

Children's Wellbeing and Schools Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Eighth Marshalled List]

Clause 31

LORD YOUNG OF COOKHAM

Clause 31, page 56, line 4, at end insert –

- “(ga) 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 Carer’s Needs Assessment has been carried out;
- (gb) 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 have caring responsibilities.

After Clause 62

BARONESS KIDRON

After Clause 62, insert the following new Clause –

“Statutory standards of filtering and monitoring systems deployed in schools

- (1) The Secretary of State must by regulations made by statutory instrument specify minimum standards for filtering and monitoring technologies used to safeguard children in schools.
- (2) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) These regulations apply to any filtering and monitoring systems procured by or deployed in schools.

- (4) The standards in subsection (1) must—
 - (a) meet the standards of the Department for Education's *Keeping children safe in education* statutory guidance;
 - (b) meet the standards of the Department for Education's *Meeting digital and technology standards in schools* guidance, including its filtering and monitoring standards for schools and colleges;
 - (c) meet the standards of the Department for Education's *Generative AI: product safety expectations*;
 - (d) prevent filtering and monitoring systems' barriers to accessing illegal content from being switched off.
- (5) Filtering and monitoring standards set out in subsection (3) must be certified by an accreditation scheme sanctioned by the Department for Education.
- (6) Certification must be dependent on the completion of a real-time test each term, delivered remotely or in person, to ensure compliance with the requirements of subsection (3).
- (7) When inspecting a school, the Secretary of State must require OFSTED to ensure that—
 - (a) schools have a certified filtering and monitoring system;
 - (b) real-time tests, set out in subsection (5), are conducted and recorded;
 - (c) incidents or breaches are recorded.
- (8) In this section, "school" means an entity that provides education to children in the UK including early years providers, nursery schools, primary schools, secondary schools, sixth form colleges, city technology colleges, academies, free schools, faith schools, special schools, state boarding schools, and private schools."

BARONESS KIDRON

After Clause 62, insert the following new Clause—

"Code of practice on Children's Data and Education

- (1) The Information Commissioner's office must prepare a code of practice which contains such guidance as the Commissioner considers appropriate on the processing of data in connection with the provision of education.
- (2) Guidance under subsection (1) must include consideration of—
 - (a) all aspects of the provision of education including learning, school management and safeguarding;
 - (b) all types of schools and learning settings;
 - (c) the need for transparency and evidence of efficacy on the use of artificial intelligence (AI) systems in the provision of education;
 - (d) the collection of data for the purpose of training AI systems used in schools, including the collection of data by the Department for Education during trials of AI systems,
 - (e) the impact of profiling and automated decision-making on children's access to education opportunities;

- (f) the principle that children have a right to know what data about them is being generated, collected, processed, stored and shared;
 - (g) the principle that those with parental responsibility have a right to know how their children's data is being generated, collected, processed, stored and shared;
 - (h) the safety and security of children's data;
 - (i) the need to ensure children's access to and use of counselling services and the exchange of information for safeguarding purposes are not restricted.
- (3) In preparing a code or amendments under this section, the Commissioner must have regard to—
 - (a) the fact that children are entitled to a higher standard of protection than adults with regard to their personal data as set out in the UK GDPR, and the ICO's Age Appropriate Design code;
 - (b) the need to prioritise children's best interests and to uphold their rights under UN Convention on the Rights of the Child and General Comment 25;
 - (c) the fact that children may require different protections at different ages and stages of development;
 - (d) the need to support innovation to enhance UK children's education and learning opportunities, including facilitating testing of novel products and supporting the certification and the development of standards;
 - (e) ensuring the benefits from product and service developed using UK children's data accrue to the UK.
- (4) In preparing a code or amendments under this section, the Commissioner must consult with—
 - (a) children,
 - (b) educators,
 - (c) parents,
 - (d) persons who appear to the Commissioner to represent the interests of children,
 - (e) the AI Safety Institute, and
 - (f) the relevant Education department for each nation of the United Kingdom.
- (5) The Code applies to data processors and controllers that—
 - (a) are providing education in school or other learning settings;
 - (b) provide services or products in connection with the provision of education;
 - (c) collect children's data whilst they are learning;
 - (d) use education data, education data sets or pupil data to develop services and products;
 - (e) build, train or operate AI systems and models that impact children's learning experience or outcomes;
 - (f) are public authorities that process education data, education data sets or pupil data.
- (6) The Commissioner must prepare a report, in consultation with the EdTech industry and other stakeholders set out in subsection (4), on the steps required to develop

a certification scheme under Article 42 of the UK GDPR, to enable the industry to demonstrate the compliance of EdTech services and products with the UK GDPR, and conformity with this Code.

- (7) Where requested by an education service, evidence of compliance with this Code must be provided by relevant providers of commercial products and services in a manner that satisfies the education service's obligations under the Code.
- (8) In this section –
 - “AI” means technology enabling the programming or training of a device or software to perceive environments through the use of data, interpret data using automated processing designed to approximate cognitive abilities, and make recommendations, predictions or decisions. It includes generative AI, meaning deep or large language models able to generate text and other content based on the data on which they were trained,
 - “EdTech” means a service or product that digitise education functions including administration and management information systems, learning and assessment and safeguarding, including services or products used within school settings and at home on the recommendation, advice or instruction of a school,
 - “education data” means personal data that forms part of an educational record,
 - “education data sets” means anonymised or pseudonymised data sets that include Education Data or Pupil Data,
 - “efficacy” means that the promised learning outcomes can be evidenced,
 - “learning setting” means a place where children learn including schools, their home and extra-curricular learning services, for example online and in-person tutors,
 - “pupil data” means personal data about a child collected whilst they are learning which does not form part of an educational record, and
 - “safety and security” means that it has been adequately tested.”

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