

Children's Wellbeing and Schools Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Ninth Marshalled List]

After Clause 62

LORD WEI

After Clause 62, insert the following new Clause—

“Annual review of burdens and sunset of ineffective measures

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed and annually thereafter, conduct a review of the operation of all measures introduced by this Act to determine whether they—
 - (a) achieve their stated purpose, and
 - (b) impose unnecessary or disproportionate bureaucratic burdens on local authorities, parents, schools, or the Department.
- (2) Where a review under subsection (1) finds that any measure does not achieve its stated purpose, or imposes unnecessary burdens disproportionate to its benefits, the Secretary of State must—
 - (a) by regulations made by statutory instrument repeal that measure, or
 - (b) provide exemptions, modifications, or other adjustments to reduce the burden, consistent with the principle of value for money.
- (3) Any measure introduced by this Act which has failed the tests under subsection (1) and which has not been rectified by regulations under subsection (2) shall automatically cease to have effect two years after the date of the review in which it was identified.
- (4) A report on each review under subsection (1) must be laid before both Houses of Parliament, setting out—
 - (a) the evidence relied upon,
 - (b) the costs and benefits assessed, and
 - (c) the steps taken under subsection (2).

- (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 establishes an annual review of all measures in the Act to ensure they achieve their purpose without imposing unnecessary bureaucratic burdens. Measures found ineffective or disproportionately burdensome must be repealed or amended, with a sunset clause ensuring that no such measure can persist beyond two years without correction.

LORD WEI

After Clause 62, insert the following new Clause —

“Substantive fairness in ministerial action

- (1) In exercising any function under this Act, whether by issuing guidance or by reviewing parental appeals, the Secretary of State must act in a manner that is substantively fair, proportionate, and consistent with the best educational interests of the child.
- (2) To be compliant with subsection (1) it is not sufficient for the Secretary of State to frame guidance or decisions in terms which appear compatible with the Human Rights Act 1998 or the European Convention on Human Rights where the effect in practice is to impose unfair, excessive, or coercive obligations on parents.
- (3) In any challenge brought before a court, the court must have regard to the actual operation and impact of the guidance or decision on parents and children, and not merely to its formal wording or stated purpose.
- (4) Guidance issued under this Act must —
 - (a) not extend beyond what is necessary to secure lawful compliance by local authorities and schools, and
 - (b) avoid creating undue burdens on parents.
- (5) Nothing in this section prevents the Secretary of State from issuing guidance designed to protect children from significant harm, provided such guidance is necessary, proportionate, and capable of practical implementation without undermining parental rights.”

Member's explanatory statement

This amendment prevents the Secretary of State from relying on superficial or merely formal compliance with human rights standards to shield their actions from judicial review. It ensures that courts may assess the real-world impact of guidance and appeal decisions, thereby protecting parents and children from unfair or coercive state interference.

LORD WEI

After Clause 62, insert the following new Clause –

“Restriction on collection of data relating to children in education

- (1) Public authorities, schools, or any state body may only collect, retain, or process personal data relating to a child in an educational setting where such collection is strictly necessary to protect the child from significant harm as defined by section 31 of the Children Act 1989 (care and supervision).
- (2) Data collected under subsection (1) must not exceed what is proportionate and essential to the specific risk of harm identified.
- (3) No personal data may be collected for the purposes of profiling, monitoring, or assessing a child beyond what is necessary for safeguarding under subsection (1).
- (4) The Secretary of State must, within six months of the day on which this Act is passed, publish guidance setting out the limits of permissible data collection in accordance with this section.”

Member's explanatory statement

This amendment seeks to prevent the excessive collection of children's data in educational settings by limiting state powers of collection to circumstances strictly necessary for protecting a child from harm, as defined by the statutory threshold in the Children Act 1989.

LORD WEI

After Clause 62, insert the following new Clause –

“Use of powers in the Act

- (1) From the day six months after the day on which this Act is passed the Secretary of State must ensure that the measure in subsection (2) is ready to be enforced at any time.
- (2) In the event of a national emergency or authoritarian governance, the courts have the final authority to safeguard the primacy of parental rights to determine their child's education in their best interests.
- (3) Authoritarian governance means a situation where 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 rights of parents to determine their child's education in exceptional national circumstances by placing judicial oversight above executive restrictions.

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