

Children's Wellbeing and Schools Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Ninth Marshalled List]

After Clause 35

LORD WEI

After Clause 35, insert the following new Clause—

“Harm to the child: prevention of legal action

- (1) No parent can be subject to criminal prosecution, penalty, or sanction (“legal action”) under any provision in sections 30 to 35 if the condition in subsection (2) applies.
- (2) The condition is that legal action in subsection (1) would result—
 - (a) in harm to a child’s welfare, or
 - (b) on balance, in greater harm to a child’s education than if the legal action was not pursued.
- (3) For the purposes of subsection (2)—
 - (a) harm to a child’s welfare is determined with reference to section 1 of the Children Act 1989 (welfare of the child), and
 - (b) harm to a child’s education is determined with reference to—
 - (i) section 9 of the Education Act 1996 (pupils to be educated in accordance with parents’ wishes), and
 - (ii) Article 2 of Protocol 1 of the European Convention on Human Rights (right to education).
- (4) Nothing in this section prevents proportionate civil measures, support, or intervention intended to secure the welfare of the child, provided such measures do not have the effect of undermining the child’s access to suitable education.”

Member's explanatory statement

This amendment seeks to prevent prosecution of parents if this would lead to any harm to the child’s welfare and greater harm to the child’s education than if legal action was not pursued.

Clause 66

LORD WATSON OF INVERGOWRIE

Clause 66, page 124, line 18, at end insert—

- “(2A) Sections 12 to 18 may not come into force until the Secretary of State has published a statement regarding the human rights obligations of publicly-funded private providers of children’s social care.”

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5 September 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS