appeal concerning that child, to assist the child and their family and the school in identifying appropriate support to maintain the child’s engagement in education.
- (2) In cases where a child has suspected or recognised special educational needs and disabilities (SEND) or neurodivergence, there shall be a presumption against permanent or fixed-term exclusion.
- (3) An alternative educational plan must be developed, including a timely assessment of the child’s learning needs.
- (4) Where police are called to a school in relation to a child known to youth justice or other statutory services, the school must notify the relevant agency to ensure coordinated decision-making and safeguarding.”

LORD CARLILE OF BERRIEW

502R★ After Clause 62, insert the following new Clause –

“Mandatory training in SEND and neurodivergence

- (1) Within one year of the passing of this Act, all school teaching staff must receive mandatory training in the identification and support of children with SEND and neurodivergence.

- (2) The Secretary of State must issue guidance on the content, frequency and delivery of such training, and ensure it is embedded in initial teacher training and continuing professional development.”

LORD CARLILE OF BERRIEW

502S★ After Clause 62, insert the following new Clause—

“Duty on schools to work with youth courts to provide assessment of special educational needs and neurodivergence

Schools must, when requested, provide courts with an assessment of a child’s special educational needs or neurodivergence, including but not limited to—

- (a) whether the child has SEND or neurodivergence;
- (b) whether appropriate adaptations and support were in place during their schooling;
- (c) whether further expert assessment is required.”

LORD CARLILE OF BERRIEW

502T★ After Clause 62, insert the following new Clause—

“Duty on schools to support reintegration and rehabilitation for children post-custody

- (1) Schools must collaborate with social services, mental health providers and youth justice services to embed post-custody reintegration planning for children with special education needs.
- (2) The Secretary of State must publish an annual assessment of how effectively schools in England support the reintegration and rehabilitation of children post-custody.”

Clause 66

BARONESS BARRAN

504A★ Clause 66, page 124, line 4, at end insert “, subject to subsection (2A)”

BARONESS BARRAN

505A★ Clause 66, page 124, line 18, at end insert—

- “(2A) Section 15 may not come into force until the Secretary of State has published a report that contains—
- (a) details of the number of available placements in relevant establishments or agencies, and
 - (b) an analysis of the expected impact of this section on the number of available placements in relevant establishments or agencies.”

Member's explanatory statement

This amendment seeks to require a report that would clarify the supply and capacity of independent children's homes and independent fostering agencies before the clause is commenced.

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16 June 2025
