

Children's Wellbeing and Schools Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 7

BARONESS BARRAN

34

[Withdrawn]

BARONESS TYLER OF ENFIELD
BARONESS BARRAN
LORD STOREY
LORD MOHAMMED OF TINSLEY

35

Clause 7, page 12, line 32, at end insert—

“(vi) financial support and financial literacy.”

Member's explanatory statement

This amendment adds financial support and financial literacy as services relevant children must be provided access to, as part of “staying close support”.

BARONESS BARRAN

36

[Withdrawn]

After Clause 7

LORD WATSON OF INVERGOWRIE

37 After Clause 7, insert the following new Clause—

“Review of staying put funding

- (1) The Secretary of State must undertake a review of the level of funding provided for staying put arrangements (within the meaning of section 23CZA of the Children Act 1989) to local authorities and independent fostering agencies to determine its adequacy to meet its aims.
- (2) The review must produce recommendations regarding any steps necessary to increase the funds available per young person.
- (3) The review must be laid before both Houses of Parliament.”

Member's explanatory statement

This amendment would ensure the Secretary of State undertakes a review into the level of funding allocated to local authorities for “staying put” arrangements to determine if it is sufficient to allow all eligible young people to benefit and meets its aims as set out in Staying Put Guidance.

LORD WATSON OF INVERGOWRIE

38 After Clause 7, insert the following new Clause—

“Payment of a National Minimum Allowance for young people in staying put arrangements

In section 23CZA of the Children Act 1989, for subsection (4) substitute—

“(4) Support provided to the former foster parent under subsection (3)(b) must include financial support which is at least equivalent to the National Minimum Allowance for children in foster care aged 16 or 17 as set out in Standard 28 of the Fostering National Minimum Standards (payment to carers).””

Member's explanatory statement

This amendment would introduce a National Minimum Allowance for foster carers offering “staying put” arrangements at the same amount paid for 16-17 year-olds.

Clause 8

BARONESS SMITH OF MALVERN

39 Clause 8, page 13, line 7, at end insert—

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

“(g) financial literacy.””

Member's explanatory statement

This amendment would add services relating to financial literacy to the list of services in section 2 of the Children and Social Work Act 2017 which may assist care leavers in, or in preparing for, adulthood and independent living, and about which a local authority in England must publish information.

BARONESS SMITH OF MALVERN

40 Clause 8, page 13, line 23, at end insert—

“(ca) providing financial support for care leavers;”

Member's explanatory statement

This amendment would add arrangements made by local authorities for providing financial support to care leavers to the information that the authority must publish as part of its local offer to care leavers under section 2 of the Children and Social Work Act 2017 as amended by clause 8.

BARONESS BARRAN

41 Clause 8, page 13, line 23, at end insert—

“(ca) setting out the transition arrangements for health and primary care for care leavers;”

Member's explanatory statement

This amendment aims to include transition arrangements across health and into primary care for care leavers, including flagging care leaver status with the consent of the individual and clear guidelines on the role of health services in supporting care leavers.

After Clause 8

BARONESS BARRAN

42 After Clause 8, insert the following new Clause—

“General practice services for care leavers

In the National Health Service (General Medical Services Contracts) Regulations 2015 (S.I. 2015/1862), after regulation 32A (Suspension of contract terms or of enforcement of contract terms while a disease is or in anticipation of a disease being imminently pandemic etc.), insert the following new regulation—

“Due regard to additional health needs of care leavers

32B. — Contracts negotiated under these regulations must have due regard to the additional health needs of care leavers under 25.”.”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to have due regard to the additional health needs of care leavers under 25 when negotiating general practice contracts in the future.

After Clause 9

BARONESS TYLER OF ENFIELD
 BARONESS BARRAN
 LORD FARMER

43 After Clause 9, insert the following new Clause—

“Promoting relationships for looked after children

In section 22(3A) of the Children Act 1989 (duty of local authority in relation to looked-after children), 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.””

Member's explanatory statement

This amendment adds promotion of a child’s family and social relationships to the safeguarding duties of a local authority.

LORD STOREY

44 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 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

45 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 (national minimum standards) 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 STOREY
BARONESS BARRAN

46 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.”

LORD STOREY
BARONESS BARRAN

47 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.

LORD STOREY
BARONESS BARRAN
LORD HAMPTON

48 After Clause 9, 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.
- (7) 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 introduce an entitlement for an individual to be absent from work on care leave where the individual is a kinship carer.

BARONESS TYLER OF ENFIELD
LORD MESTON
BARONESS BARRAN
LORD FARMER

49 After Clause 9, insert the following new Clause—

“Promoting contact between siblings who are not living together

In paragraph 3(1) of Schedule 1 to the Care Planning, Placement and Case Review (England) Regulations 2010 (S.I. 2010/959) (care plans), for the words from “for” to “together” substitute “whom they are not living with”.”

Member's explanatory statement

This amendment extends requirements to promote contact between a child in care and siblings who are not living with them, including those not in care, so far as this is consistent with the child's welfare.

Before Clause 10

BARONESS SMITH OF MALVERN

50 Before Clause 10, insert the following new Clause—

“Children in temporary accommodation

(1) After section 213A of the Housing Act 1996 (homelessness: co-operation in certain cases involving children) insert—

“213AA Duty of local housing authority in England to notify in certain cases involving children

- (1) This section applies where a local housing authority in England secures that accommodation is available for occupation by a child, in response to an application for assistance under this Part, unless securing that such accommodation is available means the authority ceases to be subject to the duty under section 193.
- (2) Except as provided in subsection (3), the authority must ask the parent of the child—
 - (a) to agree to the authority notifying each relevant body applicable to the child that accommodation has been secured for the child as mentioned in subsection (1), and
 - (b) if that agreement is given, to provide the authority with information about those bodies to enable the authority to identify each relevant body applicable to the child.
- (3) If the child—
 - (a) is 16 or 17 years old,
 - (b) is living independently from their parents, and
 - (c) is the applicant for assistance within the meaning of section 183(2), the authority must ask the child as provided in subsection (2)(a) and (b).
- (4) If the parent or child (as the case may be) agrees to the authority making the notification mentioned in subsection (2)(a), the authority must take reasonable steps to notify each relevant body applicable to the child within 14 days beginning with the latest of—
 - (a) the day on which the authority receives agreement,
 - (b) the day on which the information about the relevant body is provided to the authority, and
 - (c) the day on which the child is placed in accommodation.
- (5) The duties in subsections (2) and (4) only arise once in relation to each application for assistance under this Part.
- (6) In this section “relevant body” means—
 - (a) the general medical practice in England with which the child is registered;

(b) the body in the child's local authority area in England through which health visiting services are available to the child;

(c) the appropriate authority of a relevant educational institution in England at which the child is a registered pupil or student.

(7) The Secretary of State may make provision by regulations for the purposes of this section—

(a) specifying any other description of body as a “relevant body”;

(b) specifying any other institution as a relevant educational institution;

(c) specifying the appropriate authority to be notified under this section in relation to an institution specified under paragraph (b).

(8) In this section—

“appropriate authority” means—

(a) in relation to an Academy, a non-maintained special school, a special post-16 institution, an independent school or a provider of post-16 education or training, the proprietor;

(b) in relation to a school maintained by a local authority or an institution within the further education sector, the governing body;

“child” means a person under the age of 18;

“parent” in relation to a child, includes any person—

(a) who is not a parent of the child but who has parental responsibility for the child, or

(b) who has care of the child, disregarding any absence of the child at a hospital or boarding school or any other temporary absence;

“parental responsibility” has the meaning given by section 3 of the Children Act 1989;

“proprietor” means the person or body of persons responsible for the management of the school or institution;

“relevant educational institution” means—

(a) an Academy (as defined by section 579(1) of the Education Act 1996) other than a secure 16-19 Academy (within the meaning of section 1B(7) of the Academies Act 2010);

(b) a school maintained by a local authority (within the meaning of section 142(1) of the School Standards and Framework Act 1998);

(c) a non-maintained special school (within the meaning of section 337A of the Education Act 1996);

(d) an independent school (within the meaning of section 463 of the Education Act 1996);

(e) an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992);

(f) a special post-16 institution (within the meaning of section 83 of the Children and Families Act 2014);

- (g) a provider of post-16 education or training that provides the kind of education or training mentioned in section 123(1)(d) or (g) of the Education and Inspections Act 2006;
- (h) a provider of post-16 education or training that provides education or training, other than in institutions within the further education sector, which is suitable to the requirements of persons aged 16 or over but under 19 and funded wholly or partly by the Secretary of State.”

(2) The amendment made by this section does not apply in relation to a child for whom a local housing authority in England has secured accommodation in response to an application for assistance under Part 7 of the Housing Act 1996 which was made before the date on which this section comes into force.”

Member's explanatory statement

This amendment would insert a new section into the Housing Act 1996, imposing a duty on local housing authorities in England to notify health and educational bodies when a child is placed in temporary accommodation where the parent (or the child in some cases) agrees to that notification being made.

Clause 10

LORD BELLINGHAM

51 Clause 10, page 14, line 32, at end insert –

- “(2A) Regional co-operation arrangements must include the local integrated care board in their development, delivery and governance.”

Member's explanatory statement

The amendment aims to highlight the need to include health agencies in the regional cooperation arrangements.

BARONESS BARRAN

52 Clause 10, page 15, leave out lines 8 to 15

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.

Clause 11

BARONESS BARRAN
LORD HAMPTON
BARONESS BENNETT OF MANOR CASTLE

53 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
LORD MESTON

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

“(1C) Directors of Children’s Services must review deprivation of liberty orders, under this section, every four 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.

THE LORD BISHOP OF MANCHESTER
BARONESS BARRAN
LORD MESTON

55 Clause 11, page 17, line 8, at end insert –

“(5A) After subsection (4) insert –

“(4A) 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 (“recovery plan”).”

Member's explanatory statement

This amendment requires local authorities to prepare a recovery plan for any child who is deprived of their liberty.

BARONESS BARRAN
LORD RUSSELL OF LIVERPOOL
THE LORD BISHOP OF MANCHESTER
LORD MESTON

56 Clause 11, page 17, line 25, at end insert –

“(8ZB) Where arrangements are made for the accommodation of a child under this section, health authorities specified in subsection (8ZC) must make joint funding arrangements under this section for the provision of that care.

(8ZC) The authorities are –

- (a) NHS England,
- (b) any integrated care board, Local Health Board, Special Health Authority, National Health Service trust or NHS foundation trust,

- (c) the Secretary of State in relation to his or her functions under section 12 of the National Health Service Act 2006, and
- (d) any person authorised by the Secretary of State for the purposes of this section.”

Member's explanatory statement

This amendment requires joint funding arrangements to be made by relevant health providers for the accommodation of children under section 25 of the Children Act 1989. By mandating joint funding from NHS England, integrated care boards, and other specified health authorities, this amendment seeks to ensure that children receive more holistic and joined up support.

BARONESS SMITH OF MALVERN

57 Clause 11, page 17, line 25, at end insert—

- “(9A) In section 104 of the Children Act 1989 (regulations and orders) –
 - (a) in subsection (3A), after “(3B)” insert “, (3BZA)”;
 - (b) after subsection (3B) insert –
 - “(3BZA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 25(2) or (7).””

Member's explanatory statement

This amendment ensures that regulations made under section 25(2) or (7) of the Children Act 1989 (use of accommodation for restricting liberty) as amended by clause 11, will be subject to the affirmative procedure.

THE LORD BISHOP OF MANCHESTER
BARONESS BARRAN

58 Clause 11, page 17, line 40, at end insert—

- “(12) The relevant Secretaries of State for Education and for Health and Social Care must collaborate to lay before Parliament, annually, a review of the impact of the measures contained in this section.
- (13) The review must, as a minimum, consider and report on the following matters –
 - (a) the numbers of new section 25 orders made during the last year in England and in Wales, the ages of the children placed under them, and an analysis of whether and where the rate of use is increasing or decreasing;
 - (b) the durations of child detention or other restriction of liberty under such orders (minimum, maximum, mean and median);
 - (c) the types of accommodation in which section 25 orders have been applied, including their registration status with Ofsted or the Care Quality Commission;
 - (d) the approval and use of “recovery plans” for all children to move on from section 25 orders in a short a period as safely possible;

- (e) the involvement of Independent Reviewing Officers, independent advocates and children themselves in the making and reviewing of section 25 orders;
- (f) the types of accommodation where children live following the end of a section 25 order.”

Member's explanatory statement

This amendment would require a review to be laid before Parliament, outlining the quantity and impact of section 25 orders that year.

After Clause 11

BARONESS TYLER OF ENFIELD
LORD WATSON OF INVERGOWRIE
LORD FARMER
BARONESS BENNETT OF MANOR CASTLE

59 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 (arrangements for certain former relevant children to continue to live with former foster parents), for “21” substitute “25”.”

Member's explanatory statement

This amendment would extend the staying put arrangements to the age of 25.

BARONESS BARRAN

60 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) The independent reviewing officer has a duty 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 new clause expands the legal duties of the independent reviewing officer in relation to the oversight of an order, building upon section 25B Children Act 1989 and Regulation 45(3) of The Care Planning, Placement and Case Review (England) Regulations 2010.

BARONESS TYLER OF ENFIELD

61 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 (general duty of local authority to secure sufficient accommodation for looked after children) 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 RUSSELL OF LIVERPOOL
LORD HAMPTON

62 After Clause 11, insert the following new Clause—

“Health assessments to include mental health practitioner

In Section 7 of the Care Planning, Placement and Case Review (England) Regulations 2010—

- (a) in paragraph (1), after “practitioner” insert “and a registered mental health practitioner”;
- (b) in paragraph (3), after “midwife” insert “or a registered mental health practitioner”.”

Member's explanatory statement

This new clause would make an assessment of the mental health of children in care a core part of the health assessment of those children by ensuring a mental health practitioner is involved in the initial and regular assessments.

Clause 12

BARONESS BARRAN

63 Clause 12, page 18, line 3, at end insert—

“(1A) After section 16, insert—

“16A Registration of parent undertakings

- (1) In making an application for registration under this Part, an agency or establishment which is a subsidiary undertaking must ensure that the application contains information about the parent undertaking.
- (2) If the application is granted under section 13 (grant or refusal of registration), the establishment or agency must ensure that information related to the parent undertaking is regularly updated.
- (3) The Secretary of State may, by regulations under section 16 (regulations about registration), make provision for the enforcement of the duty under subsection (2).
- (4) In this section, “parent undertaking” and “subsidiary undertaking” have the meanings given by section 1162 of the Companies Act 2006.””

BARONESS BARRAN

64 Clause 12, page 20, line 5, at end insert—

“(5A) If the CIECSS approves the improvement plan under subsection (5), during the period of implementation of the improvement plan the parent undertaking must not—

- (a) acquire additional subsidiary undertakings, unless the CIECSS consents, on application, to such an acquisition,
- (b) open new establishments or agencies,
- (c) engage in organisational restructuring, including through changes to the ownership, or
- (d) engage in financial restructuring, including through—
 - (i) negotiating with creditors for lower interest and longer payment terms,
 - (ii) raising new capital,
 - (iii) changing share structures, or
 - (iv) offering debt-to-equity arrangements.”

Member's explanatory statement

This amendment seeks to ensure that while the parent undertaking is implementing an approved improvement plan, they cannot expand or restructure the ownership or finances of the company.

After Clause 12

BARONESS SMITH OF MALVERN

65 Clause 12, page 22, line 13, leave out subsection (5) and insert—

“(5) In section 37 (service of documents)—

(a) in subsection (1)—

(i) omit the words from “carrying” to “agency”;

(ii) omit the “or” at the end of paragraph (a);

(iii) at the end of paragraph (b) insert “; or

(c) by being sent by email to the person’s email address.”;

(b) after subsection (3) insert—

“(3A) A notice or other document sent to a person by email is, unless the contrary is proved, to be treated as having been served on the working day immediately following the day on which it was sent.”;

(c) after subsection (5) insert—

“(6) A person’s (P’s) email address for the purposes of this section is—

(a) an email address identified for the time being by P, or by a person who manages an establishment or agency carried on by P, as an address for contacting P, or

(b) if an email address is not so identified, an email address which the person serving the notice or other document believes is used by P.

For the purposes of this subsection, a person “identifies” an email address by providing it to a registration authority or publishing it.

(7) In subsection (3A) “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.””

Member's explanatory statement

This amendment would allow for notices under Part 2 of the Care Standards Act 2000 to be served on parent undertakings and others by email.

Clause 13

BARONESS SMITH OF MALVERN

66 Clause 13, page 23, leave out lines 23 to 29

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted

by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

Clause 18

BARONESS SMITH OF MALVERN

67 Clause 18, page 35, line 29, leave out “Except as provided by subsection (9),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 18, page 35, line 35.

BARONESS SMITH OF MALVERN

68 Clause 18, page 35, line 35, leave out from beginning to end of line 2 on page 36

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

BARONESS SMITH OF MALVERN

69 Clause 18, page 36, line 11, leave out “Except as provided for by subsection (4),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 18, page 36, lines 17 to 22.

BARONESS SMITH OF MALVERN

70 Clause 18, page 36, leave out lines 17 to 22

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

After Clause 18

LORD STOREY

71 After Clause 18, insert the following new Clause—

“Registration and local authority oversight of alternative provision and accommodation

- (1) A person or body must not provide alternative education, accommodation, or combined care and education services for a child in the care of, or placed by, a local authority unless that person or body is registered with the relevant local authority in accordance with this section.
- (2) Each local authority must establish and maintain a register of providers operating under subsection (1).
- (3) Registration under this section may be granted subject to conditions, including conditions relating to—
 - (a) safeguarding and child protection arrangements;
 - (b) suitability and vetting of staff;
 - (c) accommodation standards, where accommodation is provided;
 - (d) the delivery of a suitable education or curriculum appropriate to the child's age, aptitude and needs;
 - (e) cooperation with inspections or monitoring by the local authority or Ofsted.
- (4) A local authority must take such steps as it considers reasonable to satisfy itself that any provider registered under this section—
 - (a) has effective safeguarding policies and procedures in place, and
 - (b) is operating in a manner consistent with the welfare and best interests of the child.
- (5) A local authority must keep the registration of providers under regular review and may suspend or remove a provider from the register where it considers that safeguarding or welfare standards are not being met.
- (6) Registration under this section does not remove nor otherwise affect any requirement for registration with Ofsted where such registration is required under other Acts.
- (7) The Secretary of State may by regulations make provision—
 - (a) to align local authority registration under this section with Ofsted registration regimes,
 - (b) to provide for information-sharing between local authorities and Ofsted, and
 - (c) to prevent duplication of regulatory burdens where a provider is subject to both regimes.
- (8) The Secretary of State must issue statutory guidance to local authorities on the exercise of their functions under this section, including guidance on—

- (a) proportionality in registration requirements for small or specialist providers,
- (b) avoiding perverse incentives to commission unregistered provision, and
- (c) ensuring sufficiency of placements while maintaining safeguarding standards.

(9) 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 new Clause makes provision for alternative providers of various services for children, to be registered with local authorities.

Clause 20

BARONESS SMITH OF MALVERN

72 Clause 20, page 38, line 33, leave out “aged 16 or 17”

Member's explanatory statement

This amendment would provide that for the purposes of the care provider offence in section 21 of the Criminal Justice and Courts Act 2015 (as amended by clause 20) “regulated care” includes care or support provided for any child rather than only a child aged 16 or 17.

BARONESS SMITH OF MALVERN

73 Clause 20, page 39, line 9, leave out “an individual aged 16 or 17” and insert “a child”

Member's explanatory statement

This amendment is consequential on my amendment to clause 20 at page 38, line 33.

BARONESS SMITH OF MALVERN

74 Clause 20, page 39, line 11, after “second definition” insert—

“(i) before ““health care”” insert ““child”, ”;”

Member's explanatory statement

This amendment is consequential on my amendment to clause 20 at page 38, line 33.

Clause 21

THE LORD BISHOP OF MANCHESTER
LORD MOHAMMED OF TINSLEY

75 Clause 21, page 39, line 28, 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

This amendment strengthens the current duty to be “alert to” the needs of looked-after children by requiring public bodies to have due regard to removing or reducing the disadvantages they face. It builds on awareness by turning it into action, ensuring that understanding leads to measurable improvement.

THE LORD BISHOP OF MANCHESTER
LORD MOHAMMED OF TINSLEY

76 Clause 21, page 39, line 34, at end insert—

- “(2A) A relevant authority exercising the duty under subsection (1) must 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

This amendment ensures that public bodies move beyond being aware of care-experienced young people’s needs to taking reasonable and practical steps to prevent harm caused by their policies. It complements the cultural aims of the Bill by providing a clear framework for shared action and accountability.

Clause 22

LORD MORAES
BARONESS LISTER OF BURTERSETT
BARONESS BENNETT OF MANOR CASTLE

77 Clause 22, page 40, line 8, leave out subsections (1) and (2) and insert—

- “(1) If the duty under section 21(1) would require anything of the Secretary of State that is already required by section 55 of the Borders, Citizenship and Immigration Act 2019 (duty regarding the welfare of children), then the duty under section 21(1) does not apply to the Secretary of State.
- (2) In the exercise of—
 - (a) the duty under section 21(1) of this Act (insofar as it applies), and
 - (b) the duty under section 55 of the Borders, Citizenship and Immigration Act 2019,

the Secretary of State must ensure that nationality functions in relation to the acquisition of British citizenship by statutory right are distinguished from other nationality and immigration functions.”

Member's explanatory statement

This amendment seeks to ensure there is no duplication of duties on the Secretary of State while ensuring that (1) the duties on corporate parents concerning the wellbeing of young people include appropriate consideration of matters of nationality rights and other matters of status in the UK; and (2) it is made clear that statutory rights to British citizenship must not be wrongly categorised or treated as if matters of immigration or discretion.

Clause 23

BARONESS SMITH OF MALVERN

78 Clause 23, page 41, line 9, leave out paragraph (a)

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

BARONESS SMITH OF MALVERN

79 Clause 23, page 41, leave out lines 19 to 21

Member's explanatory statement

This amendment is consequential on my amendment to clause 23, page 41, lines 9 to 12.

Clause 24

LORD MOHAMMED OF TINSLEY

79A Clause 24, page 41, line 40, at end insert—

- “(3A) Guidance given under this section must be laid before both Houses of Parliament.
- “(3B) Guidance laid under subsection (3A) may not be given until the end of the period of 40 days beginning with the day on which it is laid.
- “(3C) If, within that period, either House resolves that the guidance should not be given, the Secretary of State may not give the guidance.”

Clause 26

BARONESS SMITH OF MALVERN

80 Clause 26, page 44, line 35, leave out “Except as provided by subsection (3),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 26, page 45, lines 1 to 5.

BARONESS SMITH OF MALVERN

81 Clause 26, page 45, leave out lines 1 to 5

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

BARONESS SMITH OF MALVERN

82 Clause 26, page 45, line 6, after “section 18” insert “made by the Secretary of State”

Member's explanatory statement

This amendment and my other amendment to Clause 26 at page 45, line 6, would amend Clause 26 to change references to a “statutory instrument” containing regulations made by the Welsh Ministers to a “Welsh statutory instrument” to reflect the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

BARONESS SMITH OF MALVERN

83 Clause 26, page 45, line 6, at end insert—

“(4A) Regulations under section 18 made by the Welsh Ministers are to be made by Welsh statutory instrument.””

Member's explanatory statement

See the explanatory statement for my other amendment to clause 26 at page 45 line 6.

BARONESS SMITH OF MALVERN

84 Clause 26, page 45, line 10, leave out “A statutory instrument containing”

Member's explanatory statement

This amendment and my amendment to clause 26 at page 45, line 11, would update references to the parliamentary procedure for Welsh statutory instruments containing regulations under new section 18 of the Children and Young Persons Act 1933 to reflect the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

BARONESS SMITH OF MALVERN

85 Clause 26, page 45, line 11, leave out from “18” to end of line 12 and insert “are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).”

Member's explanatory statement

See the explanatory statement for my other amendment to clause 26 at page 45 line 10.

BARONESS SMITH OF MALVERN

86 Clause 26, page 45, line 13, leave out ““the data protection legislation” and “processing” have” and insert ““processing” has”

Member's explanatory statement

This amendment is consequential on my amendment to clause 26, page 45, lines 1 to 5.

Clause 27

BARONESS SMITH OF MALVERN

87 Clause 27, page 48, line 7, leave out “Except as provided by subsection (3),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 27, page 48, lines 14 to 18.

BARONESS SMITH OF MALVERN

88 Clause 27, page 48, leave out lines 14 to 18

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

BARONESS SMITH OF MALVERN

89 Clause 27, page 48, line 22, leave out ““the data protection legislation” and “processing” have” and insert ““processing” has”

Member's explanatory statement

This amendment is consequential on my amendment to clause 27, page 48, lines 14 to 18.

After Clause 27

BARONESS GREY-THOMPSON
BARONESS BENNETT OF MANOR CASTLE

90 After Clause 27, insert the following new Clause—

“Report: barriers to parental support in the care and wellbeing of critically ill children

- (1) Within twelve months of the passing of this Act, the Secretary of State must lay before each House of Parliament a report on the barriers preventing parents of critically ill children aged between 29 days and 16 years from being by their children's bedsides during periods of hospital care and the impact and potential harms this has on children's care, wellbeing and family life.
- (2) A report laid under subsection (1) must include assessments of—
 - (a) the adequacy of existing measures in facilitating the care, wellbeing and family life of critically ill children aged between 29 days and 16 years by their parents,
 - (b) the barriers facing parents of such children, including—
 - (i) financial pressures,
 - (ii) pressures arising from the parent's existing or future employment commitments, and
 - (iii) mental health difficulties,
 - (c) options for providing additional support to the parents of such children during periods of hospital care, and
 - (d) the impact such additional support would be likely to have on such children's care, wellbeing and family life.
- (3) In preparing the report laid under subsection (1), the Secretary of State must consult—
 - (a) parents of children who have received care in hospital for an extended period,
 - (b) healthcare professionals, and
 - (c) charities and civil society organisations offering support to parents of children receiving care in hospital.
- (4) In preparing a report laid under subsection (1), the Secretary of State must have regard to the UK's international obligations, including under 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.
- (5) A Minister of the Crown must within the period of 28 Commons sitting days beginning with the laying of a report under subsection (1) make arrangements for a debate on the report by the House of Commons.

(6) A Minister of the Crown must within the period of 28 Lords sitting days beginning with the laying of a report under subsection (1) make arrangements for a debate on the report by the House of Lords."

Member's explanatory statement

This amendment seeks to require the Secretary of State to report to Parliament on the barriers preventing parents of critically ill children aged between 29 days and 16 years from being by their bedside during periods of hospital care, including financial and workplace pressures, and mental health needs, and the impact this has on the child's care, wellbeing and family life.

BARONESS PENN
LORD STOREY
BARONESS CASS
LORD KNIGHT OF WEYMOUTH

91 After Clause 27, insert the following new Clause –

“Guidance on the use of screens and communication with parents and carers 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 to 5 in early years settings to include guidance on –

- (a) the appropriate and safe use of screens and digital technology in early years settings, and
- (b) effective communication with parents and carers about screen use and digital technology.

(2) The guidance must draw on advice from education and health professionals, researchers and academics including on the following areas –

- (a) the benefits, harms or risks of harm associated with the exposure of children of differing ages, including children with special educational needs or disabilities, to screens and other digital devices,
- (b) the balance between screen-based and non-digital activities for children in early years development and play,
- (c) age-appropriate limits for screen time for children in early years settings,
- (d) safeguarding policies for the use of personal devices and other screens in early years settings,
- (e) the impact of carers' and parents' use of personal devices and screens on child wellbeing and development,
- (f) the importance of screen-free times and environments, such as during meals, bedtimes, and outdoor play, and
- (g) practical examples and communication strategies for early years practitioners to share with parents and carers to support healthy screen use and promote positive parent-child interaction, including alternatives such as reading together, helping with daily tasks, and engaging with the natural environment.”

LORD NASH
 BARONESS CASS
 BARONESS BENJAMIN
 BARONESS BARRAN

92

After Clause 27, insert the following new Clause –

“Action to prohibit the provision of VPN services to children in the United Kingdom

- (1) Within 12 months of the day on which this Act is passed the Secretary of State must, for the purpose of furthering the protection and wellbeing of children, make regulations which prohibit the provision to UK children of a relevant VPN service (the “child VPN prohibition”).
- (2) Regulations under subsection (1) –
 - (a) may make provision for the provider of a relevant VPN service to apply to any person seeking to access its service in or from the UK age assurance which is highly effective at correctly determining whether or not that person is a child;
 - (b) must apply the child VPN prohibition to the provider of any relevant VPN service which is, or is likely to be –
 - (i) offered or marketed to persons in the United Kingdom;
 - (ii) provided to a significant number of persons;
 - (c) must make provision for the monitoring and effective enforcement of the child VPN prohibition.
- (3) OFCOM may produce guidance for providers of relevant VPN services to assist them in complying with the child VPN prohibition.
- (4) A statutory instrument containing regulations under subsection (1) 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 –

“child” means a person under the age of 18;
 “consumer” means a person acting otherwise than in the course of a business;
 “relevant VPN service” means a service of providing, in the course of a business, to a consumer, a virtual private network for accessing the internet;
 “UK child” means any child who is in the United Kingdom.”

Member's explanatory statement

This new clause would require the Secretary of State to take action to promote and protect children's wellbeing, and to further support child protective measures in the Online Safety Act, by prohibiting the provision to children in the United Kingdom of VPN services which can facilitate evasion of OSA age-gating processes.

LORD NASH
BARONESS CASS
BARONESS BENJAMIN
BARONESS BARRAN

93 After Clause 27, insert the following new Clause –

“Action to promote the wellbeing of children by combating child sexual abuse material (CSAM)“

- (1) Within 12 months of the passing of this Act the Secretary of State must, for the purpose of promoting the wellbeing of children, make and bring into force regulations which require manufacturers, importers and distributors of relevant devices to satisfy the CSAM requirement specified in subsection (2).
- (2) The “CSAM requirement” is that any relevant device supplied for use in the UK must have installed tamper-proof system software which is highly effective at preventing the recording, transmitting (by any means, including livestreaming) and viewing of CSAM using that device.
- (3) The duties of manufacturers, importers and distributors to comply with the CSAM requirement specified by regulations under subsection (1) must be subject to enforcement as if the CSAM requirement was a security requirement for the purposes of Part 1 of the Product Security and Telecommunications Infrastructure Act 2022.
- (4) Regulations under subsection (1) must enable the Secretary of State, by further regulations, to expand the definition of ‘relevant devices’ to include other categories of device which may be used to record, transmit or view CSAM.
- (5) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) For the purposes of this section –
 - “child sexual abuse material” means images, video recordings or live videos involving child sexual abuse, including –
 - (a) any indecent photograph or pseudo-photograph of a child within the meaning of the Protection of Children Act 1978, and
 - (b) any prohibited image of a child, within the meaning of section 62 of the Coroners and Justice Act 2009, that is not an excluded image within the meaning of section 63 of that Act;
 - “relevant devices” are smartphones or tablet computers which are either internet-connectable products or network-connectable products for the purposes of section 5 of the Product Security and Telecommunications Infrastructure Act 2022; and
 - “manufacturer”, “importer”, “distributor”, and “supply” is each as defined in the Product Security and Telecommunications Infrastructure Act 2022.”

Member's explanatory statement

This new clause would require the Secretary of State to take action to promote and protect children's wellbeing by mandating the installation of software which prevents the creation, viewing and sharing of child sexual abuse material on smartphones and tablets which are supplied for use in the UK.

LORD NASH
 BARONESS CASS
 BARONESS BENJAMIN
 BARONESS BERGER

94

[Withdrawn]

LORD NASH
 BARONESS CASS
 BARONESS BENJAMIN
 BARONESS BERGER

This amendment is intended to replace Amendment 94

94A

After Clause 27, insert the following new Clause—

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

- (1) Within 12 months of the day on which this Act is passed, 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) or subsection (5) 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” shall have the meaning given to it in the Online Safety Act 2023, subject to any modification, addition or exclusion as the Secretary of State may specify in regulations made by statutory instrument under this subsection.”

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.

THE LORD BISHOP OF MANCHESTER
BARONESS TYLER OF ENFIELD

95 After Clause 27, 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.”

THE LORD BISHOP OF MANCHESTER
LORD MOHAMMED OF TINSLEY

96 After Clause 27, insert the following new Clause—

“Care experience in equality impact assessments

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

- (a) section 149 of the Equality Act 2020;
- (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 looked after by a local authority or who are under 25 and were previously looked after by the 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.

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

97 After Clause 27, insert the following new Clause—

“Response to Abolition of Defence of Reasonable Punishment review in Wales

The Secretary of State must, within six months of the day on which this Act is passed, lay a report before Parliament setting out the UK Government’s response to the three-year post-implementation review report for the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 and that must include—

- (a) a review of available data and evidence in Wales, and
- (b) a consideration of the impact of abolition in England.”

Member's explanatory statement

This new clause would require the Government to formally respond to the post-implementation report for the abolition of the reasonable punishment defence in Wales 2025 and lay a report before parliament considering the implications for England.

BARONESS BARRAN

98 After Clause 27, insert the following new Clause—

“Free milk entitlement: child minder agencies

- (1) The Secretary of State must, using powers under section 175 of the Social Security Contributions and Benefits Act 1992 (regulations, orders and schemes), amend regulation 18 of the Welfare Food Regulations 1996 (milk or dried milk for children in day care) to ensure that children provided with daycare by childminders registered with child minder agencies are entitled to free milk.
- (2) The Secretary of State must make regulations under subsection (1) within six months of the day on which this Act is passed.”

BARONESS BARRAN
 LORD MESTON
 BARONESS TYLER OF ENFIELD
 LORD FARMER

99 After Clause 27, insert the following new Clause—

“Post-removal support for parents to prevent further removals

- (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),
 - (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 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 ensure that the support provided—
 - (a) follows an evidence-informed approach and aims to reduce the risk of further child removals, and
 - (b) is in accordance with any guidance issued by the Secretary of State for the purposes of this section.”

Member's explanatory statement

This clause aims to make sure that local authorities offer evidence-informed support to reduce the risk of parents who have one child removed having future children removed.

BARONESS BARRAN

100 After Clause 27, insert the following new Clause—

“Foster 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.

BARONESS BARRAN
 LORD MESTON
 BARONESS TYLER OF ENFIELD
 LORD FARMER

101 After Clause 27, insert the following new Clause—

“Data collection: repeat child removals

- (1) A local authority must collect and retain information on whether a child removed under any of the following provisions was removed from the care of a parent who has previously had another child removed under any of those same provisions—
 - (a) section 31 of the Children Act 1989 (care and supervision orders);
 - (b) section 21 of the Adoption and Children Act 2002 (placement orders);
 - (c) section 46 of the Adoption and Children Act 2002 (adoption orders);
 - (d) section 14A of the Children Act 1989 (special guardianship orders);
 - (e) section 20 of the Children Act 1989 (provision of accommodation for children: voluntary arrangements);
 - (f) section 25 of the Children Act 1989 (secure accommodation orders).
- (2) The Secretary of State must make directions under section 83 of the Children Act 1989 or section 7A of the Local Authority Social Services Act 1970 to require the provision of such information as part of the annual children looked after data return (SSDA903), or any replacement data return.”

Member's explanatory statement

This amendment would create national data on repeat removals of children from their parents' care.

LORD MOHAMMED OF TINSLEY

102 After Clause 27, 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

103 After Clause 27, 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

104 After Clause 27, insert the following new Clause—

“Automatic enrolment for Healthy Start scheme

- (1) The Secretary of State must, within six months of the day on which this Act is passed, 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 four.
- (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.

BARONESS COFFEY

105 [Withdrawn]

BARONESS PENN
BARONESS KIDRON

106 After Clause 27, 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, alongside the Secretary of State for Health and Social Care, within twelve months of the day on which this Act is passed, establish a public information campaign concerning the impact of digital technology use and 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 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 to screen time, 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."

LORD BIRD
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF LEICESTER

107 After Clause 27, insert the following new Clause—

“Child poverty targets

- (1) The Secretary of State must, as soon as reasonably practicable and no later than 30 September 2026, and then at the start of each Parliament, 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,
 - (b) targets for reducing the number of children living in deep poverty, and
 - (c) 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 at the start of each Parliament.

LORD STOREY

108 After Clause 27, insert the following new Clause—

“Action to promote the wellbeing of children in relation to harms-based access to social media

In section 11 of the Online Safety Act 2023 (children’s risk assessment duties), after subsection (6) insert—

- “(6A) Providers of regulated user-to-user services that are likely to be accessed by children, including such services as are designated by OFCOM as social media services for the purposes of this section, must submit as part of the children’s risk assessment a proposed minimum age of access to their service.
- “(6B) The default and expected minimum age for access to a social media platform shall be 16 years.
- “(6C) OFCOM must publish guidance defining the types of service to be treated as social media services for the purposes of subsection (6A).
- “(6D) Providers of regulated user-to-user services that are likely to be accessed by children and social media services designated for the purposes of this section must keep the proposed minimum age of access under review and must re-evaluate it—
 - (a) at such regular intervals as may be specified by OFCOM; and
 - (b) where there is any substantial change to the service’s design, functionality, algorithms, business practices, or risk profile.
- “(6E) Where the minimum age of access is set at 16 or below, providers must use a form of age assurance that is highly effective at correctly determining whether or not a particular user is of age to use the service.
- “(6F) A provider may propose a minimum age of access above or below 16 where it—
 - (a) can offer sufficient evidence that it meets Ofcom’s guidance concerning appropriate, risk-based minimum ages;
 - (b) has due regard to relevant standards and principles of the UK General Data Protection Regulation;
 - (c) has particular regard to the importance of protecting the rights and best interests of children, as recognised by the United Nations Convention on the Rights of the Child;
 - (d) has considered the potential impact of the service on the mental health and psychological wellbeing of children;
 - (e) has investigated the extent to which the service’s design, functionalities, or features may encourage addictive or compulsive use; and
 - (f) has considered and reviewed the use of algorithms for content recommendation, amplification, or targeted advertising.

(6G) In assessing a proposed minimum age under this section, Ofcom must have regard to—

- (a) the children's risk assessment submitted by the provider;
- (b) Ofcom's existing risk and harms framework under this Act;
- (c) the potential impact of the service on the mental health and psychological wellbeing of children;
- (d) the extent to which the service's design, functionalities, or features may encourage addictive or compulsive use; and
- (e) the use of algorithms for content recommendation, amplification, or targeted advertising.

(6H) Ofcom must produce guidance setting out—

- (a) the evidential requirements for children's risk assessments relating to minimum age determinations;
- (b) the criteria by which Ofcom will assess whether a service's minimum age is appropriate; and
- (c) the intervals at which minimum age assessments must be reviewed.

(6I) Where Ofcom determines, having regard to the matters in subsection (6G), that a proposed minimum age is insufficient to protect children from harm, it may require the provider to apply a higher minimum age of access, provided that the minimum age does not exceed 18 years.

(6J) Ofcom will take enforcement action in relation to this section where—

- (a) the provider has failed to submit a suitable or sufficiently up-to-date children's risk assessment;
- (b) the evidence submitted does not sufficiently justify the provider's proposed minimum age;
- (c) the provider has failed to comply with a requirement imposed by OFCOM under subsection (6I); or
- (d) the provider has failed to introduce age assurance that is highly effective at correctly determining whether or not a particular user is of age to use the service.

(6K) Where Ofcom considers that a failure to comply with a requirement under subsection (6I) presents an urgent and significant risk of harm to children, it may apply directly for a business disruption order under this Act.””

Member's explanatory statement

This amendment would take a harms-based approach to user-to-user regulation, meaning that children's access to platforms would be based on the level of risk of harm attached to said platform.

LORD STOREY
BARONESS KIDRON

109 After Clause 27, insert the following new Clause—

“Duty to limit excessive use of addictive social media features by children

- (1) The Secretary of State must, within 12 months of the passing of this Act, make regulations requiring regulated user-to-user services to implement measures designed to limit excessive use of addictive social media features by children in order to protect children from harm.
- (2) Regulations under subsection (1) must, in particular, require that—
 - (a) where a user is identified as being under the age of 16, regulated services must apply default daily time-use limits for features designated as addictive design features;
 - (b) such limits must prevent continued access to designated addictive design features once the daily time-use limit is reached;
 - (c) services must provide clear and accessible notifications to the child user when time-use limits are approaching and when they have been reached;
 - (d) services must provide a mechanism by which a parent or guardian may adjust or override the default daily time-use limit.
- (3) For the purposes of this section, “addictive design features” include but are not limited to—
 - (a) infinite scrolling content feeds;
 - (b) auto-play of sequential video or audio content;
 - (c) algorithmic recommendation systems designed to maximise continuous user engagement.
- (4) The Secretary of State must, before making regulations under this section, consult—
 - (a) the Chief Medical Officers of the United Kingdom;
 - (b) Ofcom;
 - (c) the Information Commissioner; and
 - (d) such other persons as the Secretary of State considers appropriate.
- (5) Regulations under this section must be made by statutory instrument and 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.
- (6) Compliance with regulations made under this section shall be treated as an enforceable requirement for the purposes of Part 7 of the Online Safety Act 2023.
- (7) In this section—

“child” means a person under the age of 16;

“regulated user-to-user service” has the same meaning as in the Online Safety Act 2023.”

Member's explanatory statement

This amendment would require the Secretary of State to make regulations to prevent the excessive use of addictive social media features by children

LORD STOREY

110 After Clause 27, insert the following new Clause—

“Duty to display clear health and wellbeing warnings for children on social media services

- (1) The Secretary of State must, within 9 months of the passing of this Act, make regulations requiring regulated user-to-user services to display clear health and wellbeing warnings to users who are under the age of 16 for the purpose of protecting children from harm in accordance with this section.
- (2) Regulations under this section must, in particular, require that—
 - (a) when a user under the age of 16 first opens or signs into a regulated user-to-user service each day, the service must display a prominent health and wellbeing warning message;
 - (b) the health and wellbeing warning must—
 - (i) be presented in a clear, accessible, and age-appropriate manner,
 - (ii) inform the user that prolonged or excessive use of social media may be associated with increased risk of adverse physical and mental health effects, including but not limited to anxiety, depression, sleep disruption, and decreased attention spans,
 - (iii) provide a link to reputable sources of information on healthy social media use and where to get help or support;
 - (c) the warning must remain on screen until the user has taken a deliberate action to acknowledge it.
- (3) The Secretary of State must, before making regulations under this section, consult—
 - (a) the Chief Medical Officers of the United Kingdom,
 - (b) Ofcom,
 - (c) the Information Commissioner, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (4) Regulations under this section may provide for partial or total exemptions for those user-to-user services that have been proven to have no or insignificant negative impact on the wellbeing of children.
- (5) Regulations under this section must be made by statutory instrument and 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.
- (6) For the purposes of this section—
“regulated user-to-user service” has the same meaning as in the Online Safety Act 2023;

“health and wellbeing warning” means a message or notice to inform users of relevant health and wellbeing risks associated with the use of social media as prescribed in regulations.”

Member's explanatory statement

This amendment would require user-to-user services to display clear health and wellbeing warnings for children on social media services

LORD STOREY

110A After Clause 27, insert the following new Clause—

“Action to promote the wellbeing of children through age of consent rise for harmful social media data processing

- (1) Article 8 of the UK GDPR (conditions applicable to child's consent in relation to information society services) is amended as follows.
- (2) After paragraph 1 insert—
 - 1A. References to 13 years old in paragraph 1 shall be read as 16 years old in the case of social networking services processing personal data for the purpose of delivering personalised content, including targeted advertising and algorithmically curated recommendations, which has been deemed by OFCOM to have a negative impact on the wellbeing of children.
 - 1B. For the purposes of paragraph 1A “social networking services” means any online service that—
 - (a) allows users to create profiles and interact publicly or privately with other users, and
 - (b) facilitates the sharing of user-generated content, including text, images, or videos, with a wider audience.
 - 1C. Paragraph 1B does not apply to—
 - (a) educational platforms and learning management systems provided in recognised educational settings, where personal data processing is solely for educational purposes, or
 - (b) health and well-being services, including NHS digital services, mental health support applications, and crisis helplines, where personal data processing is necessary for the provision of care and support.””

Member's explanatory statement

This new clause would raise the age for processing personal data in the case of social networking services from 13 to 16, with the aim of improving the wellbeing of children.

LORD STOREY

110B After Clause 27, insert the following new Clause—

“Action to promote the wellbeing of children by combating child sexual abuse material (CSAM) (No. 2)

- (1) The Secretary of State must make regulation to promote the wellbeing of children by preventing, detecting and responding to the creation, distribution and possession of child sexual abuse material.
- (2) For the purposes of subsection (1), regulations made under this Act may make provision requiring providers of regulated services to—
 - (a) assess and mitigate the risk of their services being used to create, distribute or access child sexual abuse material,
 - (b) implement proportionate safety and safeguarding measures, including reporting mechanisms, human moderation and age-appropriate protections,
 - (c) preserve and disclose relevant information to law enforcement authorities where required to do so by law, and
 - (d) cooperate with public authorities in the investigation and prosecution of offences relating to child sexual abuse material.
- (3) For the purposes of subsection (1), regulations made under this Act may contain provision regarding sanctions for providers who fail to comply with those regulations.
- (4) The Secretary of State must issue guidance on measures to—
 - (a) improve the identification of children who are victims of sexual exploitation,
 - (b) strengthen pathways for reporting and referral,
 - (c) support victims and survivors, and
 - (d) enhance the capability and resourcing of specialist law enforcement and safeguarding bodies.
- (5) In exercising functions under this Act for the purposes of combating child sexual abuse material, the Secretary of State and any relevant authority must ensure that measures taken are effective, evidence-based and proportionate to the risk addressed.
- (6) Nothing in this Act authorises or requires the routine or indiscriminate monitoring of the content of private communications or data stored on personal devices.
- (7) In particular, this Act does not require—
 - (a) the installation of software on personal devices for the purpose of generalised scanning of communications, images or files, or
 - (b) the analysis of private digital content in the absence of reasonable grounds for suspicion relating to a specific individual, account or device.
- (8) Technical measures which interfere with private communications or personal data for the detection of child sexual abuse material may be used only where—
 - (a) they are authorised by a warrant or court order,

- (b) they are targeted to a named individual, account or device, and
- (c) they are limited in scope and duration to what is strictly necessary.

(9) In this section—

- “personal device” means a device primarily used for private communication or storage;
- “data protection legislation” has the meaning given in section 3 of the Data Protection Act 2018;
- “child sexual abuse material” means images, video recordings or live videos involving child sexual abuse, including—
 - (a) any indecent photograph or pseudo-photograph of a child within the meaning of the Protection of Children Act 1978, and
 - (b) any prohibited image of a child, within the meaning of section 62 of the Coroners and Justice Act 2009, that is not an excluded image within the meaning of section 63 of that Act.

(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.”

After Clause 29

BARONESS SMITH OF MALVERN

111 After Clause 29, insert the following new Clause—

“Free school meals etc: information sharing

- (1) Section 110 of the Education Act 2005 (supply of information) is amended as follows.
- (2) In subsection (4), after “local authority” insert “or the appropriate authority of a relevant school in England”
- (3) In subsection (5)—
 - (a) at the end of paragraph (a), omit “or”;
 - (b) at the end of paragraph (b), insert “or
 - (c) to the appropriate authority of a relevant school in England.”
- (4) After subsection (5) insert—
 - “(5A) Information to which subsection (1) or (2) applies may be supplied to the Secretary of State, or any person providing services to the Secretary of State, for use for the purpose of determining whether relevant financial assistance is payable or expendable in respect of a person in England.
 - “(5B) Information to which subsection (2) applies may be supplied to a local authority in England or the appropriate authority of a relevant school in England for use for the purpose mentioned in subsection (5A).

(5C) Information received by virtue of subsection (5A) may be supplied –

- (a) to another person to whom it could have been supplied under that subsection,
- (b) to a local authority in England, or
- (c) to the appropriate authority of a relevant school in England, for use for the purpose mentioned in subsection (5A).

(5D) A person who (after receiving information by virtue of this section) makes a determination described in subsection (3) or (5A) in respect of a person in England may communicate the determination to –

- (a) a parent of the person in respect of whom the determination was made,
- (b) a local authority in England, or
- (c) the appropriate authority of a relevant school in England.

(5E) The communication may include information about the statutory provision or the arrangements under which the person in respect of whom the determination is made is eligible for free school lunches.”

(5) After subsection (6), insert –

“(6A) The references in this section to a local authority in England include references to any person exercising on behalf of such an authority functions relating to eligibility for free school lunches and milk or relating to relevant financial assistance.”

(6) For subsections (7) and (8) substitute –

“(7) For the purposes of this section, determining “eligibility for free school lunches and milk” means determining –

- (a) whether school lunches or milk must be provided for a person, free of charge and on request, in accordance with –
- (i) section 512ZB(2) or (3) of the Education Act 1996,
- (ii) regulations under section 342 of that Act (non-maintained special schools), or
- (iii) Academy arrangements;

- (b) whether school lunches or milk may or must be provided for a person, free of charge, by a local authority in England or the appropriate authority of a relevant school in England in accordance with one or both of the following –
- (i) the terms of relevant financial assistance;
- (ii) guidance issued by the Secretary of State.

(8) The reference to school lunch in subsection (7)(b) includes food equivalent to a school lunch provided for a person educated otherwise than at school.

(8A) In this section –

“the appropriate authority” means –

(a) in relation to a community, foundation or voluntary school or a community or foundation special school, the governing body;

(b) in relation to a pupil referral unit, the local authority which maintains the unit;

(c) in relation to any other kind of relevant school, the proprietor;

“functions relating to social security” includes functions relating to Part 6 of the Immigration and Asylum Act 1999;

“relevant financial assistance” means financial assistance given under section 14 of the Education Act 2002 –

(a) to a local authority in England or the appropriate authority of a relevant school in England, and

(b) in connection with child welfare or the provision of education;

“relevant school” means –

(a) an Academy school,

(b) an alternative provision Academy,

(c) a community, foundation or voluntary school,

(d) a community or foundation special school,

(e) a non-maintained special school (within the meaning given by section 337A of the Education Act 1996),

(f) a pupil referral unit, or

(g) a city technology college or city college for the technology of the arts;

“school lunch” has the same meaning as in section 512 of the Education Act 1996.””

Member's explanatory statement

This clause would amend section 110 of the Education Act 2005 to allow for information to be shared in order to identify persons who are eligible for free school meals, or are intended beneficiaries of financial assistance given to local authorities and schools under the Education Act 2002.

BARONESS SMITH OF MALVERN

112 After Clause 29, insert the following new Clause –

“Free school lunches: eligibility

In section 512ZB of the Education Act 1996 (free school lunches and milk) –

(a) in subsection (2)(a), for “subsection (4) or (4A) (or both)” substitute “subsection (4), (4A) or (4D)”;

(b) after subsection (4C) insert –

“(4D) A person is within this subsection if –

(a) they are a registered pupil at a maintained school or pupil referral unit in England,

(b) they or their parent is in receipt of universal credit, and
 (c) they are not within subsection (4);
 and the meaning of “maintained school” given by subsection (4C) applies for the purposes of this subsection.””

Member's explanatory statement

This amendment would provide for free school lunches to be provided (on request) to any pupil at a school maintained by a local authority in England who has a parent (or who is themselves) in receipt of universal credit.

BARONESS WALMSLEY

113 After Clause 29, 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.

Clause 30

LORD MOHAMMED OF TINSLEY

114 Clause 30, page 52, leave out lines 33 to 40 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.

BARONESS BARRAN
LORD HAMPTON

115 Clause 30, page 52, line 34, leave out “have” and insert “buy”

Member's explanatory statement

This amendment would allow schools to require more than 3 branded items of school uniform in primary if parents did not have to buy them.

BARONESS BARRAN
LORD HAMPTON

116 Clause 30, page 52, line 37, leave out “have” and insert “buy”

Member's explanatory statement

This amendment would allow schools to require more than 4 branded items of school uniform in secondary if parents did not have to buy them.

LORD YOUNG OF ACTON
BARONESS SPIELMAN

117 Clause 30, page 52, line 40, 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.

After Clause 30

LORD MOHAMMED OF TINSLEY

118 After Clause 30, 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 BOYCOTT

119 After Clause 30, insert the following new Clause—**“School uniforms: transparency and materials**

After section 551ZA of the Education Act 1996 (school uniforms: limits on branded items), inserted by section 30 of this Act, insert—

“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 2026 comes into force, issue regulations to ban the use of PFAS in school uniforms.
- (2) The ban in subsection (1) 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, which are linked developmental health issues in children.

Clause 31

BARONESS SMITH OF MALVERN

120 Clause 31, page 55, line 2, at end insert “; or has taken such action during the period of five years ending with the date on which an application is made under subsection (6).”

Member's explanatory statement

This amendment would ensure that a parent must obtain local authority consent to withdraw their child from school if the authority has taken action under section 47(8) of the Children Act 1989 at any time during the period of 5 years prior to the application.

BARONESS BARRAN
LORD HAMPTON

121 Clause 31, page 55, line 2, 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 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 CRISP

122 Clause 31, page 55, line 19, after “school” insert “, and a court confirms their view”

Member's explanatory statement

This amendment provides the opportunity for an independent assessment of what is in a child's best interest.

BARONESS BARRAN

123 Clause 31, page 55, line 33, 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 CRISP

124 Clause 31, page 56, line 28, at end insert –

“(11A) If a question is referred under subsection (11), the Secretary of State or the Welsh Ministers must –

- (a) publish their requirements for the evidence to be presented before they will consider such a reference;
- (b) issue guidance as to how the process of reference works, including worked examples of complaints that would have, and would not have, succeeded;
- (c) set target times for the consideration of a reference;
- (d) keep the above information updated.

(11B) If a question is referred under subsection (11), the Secretary of State or the Welsh Ministers (as the case may be) may delegate their functions under subsection (11) to a tribunal, and may alternatively or additionally provide that cases under this subsection shall fall within the remit of the Local Government Ombudsman.”

Member's explanatory statement

This amendment seeks to clarify how a referral to the Secretary of State or Welsh Ministers under (11)(a) above will be undertaken.

BARONESS SMITH OF MALVERN

125 Clause 31, page 57, line 2, at end insert –

“434B Mandatory local authority meetings prior to withdrawal of child from school

(1) The appropriate national authority must, by regulations made before the end of the relevant period, make a scheme (“a pilot scheme”) to provide –

- (a) that the parent of a child must attend and participate in a meeting with the local authority responsible for the child if the parent intends –
 - (i) that the child should cease to attend the school at which the child is a registered pupil, and
 - (ii) to withdraw the child from school for the purpose of causing the child to receive education otherwise than at a school,
- (b) that the local authority must ensure that the following matters are discussed with the parent during the meeting –
 - (i) the duty of parents under section 7 and how the parent plans to meet this duty;

- (ii) the duties of the local authority, including the support duty under section 436G;
- (iii) the parent's reasons for considering that the child should receive education otherwise than at school;
- (iv) any support needs that the child may have and how those needs could be met;
- (v) the safeguarding and welfare of the child;
- (vi) anything else relevant to the decision to withdraw the child from school,
- (c) that the child must attend the meeting unless exceptional circumstances apply,
- (d) that a representative of the school at which the child is a registered pupil must attend the meeting if the parent consents to the representative's attendance,
- (e) that the proprietor of a school must not allow the deletion from the school's register of the name of the child unless the proprietor receives notice from the local authority that the meeting has taken place in respect of the child, and
- (f) that the local authority must record the outcome of the meeting or whether the meeting was refused.

(2) The “relevant period” is the period of two years beginning with the day on which section 31 of the Children’s Wellbeing and Schools Act 2026 comes fully into force.

(3) The regulations must also specify –

- (a) the local authorities in respect of which the pilot scheme will operate, and
- (b) the period for which the scheme has effect.

(4) The number of local authorities specified under subsection (3)(a) must not exceed 30 per cent of all local authorities in England or 30 per cent of all local authorities in Wales as the case may be.

(5) The period specified under subsection (3)(b) must not be less than two years and must not exceed five years.

(6) The regulations may provide for exemptions from the pilot scheme in respect of descriptions of children as specified in the regulations.

(7) The regulations may make provision for, or in connection with, any arrangements that the appropriate national authority considers are required to ensure that the pilot scheme can operate.

(8) The provision that may be made by virtue of subsection (7) includes –

- (a) provision modifying or amending the pilot scheme for the purpose of ensuring that the scheme can operate in relation to children falling within section 434A;

- (b) provision modifying or amending section 434A for the purpose of ensuring that the pilot scheme can operate in relation to children falling within that section.
- (9) Subject to subsection (10), the appropriate national authority may by regulations—
 - (a) make provision to end the pilot scheme;
 - (b) provide that the provisions mentioned in paragraphs (a) to (f) of subsection (1) have effect, after the expiry of the pilot scheme, in relation to all local authorities, subject to any exemptions for descriptions of children as specified in the regulations;
 - (c) amend section 434A for the purpose of ensuring that the grant of local authority consent to withdraw a child from school under that section is conditional on the parent of that child attending and participating in a meeting with the local authority responsible for the child, as described in paragraphs (a) to (f) of subsection (1), subject to any exemptions for descriptions of children as specified in the regulations;
 - (d) make provision for, or in connection with, any arrangements that the appropriate national authority considers are required to ensure that any provision made under paragraphs (a) to (c) can operate.
- (10) Regulations under subsection (9) may be made only after the pilot scheme has operated for a period of no less than 2 years.
- (11) Before making any regulations under this section, the appropriate national authority must consult such persons as the appropriate national authority considers appropriate.
- (12) In this section “appropriate national authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.
- (13) If a draft of a statutory instrument containing regulations made by the Secretary of State under this section would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.”

Member's explanatory statement

This amendment would allow regulations to make pilot schemes requiring parents who wish to withdraw their children from school to attend mandatory meetings with the local authority. Regulations may also extend the provisions to all local authorities, following the end of the pilot scheme and a consultation.

LORD CRISP

As an amendment to Amendment 125

125A After inserted subsection (1)(f), insert –

- “(g) that the local authority must record and collate any evidence provided by the parent as to failings in the education provided by the school to be published in a formal annual report to the authority’s relevant committee and to Ofsted.”

Member's explanatory statement

This amendment seeks to ensure that where parents are dissatisfied with the education provided for their children these instances will be recorded to help make improvements in the education provided.

BARONESS SMITH OF MALVERN

126 Clause 31, page 57, line 2, at end insert –

- “(2) In section 569(2A) of the Education Act 1996, after “section” insert “434B”.”

Member's explanatory statement

This amendment is consequential on my other amendment of clause 31, page 57, line 2 and will ensure that regulations made under the provision inserted by that amendment will be subject to the affirmative procedure.

Clause 32

BARONESS BENJAMIN
LORD PARKINSON OF WHITLEY BAY

127 Clause 32, page 57, line 11, leave out “C” and insert “D”

BARONESS SMITH OF MALVERN

128 Clause 32, page 57, line 23, leave out from beginning to “, or” in line 24 and insert “a child receiving full-time education at a relevant school would normally be expected to attend”

Member's explanatory statement

This amendment would clarify the intention that section 436B(5)(b)(ii) of the Education Act 1996, as inserted by clause 32, refers to a comparator child in full-time education.

BARONESS BENJAMIN
LORD PARKINSON OF WHITLEY BAY

129 Clause 32, page 57, line 28, at end insert –

- “(5A) Condition D is that the child is not taking part in any performances or activities set out in section 37(1) to (3) of the Children and Young Persons Act 1963 (restriction on persons under 16 taking part in public performances etc.) and section 25 of the Children and Young Persons Act 1933 (restrictions

on persons under eighteen going abroad for the purpose of performing for profit.”

BARONESS BENJAMIN
LORD PARKINSON OF WHITLEY BAY

130 Clause 32, page 57, line 28, at end insert –

“(5A) Where a child is not registered by a local authority because the child is taking part in performances or activities set out in section 37(1) to (3) of the Children and Young Persons Act 1963 (restriction on persons under 16 taking part in public performances, etc.) and section 25 of the Children and Young Persons Act 1933 (restrictions on persons under eighteen going abroad for the purpose of performing for profit), the local authority has a duty to ensure that the child is registered as required by the Children (Performances and Activities) (England) (Wales) Regulations 2014.”

BARONESS SMITH OF MALVERN

131 Clause 32, page 58, line 12, at end insert –

“(8) Before the end of the period of 15 days beginning with the day on which the local authority registers a child under this section, the local authority –

- (a) must consider where the child lives, and
- (b) may request the child's parent to allow the local authority to visit the child inside any of the homes in which the child lives.

(9) If a request under subsection (8)(b) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in determining whether to serve a preliminary notice under section 436H.

(10) Before the end of the period of 15 days beginning with the day on which the local authority includes in the register the information mentioned in section 436C(1)(e) in respect of a child, the local authority must consider the settings where the child is being educated that the local authority knows about.”

Member's explanatory statement

This amendment would provide a new duty for local authorities to consider the child's home and education settings, and a power to request a home visit, soon after registration under section 436B (as inserted by clause 32).

BARONESS BARRAN

132 [Withdrawn]

BARONESS SMITH OF MALVERN

133 Clause 32, page 58, line 16, at end insert “, and if the child has lived at their current address for less than 12 months, their previous address”

Member's explanatory statement

This amendment would ensure that the register also contains the previous address of the child where they have lived at their current address for less than 12 months.

BARONESS SMITH OF MALVERN

134 Clause 32, page 58, line 16, at end insert –

“(aa) any additional address if the child lives at more than one address;”

Member's explanatory statement

This amendment will ensure that the register will include any additional address at which the child lives.

LORD HACKING

135 Clause 32, page 58, leave out lines 17 to 21 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

This amendment seeks to identify the minimum requirement for providing information for the register and ensures that information is only included on parents who have responsibility for educating the child.

BARONESS BARRAN

This amendment replaces Amendment 132

135A★ Clause 32, page 58, line 17, leave out from beginning to end of line 11 on page 60 and insert –

“(b) the name and home address of the parent or parents who are taking responsibility for the education of the child;

(c) a brief description, in a form prescribed by regulations, of the primary type of education received by the child.

(2) Regulations under subsection (1)(c) may only require information that is necessary for the purposes of –

(a) enabling a local authority to identify children in its area who may not be receiving a suitable education, or

(b) safeguarding and promoting the welfare of the child.

(3) Nothing in this section prevents a local authority from requesting further information from a parent in a particular case where the authority has reasonable

cause to believe that a child may not be receiving a suitable education or that the child's welfare may be at risk."

Member's explanatory statement

This amendment seeks to replace much of section 436C with a narrower provision that limits the core content of local authority registers to essential information, allowing local authorities to seek further information where this is reasonably considered strictly necessary to assess the suitability of education or to safeguard the child. It removes the ability of the Secretary of State to require additional information to be included in the register of children not in school.

BARONESS SMITH OF MALVERN

136 Clause 32, page 58, leave out lines 20 and 21 and insert—

“(d) an estimate of the overall total amount of time that the child spends receiving education from parents of the child;”

Member's explanatory statement

This amendment would require a parent to provide an estimate of the overall amount of time, rather than the actual amount of time, that the child spends receiving education from their parents, for the purposes of the register of children not in school.

BARONESS SMITH OF MALVERN

137 Clause 32, page 58, line 21, at end insert—

“(da) an estimate of the overall total amount of time that the child spends receiving education from persons other than parents of the child;”

Member's explanatory statement

This amendment would require a parent to provide an estimate of the overall amount of time, rather than the actual amount of time, that the child spends receiving education from persons other than their parents, for the purposes of the register of children not in school.

BARONESS SMITH OF MALVERN

138 Clause 32, page 58, leave out lines 22 to 27 and insert—

“(e) if a particular provider other than the child's parent is providing education to the child for more than the prescribed amount of time—
(i) the name and address of the provider;
(ii) a description of the type of provider that it is;”

Member's explanatory statement

This amendment and my amendment of clause 32 at page 60, line 33 would provide that the requirement to provide detailed information about education providers other than a parent will only apply if a provider is providing education that exceeds an amount of time specified in regulations.

LORD HACKING

139 Clause 32, page 58, line 22, after “receives” insert “their principal”

Member's explanatory statement

This amendment (along with others in the name of Lord Hacking) seeks to reduce the information sought from home-schooling parents and limit cases in which information is required.

LORD HACKING

140 Clause 32, page 58, leave out lines 26 and 27

Member's explanatory statement

This amendment (along with others in the name of Lord Hacking) seeks to reduce the information sought from home-schooling parents and limit cases in which information is required.

LORD HACKING

141 Clause 32, page 58, leave out lines 32 to 36

Member's explanatory statement

This amendment (along with others in the name of Lord Hacking) seeks to reduce the information sought from home-schooling parents and limit cases in which information is required.

BARONESS SMITH OF MALVERN

142 Clause 32, page 58, line 32, at beginning insert “an estimate of”

Member's explanatory statement

This amendment would require a parent to provide an estimate of the total amount of time, rather than the actual amount of time, that the child spends receiving education from a provider, for the purposes of the register of children not in school.

BARONESS SMITH OF MALVERN

143 Clause 32, page 58, line 33, after “and” insert “an estimate of”

Member's explanatory statement

This amendment would require a parent to provide an estimate of the amount of time, rather than the actual amount of time, that the child spends receiving education from a provider without parental supervision, for the purposes of the register of children not in school.

BARONESS SMITH OF MALVERN

144 Clause 32, page 59, line 41, leave out “within the further education sector”

Member's explanatory statement

This amendment would ensure that the register of children not in school would be required to contain information about all schools or institutions that a child attends or has attended in the past, including those which are institutions not in the further education sector.

BARONESS SMITH OF MALVERN

145 Clause 32, page 60, line 3, at end insert—

- “(la) whether the local authority exercised any of its functions under section 436B(8), (9) or (10), 436H(7A), (7B) or 436I(3) in relation to the child and the outcomes of any consideration of home and education settings or home visits conducted under those provisions;”

Member's explanatory statement

This amendment would allow the outcomes of any home visits or consideration of the child's home and education settings to be prescribed as information that may be included in the register of children not in school.

BARONESS SMITH OF MALVERN

146 Clause 32, page 60, line 3, at end insert—

- “(la) whether the child is a young carer within the meaning of section 17ZA(3) of the Children Act 1989, as qualified by section 17ZB(3) of that Act;”

Member's explanatory statement

This amendment would amend the list of information that the register of children not in school must contain if prescribed in regulations under section 436C(2) of the Education Act 1996 (as inserted by clause 32) to include whether the child is a young carer.

BARONESS SMITH OF MALVERN

147 Clause 32, page 60, leave out lines 21 and 22 and insert—

- “(e) how amounts of time and estimates of amounts of time are to be calculated and recorded for the purposes of subsection (1)(d), (da) and (e)(iv);”

Member's explanatory statement

This amendment is consequential on my other amendments of clause 32 at page 58, lines 20, 21, 32 and 33 and would ensure that regulations made under section 436C(4) of the Education Act 1996 (inserted by clause 32) can also make provision about how time estimates are to be calculated.

BARONESS SMITH OF MALVERN

148 Clause 32, page 60, line 33, at end insert –

- “(6) In subsection (1)(e), “prescribed amount of time” means an amount of time prescribed –
 - (a) by reference to a number of hours in, or a proportion of, a week or other period;
 - (b) by reference to a proportion of the time a child spends receiving education;
 - (c) in any other way.”

Member's explanatory statement

See the explanatory statement to my amendment of clause 32 at page 58, lines 22 to 27.

LORD WEI

148A★ Clause 32, page 60, line 33, at end insert –

- “(6) Information from the register may be shared only where this is necessary and proportionate for the purposes of securing the individual child’s education or safeguarding their welfare.
- (7) Information from the register must not be processed, analysed, or used for any secondary purpose unrelated to the individual child concerned, including (but not limited to) –
 - (a) population-level profiling or categorisation;
 - (b) performance monitoring or benchmarking of children, families, or educational approaches;
 - (c) predictive modelling or the generation of risk scores;
 - (d) automated decision-making or profiling;
 - (e) the production of statistical, behavioural, or inferential datasets about groups of children or families.”

Member's explanatory statement

This amendment seeks to prevent the misuse of highly sensitive children’s data for secondary, population-level, or speculative purposes. It seeks to prevent profiling, modelling, automated risk scoring, and group-based inference, ensuring that data collected for an individual child cannot be repurposed for surveillance, patterning, or policy experimentation.

LORD WEI

148B★ Clause 32, page 60, line 33, at end insert –

- “(6) Regulations made under this section must comply with all applicable data protection legislation, including the Data Protection Act 2018, the UK GDPR, and the Data (Use and Access) Act 2025, and in particular the principles of lawfulness, fairness, transparency, purpose limitation, and data minimisation.

(7) Before making regulations under this section the Secretary of State must consult—

- (a) the Information Commissioner, and
- (b) such persons as appear to the Secretary of State to represent the interests of children and parents affected by the operation of the register, including electively home-educating families.”

Member's explanatory statement

This amendment seeks to prevent unnecessary, disproportionate, or intrusive uses of children's data. It also requires formal consultation with the Information Commissioner and representatives of affected families before regulations are made and seeks to ensure that safeguards are actively designed into the regime rather than assumed.

LORD WEI

148C★ Clause 32, page 60, line 33, at end insert—

“(6) The register established under section 436B shall cease to have effect at the end of the period of two years beginning with the day on which it first comes into operation unless—

- (a) the Secretary of State has published an independent report setting out evidence that the operation of the register has led to a demonstrable improvement in safeguarding outcomes for children, and
- (b) both Houses of Parliament have, by resolution, approved the continued operation of the register in the light of that report.”

Member's explanatory statement

This amendment makes the register time-limited and evidence-dependent. It ensures that the regime can continue only if an independent review demonstrates real safeguarding benefit and Parliament expressly approves its continuation. This protects against any permanent expansion of intrusive powers without proof of effectiveness and maintains democratic control.

LORD WEI

148D★ Clause 32, page 60, line 33, at end insert—

“(6) Information held on a register must be deleted after five years, or earlier where the child ceases to be within scope, unless there are recorded safeguarding grounds for retention.”

Member's explanatory statement

This amendment aligns the register with principles of necessity, proportionality, and data minimisation. It prevents the creation of permanent records on families who have done nothing wrong, while preserving the ability to retain data where there are recorded safeguarding grounds.

LORD WEI

148E★ Clause 32, page 60, line 33, at end insert –

“(6) Nothing in this section requiring the provision of information about a child educated otherwise than at school cannot in and of itself, constitute reasonable cause to suspect that the child is at risk of harm or not receiving a suitable education.”

Member's explanatory statement

This amendment seeks to prevent home education being construed inadvertently as a safeguarding risk.

BARONESS SMITH OF MALVERN

149 Clause 32, page 61, line 5, after “436C(1)” insert “(a) to (c)”

Member's explanatory statement

This amendment is consequential on my other amendment of clause 32 at page 61, line 5 and would ensure that section 436D(2)(b) only applies to information required to be included in the register by section 436C(1)(a) to (c).

BARONESS SMITH OF MALVERN

150 Clause 32, page 61, line 5, at end insert –

“(ba) inform the authority, on request, if there have been any changes, of which the parent is aware, to any of the information mentioned in section 436C(1)(d), (da) or (e) since the information was last provided to the authority, and provide the authority with information about those changes, or confirm that there have been no changes, and”

Member's explanatory statement

This amendment would require the parent of a registered child to inform the local authority about changes to the child's education when requested to do so by the local authority, rather than requiring parents to inform the authority every time there is a change.

BARONESS SMITH OF MALVERN

151 Clause 32, page 61, line 7, at end insert “as a result of no longer meeting Condition A (see subsection (3) of that section) or Condition C (see subsection (5) of that section)”

Member's explanatory statement

This amendment would ensure that a parent of a registered child is not obliged to inform the local authority when the child is no longer of compulsory school age.

BARONESS SMITH OF MALVERN

152 Clause 32, page 61, line 7, at end insert –

“(2A) A local authority –

- (a) must make a request mentioned in subsection (2)(ba) in relation to each child registered by the local authority under section 436B at least once a year, but
- (b) may not make such a request more frequently than once every three months.”

Member's explanatory statement

This amendment would ensure that a local authority must request a parent to provide information about changes to information about education at least once a year, but not more frequently than once every 3 months.

BARONESS SMITH OF MALVERN

153 Clause 32, page 61, line 18, at end insert –

“(ca) in the case of the duty in subsection (2)(ba), such period of not less than 15 days as the local authority specify in the request;”

Member's explanatory statement

This amendment would provide the relevant period of time for complying with the new duty introduced by my second amendment of clause 32 at page 61, line 5.

LORD WEI

153A★ Clause 32, page 61, line 22, at end insert –

“(4A) Subject to subsection (4B), a local authority may not, in relation to the same child, make more than one request in any period of 12 months –

- (a) for the parent to attend a meeting,
- (b) for the provision of information under subsection (2)(a), or
- (c) for access to the child's home,

for the purposes of exercising its functions under sections 436B to 436G.

(4B) Subsection (4A) does not apply where the authority has reasonable cause to suspect that the child is at risk of harm, as defined in section 31(9) of the Children Act 1989.

(4C) Where subsection (4B) applies, a local authority may not make requests more frequently than once in any period of three months.

(4D) A failure by a parent to comply with a request mentioned in subsection (4A) must not, of itself, be treated as evidence that the child is not receiving suitable education.

- (4E) The Secretary of State may by regulations make provision for remedies, which may include civil penalties, where a local authority systematically acts in breach of the limits imposed by this section.
- (4F) Where a parent gives notice that a child is to be educated otherwise than at school, that notification shall take effect upon being given and shall not be delayed, invalidated, or made conditional on the attendance of any meeting requested or required under sections 436B to 436G.”

Member's explanatory statement

This amendment seeks to establish an annual limit on routine individualised contact with families, while preserving the ability of local authorities to act more frequently where there is reasonable cause to suspect harm.

BARONESS SMITH OF MALVERN

154 Clause 32, page 61, line 24, leave out “any one or more of”

Member's explanatory statement

This amendment is consequential on my amendment of clause 32 at page 61, line 39.

BARONESS SMITH OF MALVERN

155 Clause 32, page 61, leave out line 39 and insert—

- “(e) any combination of the arrangements mentioned in paragraphs (a) to (d);
- (f) any one or more of the arrangements mentioned in paragraphs (a) to (d) and attendance at a relevant school.”

Member's explanatory statement

This amendment would clarify that attendance at a relevant school is only relevant for section 436D(5) (inserted by clause 32) where it is combined with arrangements in paragraphs (a) to (d) of that subsection.

LORD WEI

155A★ Clause 32, page 61, line 41, at end insert—

“436DA Local authority: power to request information

- (1) In exercising any power to request information from a parent for the purposes of maintaining a register under sections 436B to 436G, a local authority must be satisfied that—
 - (a) the information requested is reasonably required and proportionate to the purpose for which it is sought, and
 - (b) the form, frequency, and volume of information required is not such as to have a material adverse effect on the child’s education, including

by diverting a parent's time or resources away from providing that education.

(2) For the purposes of subsection (1)(b), a local authority must have regard to—

- (a) the nature and stage of the child's education,
- (b) the time and resources that would ordinarily be available to parents educating a child otherwise than at school, and
- (c) whether the same objective could be achieved by requesting less or different information.”

Member's explanatory statement

This amendment seeks to (1) ensure that information demands placed on families are necessary, proportionate, and educationally appropriate; (2) prevent excessive or burdensome data requests from interfering with a child's learning or diverting parental time and resources away from education; and (3) preserve safeguarding powers while protecting against any overreach and administrative practices that risk harming educational outcomes.

BARONESS SMITH OF MALVERN

156 Clause 32, page 62, line 21, leave out from “education” to “at” in line 22 and insert “as mentioned in subsection (1)(a) to any child living in England or Wales (whether or not that child lives in the authority's area) or has provided such education”

Member's explanatory statement

This amendment would clarify that a local authority may ask an education provider to confirm whether they are providing out-of-school education for children whether or not those children live in the authority's area.

BARONESS SMITH OF MALVERN

157 Clause 32, page 62, line 25, after first “child” insert “living in England or Wales”

Member's explanatory statement

This amendment would clarify that the duty of the education provider to provide certain information to a local authority under section 436E of the Education Act 1996 (as inserted by clause 32) applies in relation to children living in England and Wales.

LORD WEI

157A★ Clause 32, page 64, line 25, at end insert—

“436FA Register: publication of statistics

The Secretary of State must publish annual anonymised statistics on the operation of the register and school attendance orders, including numbers registered, appeals upheld, and orders withdrawn.”

Member's explanatory statement

This amendment seeks to ensure transparency and democratic oversight without imposing additional burdens on families. It enables Parliament and the public to assess how powers are being used in practice, including whether they are being exercised proportionately, consistently, and fairly.

BARONESS SMITH OF MALVERN

158 Clause 32, page 64, line 36, at end insert—

- “(c) information about access to examinations for the General Certificate of Secondary Education.”

Member's explanatory statement

This amendment would add information about access to GCSE exams to the list of examples of matters about which a local authority can provide information, if such information is requested by the parent of a child registered under section 436B (as inserted by clause 32).

BARONESS SMITH OF MALVERN

159 Clause 32, page 64, line 36, at end insert—

- “(2A) A local authority in England must offer parents of children registered by the authority under section 436B the opportunity to attend a forum to discuss the operation of sections 436B to 436P.
- “(2B) The offer must be made twice per year and if it is accepted by at least one person to whom it is made, the local authority must arrange for the forum to take place.”

Member's explanatory statement

This amendment would place a duty on local authorities in England to offer parents of registered children the opportunity to attend a forum to discuss the requirements of the provisions about children not in school inserted into the Education Act 1996 by clauses 32 and 33.

LORD CRISP
Revised version of Amendment 160

160★ Clause 32, page 64, line 36, at end insert—

- “(2A) A local authority must ensure that there are arrangements within its area to enable home educated children to take English and Maths GCSE examinations upon payment of the requisite exam board fee only.
- “(2B) The Secretary of State must support, through negotiations with the relevant national bodies, the ability of local authorities to put arrangements under subsection (2A) in place at a reasonable cost.”

Member's explanatory statement

This amendment seeks to address the difficulty many home educated children have in accessing public exams in their area and doing so at a reasonable cost.

BARONESS SMITH OF MALVERN

161 Clause 32, page 64, line 37, leave out “duty in subsection (1) does not apply” and insert “duties in subsections (1), (2A) and (2B) do not apply in relation to a child”

Member's explanatory statement

This amendment is consequential on my second amendment of clause 32 at page 64, line 36 and would set out the circumstances in which the new duties would not apply.

LORD WEI

161A★ Clause 32, page 65, line 7, at end insert –

“436GA Home education parental advisory board

- (1) Each local authority must establish a home education parental advisory board, composed primarily of parents of children who are, or have recently been, electively home educated in the authority's area.
- (2) The advisory board must be consulted on, and may make recommendations in relation to, the authority's policies, practices, and exercise of functions under sections 436B to 436G.
- (3) Where a local authority takes a decision under sections 436B to 436G that is materially inconsistent with any formal recommendation of the advisory board, it must, within 28 days, publish a written statement summarising the recommendation and setting out its reasons for departing from it.”

Member's explanatory statement

This amendment creates a statutory consultative role for home-educating parents, ensuring that those most affected by the regime have a structured voice in its operation. It does not remove decision-making powers from local authorities but requires transparency and reasons-giving where parental advice is not followed. This improves accountability, consistency, and trust without weakening safeguarding.

LORD WEI

161B★ Clause 32, page 65, line 7, at end insert –

“436GA Rolling review requirement

- (1) The Secretary of State must, at intervals of not more than two years, review the operation and impact of sections 436B to 436G, including their effects on –
 - (a) safeguarding outcomes,

- (b) the rights of parents and children to respect for private and family life, and
- (c) the availability and quality of elective home education.

- (2) Following each review the Secretary of State must lay before both Houses of Parliament a report setting out the methodology, evidence base and conclusions.
- (3) Sections 436B to 436G shall cease to have effect at the end of the period of 12 months beginning with the day on which a report under subsection (2) is laid, unless a resolution approving their continuation has been passed by each House of Parliament (with or without modification).
- (4) A resolution under subsection (3) may limit the duration or amend the operation of sections 436B to 436G, having regard to the findings of the report.”

Member's explanatory statement

This amendment establishes regular, evidence-based review of the regime, explicitly weighing safeguarding outcomes against rights to family life and the health of the home education sector. Parliament must actively decide whether the powers should continue and on what terms, ensuring accountability, proportionality, and democratic control.

LORD WEI

161C★ Clause 32, page 65, line 7, at end insert—

“436GA Independent appeals

- (1) Decisions taken by a local authority under sections 436B to 436G must be subject to investigation by the Local Government and Social Care Ombudsman, who may recommend remedies including reconsideration of the decision.
- (2) Where a parent has lodged an appeal, Ombudsman complaint, or judicial review in relation to any decision under sections 436B to 436G, no enforcement action shall be taken until that process is concluded, unless there is reasonable suspicion of significant harm.”

Member's explanatory statement

This amendment provides families with an independent route of redress short of court proceedings, improving accountability and consistency while reducing unnecessary litigation. It also prevents irreversible enforcement action while a dispute is under active review, unless there is reasonable suspicion of significant harm.

LORD WEI

161D★ Clause 32, page 65, line 7 at end insert—

“436GA Local authority duty: written reasons for decisions

A local authority must give written reasons for any decision made under sections 436B to 436G and must provide parents with a reasonable opportunity to correct factual inaccuracies in the register.”

Member's explanatory statement

This amendment ensures transparency and procedural fairness. It reduces mistrust and escalation by requiring reasons to be given and allowing families to correct factual errors, which can otherwise have serious long-term consequences.

BARONESS SMITH OF MALVERN

162 Clause 32, page 65, line 8, leave out subsection (3) and insert—

“(3) In section 569(2A)—

- (a) after “section” insert “436B(6), 436C(1)(e), 436C(2), 436C(4), 436E(1)(a), 436E(7), 436E(9), 436F(1), 436F(2),”;
- (b) after “550ZC(7)” insert “, or under paragraph 5 of Schedule 31A.”

Member's explanatory statement

This amendment would provide that all regulations made by the Secretary of State under the listed provisions of the Education Act 1996 as inserted by clause 32 relating to the registration of children not in school will be subject to the affirmative procedure.

BARONESS SMITH OF MALVERN

163 Clause 32, page 65, line 25, leave out subsection (4)

Member's explanatory statement

This amendment would remove the changes made by clause 32(4), which substitutes references to the “National Assembly for Wales” for “Senedd Cymru” in section 569 of the Education Act 1996. These changes are not needed because of my amendment of clause 32 at page 65, line 27.

BARONESS SMITH OF MALVERN

164 Clause 32, page 65, line 27, leave out subsection (5) and insert—

“(5) In section 569(2B)—

- (a) omit “A statutory instrument containing”;
- (b) after “397” insert “, 436I(6)”;
- (c) for the words after “the Welsh Ministers” substitute “are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).”

(5A) In section 569(2BA) –

- (a) omit the words from the beginning to “provision”;
- (b) for the words after “2018” substitute “are subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019).”

(5B) In section 569(2BB) –

- (a) omit the words from the beginning to “provision”;
- (b) after “section” insert “436B(6), 436C(1)(e), 436C(2), 436C(4), 436E(1)(a), 436E(7), 436E(9), 436F(1), 436F(2) or”;
- (c) after “579(3C)” insert “, or under paragraph 5 of Schedule 31A”;
- (d) for the words after “579(3C)” substitute “are subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019).””

Member's explanatory statement

This amendment would provide that regulations made by the Welsh Ministers under the listed provisions of the Education Act 1996 (as inserted by clauses 32 and 33) would be subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019 (anaw 4)).

LORD WEI

164A★ Leave out Clause 32

Member's explanatory statement

This amendment probes the necessity and proportionality of creating a statutory register of children not in school. It enables the House to consider whether existing safeguarding, education and welfare powers are sufficient without the creation of a new universal and persistent population-level data infrastructure.

Clause 33

LORD WEI

164B★ Clause 33, page 68, line 8, leave out “must” and insert “may, if satisfied that doing so is necessary and proportionate having regard to the child’s best interests and the least intrusive means of securing suitable education,”

Member's explanatory statement

This amendment ensures that preliminary notices are not issued automatically.

LORD WEI

164C★ Clause 33, page 68, line 12, at end insert –

- (c) the local authority has taken reasonable steps to identify and offer appropriate support to the parent, and has recorded those steps in writing.”

Member's explanatory statement

This amendment embeds a statutory “support first” duty. Before issuing a preliminary notice, local authorities must attempt and document reasonable offers of assistance. This reduces unnecessary conflict, promotes cooperation, and ensures that coercive measures are genuinely a last resort.

BARONESS SMITH OF MALVERN

165 Clause 33, page 68, line 35, at end insert “; or has taken such action during the period of 5 years ending with the date on which a preliminary notice is to be served under subsection (1).”

Member's explanatory statement

This amendment would allow a local authority to serve a preliminary notice for a school attendance order where the local authority has taken action under section 47(8) of the Children Act 1989 during the period of 5 years prior to the date on which the notice is to be served.

BARONESS SMITH OF MALVERN

166 Clause 33, page 69, line 9, after “436D(2)” insert “(a), (b) or (ba)”

Member's explanatory statement

This amendment would mean that a preliminary notice for a school attendance order cannot be served by a local authority where a parent has failed to tell the authority that their child is no longer eligible for registration by that authority.

BARONESS SMITH OF MALVERN

167 Clause 33, page 69, line 13, at end insert—

- “(7A) For the purpose of determining whether a preliminary notice must or may be served under this section in respect of a child, the local authority—
 - (a) must consider the settings where the child is being educated that the local authority knows about and where the child lives, and
 - (b) may request the child’s parent on whom the preliminary notice would be served to allow the local authority to visit the child inside any of the homes in which the child lives.
- (7B) If a request under subsection (7A)(b) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in determining whether to serve a preliminary notice.”

Member's explanatory statement

This amendment would add to section 436H (inserted by clause 33) provision equivalent to section 436I(3)(inserted by clause 33) to enable the local authority to consider the child’s home and education settings and request a home visit to help determine whether to serve a preliminary notice under section 436H.

LORD WEI

167A★ Clause 33, page 69, line 37, at end insert –

- “(d) it has reasonable grounds, based on clear and recorded evidence, to conclude that suitable education is not being provided for the child, and
- “(e) it has considered and, so far as reasonably practicable, exhausted less intrusive means of securing suitable education, including the offer of advice and support to the parent.”

Member's explanatory statement

This amendment seeks to reframe school attendance orders as a last resort. It requires clear and recorded evidence, exhaustion of supportive alternatives, and specific consideration of the child's needs, wellbeing, and wishes. It invites the Government to commit to a proportionate, child-centred SAO regime.

BARONESS SMITH OF MALVERN

168 Clause 33, page 70, leave out lines 5 and 6 and insert –

- “(b) section 436H(5)(a) no longer applies in respect of the child,”

Member's explanatory statement

This amendment is consequential on my amendment of clause 33, page 68, line 35 and would ensure that section 436H(5)(a) as amended by that amendment is taken into account.

BARONESS SMITH OF MALVERN

169 Clause 33, page 70, line 10, after “that Act” insert “, or which has been taken during the period of 5 years ending with the date that the order would be made,”

Member's explanatory statement

This amendment would also cover action taken by the local authority under section 47(8) of the Children Act 1989 during the period of 5 years prior to the date on which the school attendance order would be made.

BARONESS SMITH OF MALVERN

170 Clause 33, page 70, line 14, leave out from “consider” to end of line 15 and insert “the settings where the child is being educated that the local authority knows about and where the child lives,”

Member's explanatory statement

This amendment is consequential on my amendment of clause 32 at page 58, lines 22 to 27 following which not all education settings will be captured on the register so local authorities should not be obliged to consider all settings when making a decision to serve a school attendance order.

LORD WEI

170A★ Clause 33, page 70, line 22, at end insert “, but must have first considered whether information can reasonably be obtained by less intrusive means.”

Member's explanatory statement

This amendment requires local authorities to consider less intrusive means before seeking home access. It preserves safeguarding powers while preventing routine or unnecessary intrusion into family life.

LORD WEI

170B★ Clause 33, page 70, line 22, at end insert –

(3A) Before requesting a home visit under subsection (3)(c), the local authority –

- (a) must have reasonable grounds to suspect that the child is at risk of harm (within the meaning of section 31(9) of the Children Act 1989),
- (b) must have obtained an order of the court authorising such a visit, and
- (c) must not rely solely on a parent's refusal to consent to a voluntary visit as evidence of risk, non-cooperation, or unsuitability of education, where that refusal is reasonably based on the need to preserve the continuity or stability of the child's home education.”

Member's explanatory statement

This amendment requires both reasonable suspicion of harm and judicial authorisation before a compulsory home visit can take place for attendance or education purposes. It clearly separates safeguarding investigations from routine educational oversight and ensures court scrutiny for the most intrusive actions.

BARONESS SMITH OF MALVERN

171 Clause 33, page 77, leave out lines 23 and 24 and insert –

“(b) section 436H(5)(a) no longer applies in respect of the child,”

Member's explanatory statement

This amendment is consequential on my amendment of clause 33, page 68, line 35 and would ensure that section 436H(5)(a) as amended by that amendment is taken into account.

BARONESS SMITH OF MALVERN

172 Clause 33, page 77, line 28, after “that Act” insert “, or which has been taken during the period of 5 years ending with the date that the order was made,”

Member's explanatory statement

This amendment would also cover action taken by the local authority under section 47(8) of the Children Act 1989 during the period of 5 years prior to the date on which the school attendance order was made.

Clause 34

BARONESS SMITH OF MALVERN

173 Clause 34, page 81, line 32, leave out “Except as provided by subsection (3),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 34, page 81, line 39.

BARONESS SMITH OF MALVERN

174 Clause 34, page 81, line 39, leave out from beginning to end of line 5 on page 82

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

LORD WEI

174A★ Leave out Clause 34

Member's explanatory statement

This amendment is consequential on the removal of Clause 32. Clause 34 regulates the processing of information collected for the purposes of the register. If the register is not established, this clause becomes unnecessary and risks creating a free-standing data-processing power without a clear statutory purpose.

Clause 35

BARONESS SMITH OF MALVERN

175 Clause 35, page 82, line 10, leave out “under sections” and insert “under or by virtue of sections 434A, 434B and”

Member's explanatory statement

This amendment would ensure that local authorities have regard to guidance when exercising functions relating to the withdrawal of children from school.

After Clause 35

LORD WEI

175ZA★ After Clause 35, insert the following new Clause—**“Non-discrimination in access to services and opportunities**

- (1) A public authority, education provider, examination centre, or publicly funded body must not refuse, restrict, or withdraw access to any service, opportunity, qualification, assessment, or facility from a child solely on the grounds that the child is educated otherwise than at school.
- (2) A person or body to whom subsection (1) applies must not impose additional administrative or evidential requirements on a child or their parent solely by reason of the child being educated otherwise than at school.
- (3) In this section, “public authority” has the same meaning as in section 6 of the Human Rights Act 1998.”

Member's explanatory statement

This amendment seeks to (1) prevent discrimination against home-educated children in access to services, qualifications, and public opportunities; (2) ensure that lawful educational choice is not treated as a barrier to participation and that children are not excluded because compliance with administrative regimes is inconvenient; and (3) preserve safeguarding powers while protecting equality of access.

LORD WEI

175ZB★ After Clause 35, insert the following new Clause—**“Mandatory officer training standard**

The Secretary of State must issue guidance on the training of local authority officers exercising functions under sections 31 to 36, including training on elective home education, SEND, lawful decision-making, and unconscious bias.”

Member's explanatory statement

This amendment protects both families and local authority officers by establishing a national training standard. It promotes lawful, consistent, and informed decision-making, particularly in relation to home education, SEND, and unconscious bias.

LORD WEI

175ZC★ After Clause 35, insert the following new Clause—**“Duty to secure exam access**

Local authorities must secure reasonable access for electively home educated children to approved examination centres, including reasonable adjustments for those with special educational needs.”

Member's explanatory statement

This amendment ensures that children educated outside school are not excluded from national qualifications. It converts informal encouragement into an enforceable duty and requires reasonable adjustments for children with SEND, preserving equality of opportunity.

LORD WEI

175ZD★ After Clause 35, insert the following new Clause—

“Educational neutrality”

- (1) Nothing in this Act shall be interpreted or applied so as to create a presumption that education provided at a school is inherently safer, superior, or more suitable than education provided otherwise than at school.
- (2) In exercising any function under this Part, a local authority must treat education provided otherwise than at school as a lawful and legitimate form of education.
- (3) Decisions under this Act concerning suitability, safeguarding, or intervention must be based on the individual circumstances of the child and not on the form or setting of education alone.”

LORD WEI

175ZE★ After Clause 35, insert the following new Clause—

“School Attendance Code of Conduct”

- (1) The Secretary of State must issue and from time to time revise a statutory School Attendance Code of Conduct (“the Code”) setting out how local authorities and schools are to exercise functions relating to school attendance, including functions under this Part.
- (2) The Code must include provision about—
 - (a) proportionality and necessity in the use of investigatory and enforcement powers,
 - (b) the priority to be given to early help and support before escalation,
 - (c) evidential standards to be applied before a school attendance order is considered,
 - (d) recording, transparency and reasons-giving for key decisions,
 - (e) the treatment of children with special educational needs or disabilities,
 - (f) data protection, privacy and the least intrusive means of obtaining information, and
 - (g) the right of parents and children to be heard and to seek review of decisions.
- (3) A person exercising functions to which the Code relates must have regard to it.
- (4) Before issuing or revising the Code, the Secretary of State must consult—
 - (a) local authorities,

- (b) representatives of schools,
- (c) the Local Government and Social Care Ombudsman,
- (d) the Information Commissioner, and
- (e) organisations representing parents and children, including those electively home educating.

(5) The Secretary of State must lay the Code, and any revised Code, before Parliament.

(6) The Secretary of State must review the operation of the Code at intervals of not more than three years, and publish a report on whether it is promoting consistent, proportionate and child-centred decision-making.”

Member's explanatory statement

This amendment requires the Secretary of State to issue a statutory School Attendance Code of Conduct governing the exercise of attendance and enforcement powers. It seeks to embed proportionality, support-first practice, clear evidential standards, privacy safeguards, and transparency duties into a nationally consistent framework.

Clause 36

LORD WEI

175ZF★ Leave out Clause 36

Member's explanatory statement

This amendment is consequential on the removal of Clause 32. Clause 36 makes further amendments to existing legislation to give effect to the register. If the register is not created, these consequential provisions are no longer required.

Clause 37

THE LORD BISHOP OF MANCHESTER

175A Clause 37, page 83, line 42, at end insert—

“(fa) an institution—

- (i) that is only providing religious instruction or guidance,
- (ii) where parents or guardians of attendees have registered at their Local Authority that they provide suitable out-of-school education separate from or in addition to any attendance at the institution, and
- (iii) where the institution demonstrates to the Local Authority that it provides the required safeguarding measures;”

Member's explanatory statement

This Amendment seeks to mitigate the adverse impact on institutions providing religious instruction, but not wider or general education, as identified in the Equality Impact Statement.

Clause 40

BARONESS SMITH OF MALVERN

176 Clause 40, page 99, line 8, leave out from “address” to end of line 11 and insert “of buildings that the institution makes available for student use;”;

Member's explanatory statement

This amendment and my amendment to clause 40 at page 99, line 12, would require an application to register an independent educational institution to include just the address and not the description of buildings where students are routinely provided with education, meals or accommodation.

BARONESS SMITH OF MALVERN

177 Clause 40, page 99, line 12, at end insert—

- “(3ZA) For the purposes of subsection (3)(ea)—
 - (a) “building” means any—
 - (i) building,
 - (ii) part of a building,
 - (iii) permanent outdoor structure, or
 - (iv) part of a permanent outdoor structure, which is wholly or mainly enclosed;
 - (b) a building is made available “for student use” by an institution if students at the institution are routinely present in the building—
 - (i) to be provided with meals or accommodation by the institution, or
 - (ii) to be provided with education by the institution and, while the education is being provided, the building is controlled by the institution.”

Member's explanatory statement

See the explanatory statement to my amendment to clause 40 at page 99, line 8.

BARONESS SMITH OF MALVERN

178 Clause 40, page 99, line 19, leave out from “(5)(c)” to end of line 28 and insert “only requires the Secretary of State to include in the register the address of a building if it is different from the registered address of the institution.”

Member's explanatory statement

This amendment would simplify the provision made by clause 40(3).

BARONESS SMITH OF MALVERN

179 Clause 40, page 99, line 35, after “of” insert “registered”

Member's explanatory statement

This amendment would clarify that a material change includes a change to the registered address of an institution.

BARONESS SMITH OF MALVERN

180 Clause 40, page 100, line 1, leave out from “buildings” to end of line 2 and insert “made available for student use by the institution (within the meaning given by section 98(3ZA));”

Member's explanatory statement

This amendment would require the proprietor of an independent educational institution to seek approval to change the buildings where students are routinely provided with education, meals or accommodation by the institution.

BARONESS SMITH OF MALVERN

181 Clause 40, page 100, line 5, leave out “it makes special educational provision” and insert “the institution is specially organised to make special educational provision”

Member's explanatory statement

This amendment would align the text to be inserted into section 101 of the Education and Skills Act 2008 with existing text in sections 98 and 101 of that Act.

BARONESS SMITH OF MALVERN

182 Clause 40, page 100, leave out lines 11 to 27 and insert—

- “(2B) Subsection (2)(g) does not include a change where—
 - (a) the change is a building ceasing to be made available for student use,
 - (b) the change is an excluded building being made available for student use, or
 - (c) the change is reasonably expected by the proprietor to persist for a period of less than six months beginning with the day on which the change is made.
- (2C) A building is an “excluded building” if—
 - (a) it is at the registered address of an independent educational institution, or
 - (b) it is at a further address included in the register—
 - (i) in accordance with section 99(5)(c), or
 - (ii) following approval under this Chapter of a material change falling within subsection (2)(g).
- (2D) A change within subsection (2B)(c) becomes a material change if, at the beginning of the first day after the end of the six month period mentioned in that provision, it persists.”

Member's explanatory statement

This amendment would limit the requirement imposed by my amendment to clause 40 at page 100, line 1, by excluding certain kinds of changes and buildings from scope.

BARONESS SMITH OF MALVERN

183 Clause 40, page 102, line 5, at end insert –

“(10A) In section 138 (interpretation), after subsection (2) insert –

- “(3) A reference in this Chapter to the registered address of an independent educational institution –
 - (a) is a reference to the address included in the register in accordance with section 99(5)(a) or, where a change of that address is approved under this Chapter (see section 101(2)(b)), the new address;
 - (b) is not a reference to any further addresses related to the institution and included in the register –
 - (i) in accordance with section 99(5)(c), or
 - (ii) following approval under this Chapter of a material change falling within section 101(2)(g).””

Member's explanatory statement

This amendment would clarify the meaning of “registered address of an independent educational institution” in the Education and Skills Act 2008 to reflect that various addresses used by an institution may be recorded in the register.

Clause 43

BARONESS SMITH OF MALVERN

184 Clause 43, page 107, line 27, at end insert “, other than such of the following as is relevant to the investigation of a relevant offence –

- “(a) material that is excluded material within the meaning of section 11(1)(a) of the Police and Criminal Evidence Act 1984;
- (b) material that is special procedure material within the meaning of section 14(2) of that Act.”

Member's explanatory statement

This amendment would grant the Chief Inspector of Education, Children's Services and Skills power to seize, inspect or take copies of certain documents for the purpose of investigating offences under the Education and Skills Act 2008.

BARONESS SMITH OF MALVERN

185 Clause 43, page 109, line 8, leave out “subsection (2)” and insert “subsection (3) (inserted by section 40(10A))”

Member's explanatory statement

This amendment is consequential on my amendment to clause 40 at page 102, line 5.

Clause 45

BARONESS SMITH OF MALVERN

186 Clause 45, page 110, line 33, leave out “Except as provided by subsection (3),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 45, page 111, lines 3 to 8.

BARONESS SMITH OF MALVERN

187 Clause 45, page 111, leave out lines 3 to 8

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

BARONESS SMITH OF MALVERN

188 Clause 45, page 111, line 22, leave out “Except as provided by subsection (3),”

Member's explanatory statement

This amendment is consequential on my amendment to clause 45, page 111, lines 29 to 34.

BARONESS SMITH OF MALVERN

189 Clause 45, page 111, leave out lines 29 to 34

Member's explanatory statement

This amendment would remove provision no longer needed because of the protection provided by the new general data protection override in section 183A of the Data Protection Act 2018, inserted by section 106(2) of the Data (Use and Access) Act 2025 and which came into force on 20 August 2025.

Clause 46

BARONESS BARRAN
BARONESS BLOWER

190 Clause 46, page 112, line 1, leave out sub-paragraph (i)

Member's explanatory statement

This amendment would remove the ability of the TRA to investigate complaints before a teacher began their teaching career.

LORD KNIGHT OF WEYMOUTH

191 Clause 46, page 112, line 1, before “or” insert “qualified to teach in maintained schools in England”

Member's explanatory statement

This amendment is intended to ensure that those teachers who have qualified overseas to teach in maintained schools in England but have never worked in English schools are covered by these safeguarding arrangements.

Clause 50

BARONESS SMITH OF MALVERN

192 Clause 50, page 117, leave out lines 5 to 22 and insert—

“(1) If the Secretary of State is satisfied that the proprietor of an Academy has breached a duty imposed by Academy arrangements, the Secretary of State may give the proprietor such directions as the Secretary of State considers appropriate to secure the proper performance of the duty.”

Member's explanatory statement

This amendment limits the Secretary of State's power to direct the proprietor of an Academy to cases where the Secretary of State is satisfied that the proprietor has already breached a duty imposed by Academy arrangements.

After Clause 50

BARONESS SMITH OF MALVERN

193 After Clause 50, insert the following new Clause—**“Inspection of Academy proprietors**

(1) In Part 8 of the Education and Inspections Act 2006 (Inspections), after Chapter 2, insert—

“CHAPTER 2A

INSPECTION OF ACADEMY PROPRIETORS

*Inspection***122A Duty to inspect Academy proprietors at specified intervals**

(1) The Chief Inspector must—

- (a) conduct inspections of every Academy proprietor at such intervals as may be specified in regulations made by the Secretary of State, and
- (b) prepare a written report on completion of each inspection.

(2) The Secretary of State may by regulations provide that subsection (1) does not apply in relation to specified categories of Academy proprietor in specified circumstances.

(3) An Academy proprietor in relation to which subsection (1) does not apply by virtue of regulations under subsection (2) is an “exempt proprietor”.

(4) When conducting an inspection under this section, the Chief Inspector must have regard to any views about the matters listed in section 122B(2) which are expressed to the Chief Inspector by—

- (a) such persons as may be specified in regulations made by the Secretary of State;
- (b) such other persons as the Chief Inspector considers appropriate.

(5) Subsection (1) has effect subject to subsection 122E.

(6) An inspection which is required under this section must not extend to—

- (a) denominational education provided at an Academy which has been designated as having a religious character, or which is to be treated as having been so designated by virtue of section 6(8) of the Academies Act 2010, or
- (b) the content of collective worship at such an Academy.

122B Report of section 122A inspection

- (1) It is the general duty of the Chief Inspector, when conducting an inspection under section 122A, to report on the quality and effectiveness of the Academy proprietor's leadership, management and governance in connection with its role as an Academy proprietor.
- (2) The Chief Inspector's report must (in particular) cover—
 - (a) the quality and effectiveness of any activities undertaken by the Academy proprietor to secure the provision of a quality education to registered pupils and students of its Academies;
 - (b) the quality and effectiveness of the Academy proprietor's governance and executive leadership;
 - (c) the quality and effectiveness of any activities undertaken by the Academy proprietor to promote the wellbeing of children and young persons;
 - (d) the quality and effectiveness of any activities undertaken by the Academy proprietor to secure improvements in its Academies;
 - (e) the quality and effectiveness of the Academy proprietor's management of its resources;
 - (f) such other matters as may be specified in regulations made by the Secretary of State.
- (3) The Chief Inspector must send a copy of a report under section 122A(1)(b) to—
 - (a) the Academy proprietor, and
 - (b) the Secretary of State.
- (4) The Academy proprietor must—
 - (a) make a copy of any report sent to it under subsection (3) available for inspection by members of the public,
 - (b) provide a copy of the report, free of charge, upon request, and
 - (c) take such steps as are reasonably practicable to secure that every registered parent of a pupil at an Academy school or alternative provision Academy of which the Academy proprietor is the proprietor receives a copy of the report within five working days following receipt of the report by the Academy proprietor.
- (5) The Chief Inspector may send a copy of the report to such other persons as the Chief Inspector considers appropriate.
- (6) The Chief Inspector may arrange for the report to be published in such manner as the Chief Inspector considers appropriate.
- (7) In this section—

“child” means a person aged under 18, and references to “children” are to be read accordingly;

“wellbeing”, in relation to a child or young person, means their wellbeing so far as relating to the matters mentioned in section 10(2) of the Children Act 2004;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971;

“young person” means any of the persons mentioned in section 10(9) of the Children Act 2004.

122C Other inspections

- (1) The Chief Inspector must inspect and report on any Academy proprietor, or category of Academy proprietor, in connection with its role as an Academy proprietor, if requested to do so by the Secretary of State.
- (2) The Chief Inspector may inspect and report on any Academy proprietor, in connection with its role as an Academy proprietor, in circumstances where there is no requirement to do so under any other provision of this Chapter.
- (3) If the Chief Inspector carries out an inspection under subsection (2) in response to a request from the Academy proprietor, the Chief Inspector may charge the Academy proprietor for the cost of the inspection.
- (4) An inspection which is conducted under this section must not extend to—
 - (a) denominational education provided at an Academy which has been designated as having a religious character, or which is to be treated as having been so designated by virtue of section 6(8) of the Academies Act 2010, or
 - (b) the content of collective worship at such an Academy.
- (5) The Chief Inspector may arrange for a report under this section to be published in such manner as the Chief Inspector considers appropriate.

122D Duty to notify certain persons of inspection

- (1) Before conducting an inspection under section 122A the Chief Inspector must notify—
 - (a) the Academy proprietor, and
 - (b) any relevant religious body.
- (2) If the Academy proprietor is notified by the Chief Inspector that the Chief Inspector is proposing to inspect the Academy proprietor under section 122A, the Academy proprietor must take such steps as are reasonably practicable to notify the following persons of the time when the inspection is to take place—
 - (a) the registered parents of registered pupils at any Academy school or alternative provision Academy of which the Academy proprietor is the proprietor;
 - (b) the members of the Academy proprietor (if any).
- (3) If the Academy proprietor is notified by the Chief Inspector that the Chief Inspector is electing to treat, or is required by the Secretary of State to treat, an inspection under section 122C as if it were an inspection under section

122A as a result of the exercise of a power under section 122E, the Academy proprietor must take such steps as are reasonably practicable to notify the following persons that the inspection is being so treated, and of the time when the inspection is to take place—

- (a) the registered parents of registered pupils at any Academy school or alternative provision Academy of which the Academy proprietor is the proprietor;
- (b) the members of the Academy proprietor (if any);
- (c) any relevant religious body.

(4) Any notification given under subsection (2)(a) or (3)(a) must include a statement, in a form approved by the Chief Inspector, inviting the registered parents of registered pupils to inform the Chief Inspector of their views on matters relating to—

- (a) the Academy at which their child is a registered pupil;
- (b) the Academy proprietor.

122E Power or duty to treat other inspection as section 122A inspection

- (1) The Chief Inspector may elect for an inspection under section 122C of an Academy proprietor to which section 122A applies to be treated as if it were an inspection under section 122A for the purposes of section 122A(1), section 122B(3) to (6) and section 122H.
- (2) In the case of an inspection of an exempt proprietor under section 122C, the Chief Inspector may elect to treat the inspection as if it were an inspection under section 122A for the purposes of section 122A(4) and sections 122B and 122H.
- (3) The Secretary of State may require the Chief Inspector to treat an inspection under section 122C(1) of an Academy proprietor to which section 122A applies as if it were an inspection under section 122A for the purposes of section 122A(1) and (4) and sections 122B and 122H.
- (4) In the case of an inspection of an exempt proprietor under section 122C(1), the Secretary of State may require the Chief Inspector to treat the inspection as if it were an inspection under section 122A for the purposes of section 122A(4) and sections 122B and 122H.
- (5) In this section, “exempt proprietor” has the meaning given by section 122A(3).

122F Framework for inspections under this Chapter

- (1) The Chief Inspector must devise—
 - (a) a common set of principles applicable to all inspections conducted under this Chapter, or
 - (b) two or more common sets of principles each of which is applicable to a particular description of such inspections.

- (2) A set of principles devised under subsection (1)(a) or (b) is referred to in this section as a “framework”.
- (3) If the Chief Inspector devises two or more frameworks under subsection (1)(b), the Chief Inspector must ensure that, taken together, they cover all inspections conducted under this Chapter.
- (4) A framework must cover such matters as may be specified in regulations made by the Secretary of State.
- (5) The Chief Inspector must publish a framework in such manner as the Chief Inspector considers appropriate.
- (6) The Chief Inspector may at any time revise a framework.
- (7) The Chief Inspector must publish a revised framework in such manner as the Chief Inspector considers appropriate.
- (8) In devising or revising a framework, the Chief Inspector must have regard to guidance given from time to time by the Secretary of State.

Powers of entry etc.

122G Powers of entry etc. for purposes of inspection

- (1) This section applies to an inspection conducted by the Chief Inspector under this Chapter.
- (2) The Chief Inspector may, at any reasonable time, enter—
 - (a) any premises of the Academy proprietor;
 - (b) the premises of any Academy of which the Academy proprietor is the proprietor;
 - (c) any other premises on which, by virtue of arrangements made by the Academy proprietor, any pupils or students who are registered at an Academy within paragraph (b) are receiving part of their education from any person (“the provider”);
 - (d) any premises of the provider used in connection with the provision by the provider of that education.
- (3) The Chief Inspector may, at any reasonable time, inspect, take copies of, or take away such of the following as the Chief Inspector considers relevant to the discharge of the Chief Inspector’s functions under this Chapter—
 - (a) any documents or records kept by the Academy proprietor;
 - (b) any documents or records kept by an Academy of which the Academy proprietor is the proprietor;
 - (c) any documents or records kept by the provider relating to the provision of education by virtue of arrangements made by the Academy proprietor.
- (4) The power in subsection (3) includes—

- (a) power to require any person holding or accountable for any such documents or records to produce them, and
- (b) in relation to any such documents or records kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.

(5) In connection with inspecting any such documents or records the Chief Inspector –

- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the Chief Inspector considers is or has been in use in connection with the documents or records, and
- (b) may require a person within subsection (6) to afford the Chief Inspector such reasonable assistance as the Chief Inspector requires for that purpose.

(6) A person is within this subsection if that person is –

- (a) the person by whom or on whose behalf the computer is or has been used, or
- (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.

(7) A person is guilty of an offence if that person intentionally obstructs the Chief Inspector in the exercise of any function conferred by this Chapter.

(8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Academy proprietors not performing to acceptable standard

122H Academy proprietors not performing to acceptable standard

(1) Subsections (2) to (4) apply if, on completion of an inspection under section 122A, the Chief Inspector is of the opinion that –

- (a) the persons responsible for leading, managing and governing the Academy proprietor are failing to lead, manage or govern the Academy proprietor to an acceptable standard, or
- (b) the Academy proprietor is failing to lead, manage or govern an Academy of which it is the proprietor to an acceptable standard.

(2) The Chief Inspector must –

- (a) send a draft of the report of the inspection to the Academy proprietor, and
- (b) consider any comments on the draft that are made by the Academy proprietor within such period as may be specified in regulations made by the Secretary of State.

(3) Where, after complying with subsection (2), the Chief Inspector is of the opinion that the case falls within paragraph (a) or (b) of subsection (1), the Chief Inspector must –

- (a) without delay, notify the following persons in writing of that opinion—
 - (i) the Secretary of State,
 - (ii) the Academy proprietor, and
- (b) state that opinion in the report of the inspection.

(4) A notification made under subsection (3)(a) must also record—

- (a) in a case within subsection (1)(a), whether the Chief Inspector is of the opinion that the persons responsible for leading, managing and governing the Academy proprietor are demonstrating the capacity to secure the necessary improvement in the Academy proprietor;
- (b) in a case within subsection (1)(b), whether the Chief Inspector is of the opinion that the Academy proprietor is demonstrating the capacity to secure the necessary improvement in the Academy.

Supplementary

122I Regulations under Chapter 2A

- (1) Regulations under this Chapter may—
 - (a) make different provision for different purposes;
 - (b) make consequential provision.
- (2) A statutory instrument containing provision made under any of the following provisions of this Chapter (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—
 - (a) section 122A(2);
 - (b) section 122B(2)(f);
 - (c) section 122F(4).
- (3) A statutory instrument containing regulations made under any other provision of this Chapter is subject to annulment in pursuance of a resolution of either House of Parliament.

122J Interpretation of Chapter 2A

- (1) In this Chapter—
 - “Academy” means an educational institution to which Academy arrangements relate;
 - “Academy arrangements” has the meaning given by section 1 of the Academies Act 2010;
 - “Academy proprietor” is a person who, in pursuance of Academy arrangements, is the proprietor of an Academy;
 - “Academy school” has the meaning given by section 1A of the Academies Act 2010;

“alternative provision Academy” has the meaning given by section 1C of that Act;

“denominational education”, in relation to an Academy, means religious education which—

(a) is provided in accordance with—

(i) any provisions of the trust deed affecting the Academy which relate to the teaching and learning of religious education, or

(ii) the tenets of the religion or religious denomination in relation to which the Academy is designated, and

(b) is not required by Academy arrangements to be given in accordance with the requirements for agreed syllabuses in section 375(3) of the Education Act 1996;

“parent” has the meaning given by section 576 of that Act;

“registered”, in relation to the parents of pupils at an Academy school or alternative provision Academy, means shown in the register kept under section 434 of that Act;

“registered pupil”, in relation to an Academy school or alternative provision Academy, means a person registered as a pupil in that register;

“relevant religious body”, in relation to an Academy, means—

(a) in the case of a Church of England Academy or a Roman Catholic Church Academy, the appropriate diocesan authority,

(b) in any other case, such body or person as is specified in the Academy arrangements relating to the Academy as representing the religion or religious denomination in relation to which the Academy is designated, and

in the case of an Academy designated in relation to more than one religion or religious denomination, references to “the relevant religious body” are to be read as references to all of the relevant religious bodies applicable to the Academy;

“trust deed”, in relation to an Academy, includes any instrument (other than the articles or memorandum of association) regulating the constitution of the Academy proprietor or the maintenance, management or conduct of the Academy.

(2) In subsection (1)—

(a) “Church of England Academy” means an Academy in the Province of Canterbury or York in relation to which the religion or religious denomination specified in the order designating the Academy as having a religious character is “Church of England” and “appropriate diocesan authority”, in relation to such an Academy, means the Diocesan Board of Education for the diocese of the Church of England in which the school is situated, and

(b) “Roman Catholic Church Academy” means an Academy in relation to which the religion or religious denomination specified

in the order designating the Academy as having a religious character is “Roman Catholic” and “appropriate diocesan authority”, in relation to such an Academy, means the bishop of the Roman Catholic diocese in which the Academy is situated.

(3) For the purposes of this Chapter, an Academy has been “designated as having a religious character” if it has been so designated by an order under—

- (a) section 69(3) of the School Standards and Framework Act 1998 by virtue of section 124B(2) of that Act, or
- (b) section 8A(1) of the Academies Act 2010 (16 to 19 academies having religious character), and

references to the order designating the Academy as having a religious character should be read accordingly.”

(2) The Academies Act 2010 is amended in accordance with subsections (3) to (5).

(3) After section 2A insert—

“2AA Academy agreements: provision about failing Academy proprietors

(1) An Academy agreement must include provision allowing the Secretary of State to terminate the agreement if the Chief Inspector has given notice under section 122H(3)(a) of the Education and Inspections Act 2006 that—

- (a) the persons responsible for leading, managing and governing the Academy proprietor are failing to lead, manage or govern the Academy proprietor to an acceptable standard, or
- (b) the Academy proprietor is failing to lead, manage or govern an Academy of which it is the proprietor to an acceptable standard.

(2) The Academy agreement must require the Secretary of State, before terminating the agreement on one of those grounds, to give the proprietor a termination warning notice.

(3) A termination warning notice is a notice—

- (a) requesting that the Academy proprietor respond to the Secretary of State by making representations, or
- (b) requiring the Academy proprietor—
 - (i) to take specified action by a specified date, and
 - (ii) to respond to the Secretary of State by making representations, or by agreeing to take that action, by a specified date.

(4) The Academy agreement must provide that, where a termination warning notice under subsection (3)(b) is given to the Academy proprietor on one of the grounds specified in subsection (1), the power to terminate the agreement is available only if the proprietor has failed to comply with the termination warning notice (whether by failing to take specified action, or to respond, on time).”

(4) For section 2C (new academy agreements) substitute—

“2C Sections 2A, 2AA and 2B supplementary - new agreements

- (1) An Academy agreement made on or after 18 April 2016, but before the day on which section [*inspection of Academy proprietors*] of the Children’s Wellbeing and Schools Act 2026 comes fully into force may include further provision about—
 - (a) the procedure for terminating the agreement in accordance with the provision required by section 2A or 2B;
 - (b) the consequences of terminating the agreement in accordance with that provision.
- (2) An academy agreement made on or after the day on which section [*inspection of Academy proprietors*] of the Children’s Wellbeing and Schools Act 2026 comes fully into force may include further provision about—
 - (a) the procedure for terminating the agreement in accordance with the provision required by section 2A, 2AA or 2B;
 - (b) the consequences of terminating the agreement in accordance with that provision.
- (3) Section 2D makes provision about agreements entered into before those dates.”

(5) For section 2D (old academy agreements) substitute—

“2D Sections 2A, 2AA and 2B supplementary - old agreements

- (1) An old Academy agreement is to be treated as if it included the new termination powers.
- (2) A pre-section 2AA agreement is to be treated as if it included the section 2AA termination powers.
- (3) A provision of an old Academy agreement that relates to the procedure for terminating the agreement does not apply to the new termination powers.
- (4) A provision of a pre-section 2AA agreement that relates to the procedure for terminating the agreement does not apply to the section 2AA termination powers.
- (5) Subsections (6) and (7) apply where an old Academy agreement or a pre-section 2AA Academy agreement—
 - (a) contains provision about the consequences of terminating the agreement (“relevant provision”), and
 - (b) the relevant provision is expressed in a way that—
 - (i) in the case of an old Academy agreement, is capable of covering termination in accordance with the new termination powers;

- (ii) in the case of a pre-section 2AA agreement, is capable of covering termination in accordance with the section 2AA termination powers.
- (6) The relevant provision applies to termination in accordance with—
 - (a) in the case of an old Academy agreement, the new termination powers;
 - (b) in the case of a pre-section 2AA agreement, the section 2AA termination powers.
- (7) If the relevant provision sets out different consequences depending on whether the agreement is terminated on the ground that the proprietor has breached the Agreement or on other grounds—
 - (a) in the case of an old Academy agreement, termination in accordance with the new termination powers is to be treated as termination on the grounds of breach by the proprietor, and
 - (b) in the case of a pre-section 2AA agreement, termination in accordance with the section 2AA termination powers, is to be treated as termination on the grounds of breach by the proprietor.
- (8) In this section—
 - “new termination powers”, in relation to an Academy agreement, means the powers to terminate in accordance with the provision required by sections 2A, 2AA and 2B;
 - “old Academy agreement” means an Academy agreement made before 18 April 2016;
 - “pre-section 2AA agreement” means an Academy agreement made on or after the 18 April 2016, but before the day on which section *[inspection of Academy proprietors]* of the Children’s Wellbeing and Schools Act 2026 comes fully into force;
 - “section 2AA termination powers” in relation to an Academy agreement, means the powers to terminate in accordance with the provision required by section 2AA.””

Member's explanatory statement

This amendment would amend Part 8 of the Education and Inspections Act 2006 to establish a statutory regime for the inspection by Ofsted of Academy trusts. It would also amend the Academies Act 2010 to permit termination of a trust's funding agreements in specified circumstances arising from an inspection.

Clause 51

BARONESS BARRAN

194 Clause 51, page 118, leave out lines 2 to 23, and insert—

- “(a) in subsection (A1), at the end insert “unless the Secretary of State determines that no suitable sponsor is available”;

- (b) after subsection (A1) insert –
 - “(A2) Where the Secretary of State determines that no suitable sponsor is available, the Secretary of State must, within 14 days, publish a plan to secure appropriate governance and leadership of the school and to secure its rapid improvement.
 - (A3) A plan published under subsection (A2) must include –
 - (a) the parties with responsibility for the school and its improvement,
 - (b) the parties who will take action to improve provision in the school,
 - (c) the resources that will be provided to the relevant parties, including who will provide the resources and when the resources will be provided, and
 - (d) the intended outcomes of the plan, with the relevant timetables for the outcomes.
 - (A4) The Secretary of State must report annually to Parliament on –
 - (a) the number of times the Secretary of State has published a plan under subsection (A2),
 - (b) the resources which have been provided as part of any plans, and
 - (c) the outcomes of any plans.””

Member's explanatory statement

This amendment seeks to retain the existing requirement to make an academy order unless the Secretary of State determines there is no suitable sponsor available.

LORD STOREY

195 Clause 51, page 118, line 4, at end insert –

- “(c) after subsection (1A) insert –
 - “(1B) Before deciding whether to issue an Academy order in respect of a maintained school, the Secretary of State must issue an invitation for expressions of interest for suitable sponsors.
 - (1C) The Secretary of State must make an assessment of whether to issue an Academy order based on the established track record of parties who responded to the invitation issued under subsection (1B) with an expression of interest in raising school standards.””

Member's explanatory statement

This amendment creates an obligation to invite, and assess the value of, alternative sponsorship of those schools which may be subject to an Academy Order, ahead of the Order being enacted.

LORD STOREY

196 Clause 51, page 118, line 23 at end insert –

“(10) Before the amendments made by this section come into force, the Secretary of State must lay before Parliament a report detailing –

- (a) the mechanisms, including Academy Orders, by which improvement of school standards can be achieved, and
- (b) guidance on the appropriate usage of these mechanisms.”

Member's explanatory statement

This amendment mandates the Secretary of State to report on the existing mechanisms for improvement of school standards, ahead of amendments relating to academy orders, being tabled.

After Clause 52

LORD STOREY

197 After Clause 52, insert the following new Clause –

“Remuneration of chief executives of multi-academy trusts

- (1) The Secretary of State must by regulations make provision for the regulation of the remuneration of chief executives of multi-academy trusts.
- (2) Regulations under this section may, in particular –
 - (a) require the publication of chief executive remuneration;
 - (b) impose limits on the remuneration that may be paid;
 - (c) make provision for enforcement.
- (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.
- (4) In this section “multi-academy trust” has the same meaning as in the Academies Act 2010.”

Member's explanatory statement

This amendment requires the Secretary of State to regulate the remuneration of chief executives of multi-academy trusts, including the ability to impose limits, in order to ensure transparency and the proper use of public funds.

After Clause 56

BARONESS BARRAN

198 After Clause 56, insert the following new Clause—

“Reasonableness and safeguards in the exercise of local authority powers

- (1) In exercising powers under sections 54 to 56, a local authority must act reasonably and proportionately, having regard to—
 - (a) the needs of the child,
 - (b) the needs of other pupils at the school, and
 - (c) the capacity of the school to meet the child's needs safely and effectively.
- (2) An Academy may, within 10 school days of receiving a direction or proposed direction under sections 54 to 56, notify the local authority and the Secretary of State that it considers the direction to be unreasonable on one or more of the following grounds—
 - (a) that the Academy cannot reasonably be expected, with the resources and specialist expertise available to it, to meet the child's special educational needs or other significant additional needs;
 - (b) that admitting the child would seriously prejudice the education or welfare of existing pupils or the safety of pupils or staff;
 - (c) that suitable and reasonably accessible alternative provision is available which is better able to meet the child's needs;
 - (d) that the direction is otherwise irrational or disproportionate.
- (3) Where notice is given under subsection (2), the direction shall not take effect until—
 - (a) the Secretary of State has confirmed, varied or set aside the direction, or
 - (b) such other independent review body as may be prescribed by regulations has determined the matter.
- (4) Before confirming or varying a direction under subsection (3), the Secretary of State (or other prescribed body) must—
 - (a) give the Academy proprietor and the local authority an opportunity to make written representations, and
 - (b) have regard to any relevant code of practice or statutory guidance.
- (5) In this section “Academy” has the same meaning as in this Act.
- (6) In exercising functions under this section, the Secretary of State (or other prescribed body) must have particular regard to the importance of securing fair access for looked-after children, previously looked-after children, children who have been excluded from a previous school and children with an education, health and care plan.
- (7) 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 new clause provides safeguards for Academies where a local authority uses its powers under clauses 54 to 56 to direct an Academy to admit a particular child.

Clause 57

BARONESS BARRAN

199 Clause 57, page 122, line 21, at end insert—

“(5A) The adjudicator may not issue a direction under this section requiring the governing body of a maintained school or the proprietor of an Academy to reduce the school’s published admission number unless satisfied that—

- (a) the direction is necessary and proportionate to secure the efficient and effective use of education provision within the local authority area, and
- (b) the school—
 - (i) is not operating at or above its current published admission number, and
 - (ii) has not, within the period of three years preceding the direction, been assessed by His Majesty’s Chief Inspector as providing education that is of a high quality.

(5B) For the purposes of subsection (5A)(b)(ii), a school shall be regarded as providing education of a high quality where—

- (a) the most recent inspection carried out under section 5 or section 8 of the Education Act 2005 (duty to inspect schools) concludes that the quality of education at the school is effective or better, or
- (b) any equivalent finding is made under an inspection framework that succeeds that in force at the passing of this Act.

(5C) Before issuing a direction under this section requiring a reduction in a school’s published admission number, the adjudicator must consider whether the objective could more appropriately be achieved by means of changes to the pattern of provision in the area, including (where appropriate) the amalgamation or closure of schools, in accordance with any applicable statutory and departmental guidance on school organisation.

(5D) In exercising functions under this section, the adjudicator must have regard to—

- (a) the desirability of giving effect to parental preferences for schools, and
- (b) the need to avoid measures that would unduly restrict access to schools that are providing high-quality education or that are in strong demand from parents.”

Member's explanatory statement

This amendment seeks to limit the circumstances in which the schools adjudicator may direct a maintained school or academy to reduce its published admission number and requires the adjudicator to consider alternative school organisation measures (including amalgamation or closure) before constraining the intake of popular or high quality schools.

BARONESS BARRAN
LORD HAMPTON

200 Leave out Clause 57

After Clause 57

BARONESS BURT OF SOLIHULL

201 After Clause 57, 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 58

BARONESS SMITH OF MALVERN

202 Clause 58, page 124, line 14, at end insert –

- “(5) In section 10 of the Academies Act 2010 (consultation: new and expanded educational institutions), in subsection (1)(a) omit the words from “other” to “authority),”.”

Member's explanatory statement

This amendment would ensure that the duty to consult under section 10 of the Academies Act 2010 on whether Academy arrangements should be entered into would also apply to new educational institutions that are the subject of proposals pursuant to a notice under section 7 of Education and Inspections Act 2006.

BARONESS BARRAN

203 Leave out Clause 58

Clause 62

BARONESS SMITH OF MALVERN

204 Leave out Clause 62

Member's explanatory statement

This amendment would remove provision no longer needed because of the new general data protection override in section 183A and effect of 183B of the Data Protection Act 2018, both inserted by section 106 of the Data (Use and Access) Act 2025 which came into force on 20 August 2025.

After Clause 63

LORD NORTON OF LOUTH

205 After Clause 63, 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.”

LORD HARRIES OF PENTREGARTH
 LORD HODGSON OF ASTLEY ABBOTTS
 LORD NORTON OF LOUTH

206 After Clause 63, insert the following new Clause—

“Citizenship education: British values

- (1) In any statement relating to British values for education purposes at primary and secondary level in England and Wales, the Secretary of State, OFSTED and any other public authority must include—
 - (a) democracy,
 - (b) the rule of law,
 - (c) freedom,
 - (d) equal respect for every person, and
 - (e) respect for the environment.
- (2) Any statement in subsection (1) must refer to British values as “values of British citizenship”.
- (3) The values listed under paragraphs (1)(a) to (e) must be taught as part of citizenship education for key stages 1, 2, 3 and 4.
- (4) In section (1)(a) “democracy” includes—
 - (a) an independent judiciary,
 - (b) in a Parliamentary system, a Government that is accountable to Parliament, regular election, and
 - (c) decentralised decision-making, accountable at an appropriate level to the electorate.
- (5) In subsection (1)(c) “freedom” includes—
 - (a) freedom of thought, conscience and religion,
 - (b) freedom of expression, and
 - (c) freedom of assembly and association.
- (6) In subsection (1)(e) “respect for the environment” means taking into account the systemic effect of human actions on the health and sustainability of the environment both within the United Kingdom and the planet as a whole, for present and future generations.”

LORD YOUNG OF ACTON
 LORD BRADY OF ALTRINCHAM

207 After Clause 63, insert the following new Clause—

“Duty to keep schools open for in person attendance

- (1) So far as reasonably possible, public authorities must ensure that, during the period of any civil emergency, schools are kept open for in person attendance by children and young people.

- (2) The Secretary of State must, by regulations, make provision about how public authorities should discharge the duty under subsection (1), including provision specifying—
 - (a) steps that a public authority may or must take to comply with the duty, and
 - (b) actions that a public authority is prohibited from taking.
- (3) Regulations made under subsection (2) must be made by statutory instrument.
- (4) A statutory instrument containing regulations under subsection (2) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (5) 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.
- (6) A public authority must not, in response to a civil emergency, take or facilitate any action (including making regulations, issuing directions, issuing orders, giving guidance, or making recommendations) that—
 - (a) results in, or encourages, the closure of schools, or
 - (b) otherwise prevents or restricts lawful attendance at such institutions or premises by children and young people,unless the requirements of subsection (7) are met.
- (7) Before taking any action of the kind described in subsection (6), the public authority must first, unless the urgency of the civil emergency precludes this—
 - (a) request the advice of the Children's Commissioner on the likely impact of such action on the children and young people who will be affected by the action,
 - (b) provide the Children's Commissioner with full and complete information about the nature of and reasons for the proposed action, and
 - (c) have due regard to the Children's Commissioner's advice in determining whether to proceed with the action.
- (8) If any action of the kind described in subsection (6) is taken prior to seeking the advice of the Children's Commissioner due to urgency—
 - (a) as soon as reasonably practicable and in any event within seven days of taking the action, the public authority must provide the Children's Commissioner with full and complete information about the nature of and reasons for that action;
 - (b) the Children's Commissioner must then promptly, and in any event within 14 days of the action having been taken, provide the public authority with its advice in relation to the impact of that action on children and young people;
 - (c) the public authority, having due regard to the Commissioner's advice, shall determine whether the action continues to be justified or whether it should be revoked.

(9) If action of the kind described in subsection (6) continues beyond 14 days, and in relation to each such period of 14 days thereafter, the Secretary of State must—

- lay before Parliament a copy of the Children's Commissioner's advice, and
- seek approval from both Houses of Parliament for the continuation of the action.

(10) If Parliament does not approve continuation under subsection (9)(b) within 14 days of the advice of the Children's Commissioner being laid before Parliament under subsection 9(a), the relevant action automatically lapses, and any measures (including regulations, directions, orders, guidance, or recommendations made in support of or continuance of the relevant action) become legally void.

(11) Where under any of the above provisions the advice of the Children's Commissioner is sought, the Children's Commissioner shall set out in writing his or her advice on the following matters—

- the foreseeable impacts of any closures of schools on the affected children and young people,
- any reasonable actions that could be taken to mitigate those impacts,
- whether the anticipated benefits for those children of the closures identified by the public authority appear to him or her to outweigh the foreseeable impacts of closures for those children, and
- any other matters which appear to him or her to be relevant.

(12) The Children's Commissioner is entitled to require the public authority or the Secretary of State to provide such further information, assistance, and resources as he or she considers necessary in order to set out his or her advice on a particular action and the public authority or the Secretary of State, as the case may be, shall provide such information, assistance or resources as soon as reasonably practicable.

(13) For the purposes of this section—

“children” means persons under the age of 18;

“civil emergency” shall include any emergency situation which could constitute an emergency for the purposes of section 1 of the Civil Contingencies Act 2004 or which has otherwise been identified as a risk in the UK's National Security Risk Assessment. For the avoidance of doubt an emergency need not be the subject of measures taken under the Civil Contingencies Act 2004 to be a civil emergency for the purposes of this Act;

“closure” in relation to schools, means any action to discourage, restrict or prevent in person attendance at those institutions or premises by children and young people who would ordinarily be entitled to attend, or any sub-group or class of such children or young people;

“open for in person attendance” in relation to schools, means being open for the attendance by all of the children who would ordinarily, and but for the occurrence of a civil emergency, be entitled to attend those institutions or premises, during their normal hours of operation;

“open for in person attendance” does not include the provision of online learning or other remote learning services nor the keeping of such

institutions or premises open for physical attendance only for a sub-group or class of those children or young people who would ordinarily be entitled to attend;

“public authority” has the same meaning as in section 6 of the Human Rights Act 1998 save that a court or tribunal is not included for these purposes.”

Member's explanatory statement

The purpose of the amendment is to enact a statutory duty to keep schools open for in person attendance in future public health and other civil emergencies, unless Parliament expressly approves, and continues every two weeks to approve, any closures.

BARONESS MORGAN OF COTES
 BARONESS LISTER OF BURTERSETT
 THE LORD BISHOP OF GLOUCESTER

208 After Clause 63, 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 MORGAN OF COTES
LORD FREYBERG

209 After Clause 63, insert the following new Clause—

“Allergy safety provisions in schools

- (1) Within 12 months of the day on which this Act is passed, all schools in England must—
 - (a) adopt a school allergy and anaphylaxis policy,
 - (b) obtain individual healthcare and anaphylaxis action plans for all pupils with allergies,
 - (c) purchase and store in-date adrenaline auto-injectors on school property,
 - (d) provide training for school staff on allergy awareness and administrating adrenaline auto-injectors, and
 - (e) record any allergic reactions in the pupil's individual healthcare and anaphylaxis action plan.
- (2) The Secretary of State must provide guidance to schools on the implementation of subsection (1) within six months of the day on which this Bill is passed.”

Member's explanatory statement

This amendment seeks to introduce mandatory allergy safety policies for all schools in England.

LORD FREYBERG

As an amendment to Amendment 209

210 After subsection (1)(a), insert—

- “(aa) ensure that the school's allergy and anaphylaxis policy applies to any external catering provider operating on school premises and that such providers comply with the policy when preparing and serving food to pupils,”

Member's explanatory statement

This amendment clarifies that a school's allergy and anaphylaxis policy must also apply to external catering providers operating on school premises, ensuring that caterers follow the same procedures as school staff when preparing and serving food to pupils.

LORD FREYBERG

As an amendment to Amendment 209

211 [Withdrawn]

LORD FREYBERG

As an amendment to Amendment 209

212 After subsection (1)(a), insert—

- “(aa) ensure that any contract agreed with an external provider includes—
 - (i) a requirement for the provider to comply with the school’s allergy and anaphylaxis policy, and
 - (ii) actions to be taken by the provider in response to allergic reactions,”

Member's explanatory statement

This amendment requires schools to ensure that external catering providers are contractually bound to comply with the school’s allergy and anaphylaxis policy.

LORD FREYBERG

As an amendment to Amendment 209

213 After subsection (1)(a), insert—

- “(aa) be provided with in-date adrenaline auto-injectors by the NHS,”

Member's explanatory statement

This amendment and another in the name of Lord Freyberg seek to ensure that schools do not have to pay for adrenaline auto-injectors.

LORD FREYBERG

As an amendment to Amendment 209

214 In subsection (1)(c) leave out “purchase and”

Member's explanatory statement

This amendment and another in the name of Lord Freyberg seek to ensure that schools do not have to pay for adrenaline auto-injectors.

BARONESS BARRAN
BARONESS CASS
LORD HAMPTON
BARONESS KIDRON

215 After Clause 63, 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—

- “smartphone” 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.

LORD ADDINGTON

As an amendment to Amendment 215

216 After subsection (2)(b), insert—

- “(ba) may provide for exemptions for assistive technologies that are deemed necessary for a student's education,”

Member's explanatory statement

This amendment would add assistive technologies that are necessary for students' education, to the list of exemptions that can apply to the prohibition of smartphone use and possession.

BARONESS BARRAN
LORD HAMPTON

217 After Clause 63, insert the following new Clause—

“Permanent exclusion: assessment

After being informed that a pupil has been permanently excluded from a school or academy, the local authority must carry out an assessment under paragraph 3 (assessment of children's needs) of Schedule 2 of the Children Act 1989.”

Member's explanatory statement

This amendment seeks to require the local authority to undertake an assessment of the needs of the child if they are permanently excluded from school.

BARONESS BARRAN

218 After Clause 63, insert the following new Clause—

“Behaviour improvement: presumption against reinstatement for children who engage in extremely serious behaviour

- (1) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033) are amended as follows.
- (2) In regulation 6, after paragraph (3) insert—

“(3A) For any pupil engaged in any of the circumstances set out in sub-paragraphs (a) to (c), the presumption should be that the governing body must not reinstate the pupil unless a risk assessment has been carried out which demonstrates that the student does not present a heightened risk factor to other students and staff—

- (a) where a pupil’s possession of a knife or other offensive weapon was a factor in the decision to exclude the child;
- (b) where the pupil’s behaviour which led to their being excluded included sexual assault;
- (c) where the pupil’s behaviour which led to their being excluded included assault against a teacher.

(3B) Any risk assessment required under paragraph (3A) must demonstrate how this risk has been eliminated or negated.

(3C) Where a pupil has not been reinstated as a result of conditions under paragraph (3A), the pupil must be relocated to an environment that is more suitable to their challenging behaviour, such as a People Referral Unit or Alternative Provision or similar.””

Member's explanatory statement

This amendment seeks to probe the Government’s willingness to introduce a presumption against the reinstatement of a child who has been excluded for possession of a knife or other offensive weapon, sexual assault, or assault against a teacher. It would instead mean that the pupil must be relocated to an environment that is more suitable to challenging behaviour.

BARONESS BARRAN

219 After Clause 63, insert the following new Clause—

“Behaviour improvement: presumption against reinstatement in a mainstream school for children who have been permanently excluded on two occasions

- (1) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033) are amended as follows.
- (2) In regulation 6, after paragraph (3) insert—

“(3A) Where a pupil has been permanently excluded on two occasions, the presumption should be the governing body of any mainstream school must not

reinstate the pupil unless a risk assessment has been carried out which demonstrates that the student does not present a heightened risk factor to other students and staff, in which case the school must be able to demonstrate how this risk has been eliminated or negated.

(3B) Where a pupil has not been reinstated as a result of conditions under paragraph (3A), the pupil must be relocated to an environment that is more suitable to their challenging behaviour, such as a People Referral Unit or Alternative Provision or similar.””

Member's explanatory statement

This amendment seeks to probe the Government's willingness to introduce a presumption against the reinstatement of a child who has been permanently excluded on two occasions from any mainstream school from being moved to another mainstream school and relocated to an environment that is more suitable to their challenging behaviour, such as a Pupil Referral Unit or Alternative Provision or similar.

BARONESS BARRAN

220 After Clause 63, insert the following new Clause—

“Guidance for schools on gender questioning children

- (1) The Secretary of State must publish statutory guidance for schools on gender questioning children on the day on which this Act is passed.
- (2) A relevant school must have regard to the guidance on gender questioning children published by the Secretary of State under this section.””

Member's explanatory statement

This amendment seeks to require the Department for Education to publish the guidance for schools on gender questioning children and schools must have regard for the guidance.

BARONESS LISTER OF BURTERSETT
LORD MESTON
THE LORD BISHOP OF GLOUCESTER
BARONESS WALMSLEY

221 After Clause 63, 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 nature that has or will have a direct or indirect impact on children's wellbeing, social care or education.
- (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 feelings 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 will have a direct or indirect impact on children's wellbeing, social care or education at the earliest possible opportunity and prior to making final decisions.
- (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 on the steps taken to ensure that child rights impact assessments undertaken fully consider all relevant articles of the UN Convention on the Rights of the Child and are carried out consistently for any legislative provision, policy decision, budgetary decision, or other decision of a strategic nature that has or will have a direct or indirect impact on children's wellbeing, social care or education.
- (6) A report published under subsection (5) must include—
 - (a) an assessment of how CRIAs have contributed to securing better or further effect of the rights set out in the UNCRC in relation to children's wellbeing, social care and education;
 - (b) steps taken to promote understanding and awareness of CRIAs across government departments;
 - (c) guidance and training provided to government departments to support the production child rights impact assessments.
- (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 United Kingdom 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 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 decision as they relate to children's wellbeing, social care or education, and to periodically

report on the steps taken to ensure that such reports fully consider all relevant articles of the UN Convention on the Rights of the Child and are carried out consistently across government.

LORD STOREY

222 After Clause 63, insert the following new Clause—

“National tutoring guarantee”

- (1) The Secretary of State must, within six months of the day on which this Act is passed, 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 JACKSON OF PETERBOROUGH

223 After Clause 63, 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).
- (7) The Education and Inspections Act 2006, sections 88 to 94 (School Discipline).”

LORD JACKSON OF PETERBOROUGH

224 After Clause 63, 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 paragraph (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

225 After Clause 63, 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 paragraph (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 to 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

226 After Clause 63, 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 TARASSENKO
BARONESS KIDRON

227 After Clause 63, insert the following new Clause—

“Register of software tools permitted in schools

- (1) Within six months of the day on which this Act is passed, the Secretary of State must prepare a register of software tools, including websites, which may be used by pupils for educational purposes in schools.
- (2) For their software to be listed on the register, a provider must—
 - (a) ensure their software adheres to standards set out in—
 - (i) the Age Appropriate Design Code,
 - (ii) the Online Safety Act 2023,
 - (iii) the ‘curriculum principles’ section of the final report of the 2025 Curriculum and Assessment Review, and
 - (iv) any other standards of privacy or online safety which apply to educational settings, and
 - (b) provide a helpline or adequate system for reporting any hazards, privacy breaches, or safety failures.

- (3) In establishing that the software meets the standards set out in subsection (2)(a), the Secretary of State must consult with—
 - (a) experts in data protection and online safety,
 - (b) educators,
 - (c) curriculum and school representatives, and
 - (d) any other parties the Secretary of State deems relevant.
- (4) Software tools included on the register must be whitelisted by school network firewall systems.”

LORD ADDINGTON

228 After Clause 63, insert the following new Clause—

“Obligation to deliver the National Curriculum to a child with SEND

In exercising any duty to secure that the National Curriculum is taught to a pupil for whom special educational provision is made, the proprietor of a school must ensure that—

- (a) there are effective arrangements in place to identify, as early as reasonably practicable, pupils who may have special educational needs or disabilities,
- (b) for each such pupil, a written SEND support plan is prepared and regularly reviewed, setting out the adjustments, adaptations or disapplications from the National Curriculum, and any additional provision, reasonably required for that pupil to make progress, and
- (c) teachers and other staff have sufficient time, training and access to specialist advice to implement that plan, and to refine it in response to the pupil’s progress.”

Member's explanatory statement

This amendment would make clear that, in relation to children with SEND, the duty to teach the National Curriculum must be exercised in a way which enables schools to identify needs early and to prepare and deliver a tailored SEND support plan. It is intended to give schools greater capacity and professional agency to adapt or depart from the National Curriculum where necessary, and to ensure staff have the time, training and support needed to act on children’s SEND needs.

LORD ADDINGTON

229 After Clause 63, 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 must include, but need not be limited to—

- (a) supporting schools to develop and maintain effective systems for the early identification and assessment of children with SEND,
- (b) developing and disseminating national tools, guidance and model frameworks for SEND support plans and the graduated response to SEND,
- (c) promoting and coordinating high-quality training and professional development for the school workforce on identifying and meeting SEND, and
- (d) advising the Secretary of State and local authorities on how funding and other resources should be targeted to build schools' capacity to identify, plan for and meet the needs of children with SEND.

(3) In exercising its functions, the national body for SEND must have regard to the views and experiences of—

- (a) children and young people with SEND,
- (b) parents and carers, and
- (c) schools, academy trusts and local authorities.”

Member's explanatory statement

This amendment would require the Secretary of State to establish a national body for SEND with a specific focus on building schools' capacity and professional agency to identify children with SEND early and to put in place high-quality SEND support plans. The body would develop tools and guidance, support workforce training and advise on the targeting of resources needed for schools to act effectively on children's SEND needs.

LORD ADDINGTON

230

After Clause 63, 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.

BARONESS BURT OF SOLIHULL

231

After Clause 63, insert the following new Clause—

“Spiritual, moral, social and cultural education in assemblies

- (1) Chapter 6 of Part 2 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.

BARONESS BURT OF SOLIHULL

232

After Clause 63, insert the following new Clause—

“Inclusion of non-religious beliefs in religious education

(1) Section 375 of the Education Act 1996 (agreed syllabuses of religious education) 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;
 “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
 BARONESS TYLER OF ENFIELD
 LORD LAYARD
 LORD WATSON OF INVERGOWRIE

233 After Clause 63, 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 a voluntary annual online national survey of the wellbeing of children in relevant schools in England;
- (b) make provision for school, parental and student consent to participation in the survey, ensuring that participation is voluntary and that results are handled confidentially;
- (c) provide central analysis of data and support for schools in the administration of the survey;
- (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.”

Member's explanatory statement

This amendment would require the department to introduce a national wellbeing measurement programme, based on a survey that would be voluntary for schools and pupils. The intention is to protect the anonymity of participants, ensure that no one is compelled to take part, and safeguard the privacy of any information provided.

BARONESS BARRAN

234 After Clause 63, insert the following new Clause—

“Device-based examinations: secondary education examinations

- (1) Before the beginning of the 2026/27 academic year the Secretary of State must, by regulations made by statutory instrument, require examination boards to ensure that all secondary education examinations are completed by pupils by hand, and not by means of a computer or a personal electronic device.
- (2) Any regulations made under subsection (1) may provide for exceptions—
 - (a) in relation to the examination of subjects for which computer or device use proficiency is a core element of the subject, such as computing and music technology, or
 - (b) where completing an exam by means of a computer or a personal electronic device—
 - (i) is more appropriate for a pupil with special educational needs or disabilities, or
 - (ii) is required by a pupil's education, health and care plan.
- (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
- (4) For the purposes of this section “pupil” has the meaning given by the section 3 of the Education Act 1996 (definition of pupil etc).”

Member's explanatory statement

This amendment seeks to ensure that secondary education examinations are completed by hand and without pupils needing to use a computer or a personal electronic device, subject to relevant subject or SEND exceptions.

BARONESS BARRAN

235 After Clause 63, insert the following new Clause—

“Device-based examinations: reception baseline assessments

- (1) Before the beginning of the 2026/27 academic year, the Secretary of State must, by regulations made by statutory instrument, require that reception baseline assessments are completed by pupils otherwise than by means of a computer or a personal electronic device.
- (2) Any regulations made under subsection (1) may provide for exceptions for pupils with special educational needs or disabilities.
- (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.
- (4) For the purposes of this section “pupil” has the meaning given by the section 3 of the Education Act 1996 (definition of pupil etc).”

Member's explanatory statement

This amendment would ensure that the reception baseline assessment is completed without pupils needing to be able to use a computer or a personal electronic device, unless relevant SEND exceptions apply.

BARONESS BARRAN

236 After Clause 63, insert the following new Clause—

“Right to opt out from device-based homework

- (1) Before the beginning of the 2026/27 academic year, the Secretary of State must, by regulations made by statutory instrument, confer a right for parents to elect, by giving notice in writing to a school, for their child to receive, complete and submit homework tasks otherwise than by means of a computer or a personal electronic device.
- (2) Any regulations made under subsection (1)—
 - (a) must apply to all schools in England;
 - (b) may provide for parents to withdraw any notice previously given to a school, provided they give reasonable warning;
 - (c) may provide for schools temporarily to disregard any such notice in relation to certain or all subjects—
 - (i) by agreement with the parents,
 - (ii) if the headteacher reasonably considers in relation to a particular pupil that it is necessary to do so to accommodate the medical or educational needs of that pupil and provided that the school has first consulted with the parents, or
 - (iii) in exceptional circumstances if the headteacher reasonably considers that it is necessary to do so to maintain continuity of

educational provision for particular pupils or for all pupils attending the school.

- (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.
- (4) For the purposes of this section “parent”, “pupil” and “school” have the meanings given in the Education Act 1996 (see sections 3, 4 and 576 of that Act).”

Member's explanatory statement

This amendment establishes a right for parents to ensure their child is able to complete homework without the use of a computer or personal device.

BARONESS TYLER OF ENFIELD

237 After Clause 63, insert the following new Clause—

“Mental health support in schools

- (1) In exercising functions relating to the commissioning, funding and guidance of Mental Health Support Teams, the Secretary of State must ensure that children and young people are able to access emotional and mental health support within their school, delivered by practitioners registered with, or accredited by, a body recognised by the Secretary of State.
- (2) This must include access to school-based counselling or equivalent therapeutic support for pupils whose needs—
 - (a) are too complex for low-intensity interventions, but
 - (b) do not meet the threshold for referral to specialist child and adolescent mental health services.
- (3) Guidance issued by the Secretary of State in connection with mental health support in schools must set out how teams can have access to counselling support alongside existing roles, including through commissioning arrangements, partnership working, or referral pathways.”

Member's explanatory statement

This amendment requires the Secretary of State to ensure Mental Health Support Teams provide access to counselling or equivalent therapeutic support in schools for pupils whose needs exceed low-intensity interventions but fall below CAMHS thresholds.

BARONESS KIDRON
BARONESS CASS
LORD RUSSELL OF LIVERPOOL

238 After Clause 63, insert the following new Clause –

“Code of practice on the efficacy of education technology in schools

- (1) The Secretary of State must prepare a statutory code of practice on the efficacy of educational technology (“EdTech”) for teaching in schools within 18 months of the date on which this Act is passed.
- (2) The code of practice must set pedagogical standards for EdTech used in schools, including digital products, software or services used for teaching, learning, assessment, or communication.
- (3) The standards under subsection (2) must –
 - (a) consider all types of schools;
 - (b) require transparency and efficacy of EdTech products and services in line with pedagogical standards currently used for measurement of attainment and the wellbeing of children in the provision of education.
- (4) In preparing a code or amendments under this section, the Secretary of State must –
 - (a) have regard to the fact that children may have different requirements at different ages and stages of development,
 - (b) have regard to the costs of EdTech products and services to school budgets,
 - (c) have regard to the need to support innovation to enhance children’s education and learning opportunities, including testing of novel products and supporting the certification and development of standards, and
 - (d) ensure that the benefits from EdTech products and services developed using children’s data accrue to the United Kingdom.
- (5) In preparing a code or amendments under this section, the Secretary of State must consult with –
 - (a) educators,
 - (b) children,
 - (c) parents,
 - (d) persons who appear to the Secretary of State to represent the interests of teachers,
 - (e) persons who appear to the Secretary of State to represent the interests of children,
 - (f) persons who appear to the Secretary of State to represent the interests of schools,
 - (g) child development experts,
 - (h) curriculum and subject experts,
 - (i) trade associations,
 - (j) the AI Security Institute, and
 - (k) the relevant education department for each nation of the United Kingdom.

- (6) The Secretary of State must prepare a report, in consultation with persons listed in subsection (5), on the steps required to develop a certification scheme for EdTech products and services to enable the industry to demonstrate the efficacy of its products in line with the standards under subsection (2).
- (7) The certification scheme under subsection (6) must be a minimum requirement for the procurement of EdTech products and services in schools (of any status) in England.
- (8) Where requested, evidence of compliance with the code under subsection (1) or a certification standard prepared under subsection (6) must be provided by relevant providers of EdTech products and services in a manner that satisfies the obligations of education providers under the Code.”

Member's explanatory statement

This amendment requires the Secretary of State to prepare a statutory code of practice which establishes minimum pedagogical standards for EdTech used in schools. In the process, they must consult with stakeholders and prepare a report in advance of the code's creation.

BARONESS KIDRON
BARONESS CASS
LORD RUSSELL OF LIVERPOOL

239 After Clause 63, 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 within 12 months of the date the Act is passed.
- (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;
 - (e) set out that filtering and monitoring systems' data collection practices must be limited to that necessary to perform filtering and monitoring functions, and meet the standards of any relevant codes of practice published by the Information Commissioner's Office;

- (f) ensure that providers of filtering and monitoring systems comply with all child protection laws and duties.
- (5) Nothing in subsections (4)(a) to (e) must prevent teachers and school safeguarding professionals from carrying out their safeguarding duties.
- (6) Filtering and monitoring standards set out in subsection (4) must be certified by an accreditation scheme sanctioned by the Department for Education.
- (7) 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 (4).
- (8) 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 (7), are conducted and recorded;
 - (c) incidents or breaches are recorded.”

Member's explanatory statement

This amendment requires the Secretary of State to put existing filtering and monitoring standards on a statutory footing to ensure that filtering and monitoring systems used by schools are effective, protect data, and enable teachers and schools to carry out their safeguarding duties.

BARONESS KIDRON
BARONESS CASS
LORD RUSSELL OF LIVERPOOL

240 After Clause 63, 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 to children within six months of the date on which this Act is passed.
- (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 United Kingdom 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 United Kingdom 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 United Kingdom children's data accrue to the United Kingdom.

(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 code of practice.

- (7) The Commissioner must begin consultation on the report in subsection (6) within 60 days of the date on which this Act is passed.
- (8) Where requested by an education service, evidence of compliance with the code of practice must be provided by relevant providers of commercial products and services in a manner that satisfies the education service's obligations under the Code.
- (9) The Commissioner must publish an audit of major EdTech providers within three months of the date on which this Act is passed.
- (10) 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; and 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.”

Member's explanatory statement

This amendment requires the ICO to publish a code of practice for educational technology within an established time frame of six months from when the Act is passed. It also requires the ICO to carry out a consultation and publish its ongoing audit of EdTech providers in advance of the Code's publication.

LORD MOTT

241 After Clause 63, 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.”

Member's explanatory statement

This amendment would commission a report on the educational attainment of school age children with a parent who is in prison, making recommendations for how their educational attainment can be improved.

LORD WATSON OF INVERGOWRIE

242 After Clause 63, 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, building on existing guidance and current programmes of support.
- (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;
 - (f) promoting consistency and equity of access to mental health and wellbeing support across schools and local areas.
- (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 BOYCOTT

243 After Clause 63, insert the following new Clause—

“Safe and Resilient Schools Plan

- (1) All new school buildings must be net zero in operation, and designed for a 2°C rise in average global temperatures and future-proofed for a 4°C rise.
- (2) All new school buildings must be built to adapt to the risks of climate change, including increased flooding and higher indoor temperatures.

- (3) The Secretary of State must within two years of the day on which this Act is passed—
 - (a) publish a national Safe and Resilient Schools Plan which sets out how existing school buildings can reach net zero and be resilient to climate risks, and
 - (b) by regulations made by statutory instrument, set a target date and delivery roadmap for implementation of the Safe and Resilient Schools Plan.
- (4) A statutory instrument containing regulations under subsection (3) 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 make the Department for Education's existing guidance around new school buildings statutory, and require government to publish and implement a plan which ensures that existing school buildings are resilient to climate risks, like overheating and flooding, and reach net zero.

LORD YOUNG OF ACTON

243A After Clause 63, insert the following new Clause—

“Safeguarding in educational settings: political views

When making safeguarding assessments or investigating safeguarding complaints in relation to teachers, visitors or volunteers in schools and other educational settings, no account may be taken of the political views expressed or presented by the subject of that safeguarding assessment or complaint, provided those views are not—

- (a) unworthy of respect in a democratic society,
- (b) in conflict with the fundamental rights of others, or
- (c) affiliated with any political party, group or organisation which is proscribed for the purposes of the Terrorism Act 2000.”

Member's explanatory statement

This amendment would stop 'safeguarding' policies and procedures being misused for political purposes, such as the recent no-platforming of a Jewish Labour MP by a school in Bristol for 'safeguarding' reasons.

After Clause 64

BARONESS SMITH OF MALVERN

244 After Clause 64, insert the following new Clause—

“Power to make consequential provision: Wales

- (1) The Welsh Ministers may by regulations make provision that is consequential on any of the following provisions of this Act—
 - (a) section 11 (use of accommodation for deprivation of liberty);

- (b) section 12(5) (service of documents under Part 2 of the Care Standards Act 2000);
- (c) section 20 (ill-treatment or wilful neglect: children aged 16 and 17);
- (d) sections 31 to 36 (children not in school).

(2) Regulations under subsection (1) may contain only provision which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd.

(3) Regulations under this section may amend, repeal or revoke provision made by or under—

- (a) an Act or Measure of Senedd Cymru passed before this Act, or
- (b) an Act passed or made before, or in the same session of Parliament as, this Act.

(4) Regulations under this section are to be made by Welsh statutory instrument (see section 37A of the Legislation (Wales) Act 2019 (anaw 4)).

(5) Except as provided by subsection (6), regulations made under this section are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).

(6) Regulations made under this section that amend, repeal or revoke provision made by or under an Act or Measure of Senedd Cymru, or an Act, are subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019 (anaw 4)).

(7) The power to make regulations under this section includes power to make—

- (a) supplementary, incidental, transitional or saving provision;
- (b) different provision for different purposes or areas.”

Member's explanatory statement

This amendment would insert a new clause into the Bill conferring power on the Welsh Ministers to make provision that is consequential on certain provisions made by the Bill in relation to matters that are within the legislative competence of Senedd Cymru.

BARONESS SMITH OF MALVERN

245

After Clause 64, insert the following new Clause—

“Power to make consequential provision: Scotland

- (1) The Scottish Ministers may by regulations make provision that is consequential on section 11 (use of accommodation for deprivation of liberty).
- (2) Regulations under subsection (1) may contain only provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (3) Regulations under this section may amend, repeal or revoke provision made by or under—
 - (a) an Act of the Scottish Parliament passed before this Act, or

- (b) an Act passed or made before, or in the same session of Parliament as, this Act.
- (4) For provision about instruments containing regulations under this section, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).
- (5) Except as provided by subsection (6), regulations made under this section are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (6) Regulations made under this section that amend, repeal or revoke provision made by or under an Act of the Scottish Parliament, or an Act, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (7) The power to make regulations under this section includes power to make—
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes or areas.”

Member's explanatory statement

This amendment would insert a new clause into the Bill conferring power on the Scottish Ministers to make provision that is consequential on Clause 11 of the Bill (use of accommodation for deprivation of liberty) in relation to matters that are within the legislative competence of the Scottish Parliament.

Clause 67

BARONESS SMITH OF MALVERN

246 Clause 67, page 127, line 28, leave out “regulations or an order;” and insert “—

- “(i) regulations, or
- (ii) in relation to the amendments made to the Education Act 2002 by Schedule 3, an order;”

Member's explanatory statement

This amendment would clarify that the reference in clause 67(1) to orders is only to orders under the Education Act 2002 (as amended by Schedule 3).

BARONESS BARRAN

247 Clause 67, page 127, line 28, at end insert—

- “(aa) section (*Guidance for schools on gender questioning children*);”

Member's explanatory statement

This amendment ensures another amendment in the name of Baroness Barran would take effect on the day the Act is passed.

LORD STOREY

248 Clause 67, page 128, line 1, leave out paragraph (g)

BARONESS SMITH OF MALVERN

249 Clause 67, page 128, line 6, after second “by” insert “Welsh”

Member's explanatory statement

This amendment and my amendment to Clause 67 at page 128, line 21, would change references to a “statutory instrument” containing regulations made by the Welsh Ministers to a “Welsh statutory instrument” in consequence of changes made by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

BARONESS BARRAN

250 Clause 67, page 128, line 9, at end insert –

“(3A) Section 3 may not come into force until the Secretary of State has published guidance to clarify how the duties inserted into the Children Act 2003 by that section will be delivered and funded, including for non-statutory agencies.”

Member's explanatory statement

This amendment seeks to probe what capacity will be needed to manage all Section 47 cases and how this will be funded.

BARONESS BARRAN

251 Clause 67, page 128, line 9, at end insert –

“(3A) Section 3 may not come into force until the Secretary of State has set out the respective responsibilities of each partner agency in securing the effective delivery of the MACPTs under the changes made to the Children Act 2004 by that section.”

Member's explanatory statement

This amendment seeks to probe whether the responsibility for the effectiveness of the MACPT rest with all partners and not just the local authority.

LORD BELLINGHAM

252 Clause 67, page 128, line 9, at end insert –

“(3A) Section 10 may not come into force until the Secretary of State has published an evaluation of the impact, cost and effectiveness of the Regional Care Cooperatives pathfinder areas.”

Member's explanatory statement

This amendment would delay the implementation of regional cooperation arrangements until the pilots can be fully evaluated.

BARONESS SMITH OF MALVERN

253 Clause 67, page 128, line 21, after second “by” insert “Welsh”

Member's explanatory statement

See my amendment to Clause 67 at page 128, line 6.

Schedule 2

LORD WEI

254★ Leave out Schedule 2

Member's explanatory statement

This amendment is consequential on the removal of Clause 32. Schedule 2 contains amendments to other Acts that are necessary only for the operation of the register. If the register is not established, this provision is redundant.

Children's Wellbeing and Schools Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

15 January 2026

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