

Children's Wellbeing and Schools Bill

FOURTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 27

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.”

BARONESS BENNETT OF MANOR CASTLE

110C After Clause 27, insert the following new Clause –

“Report on private provision of children's social care

Within two years of the day on which this Act is passed the Secretary of State must lay a report before Parliament on the cost-effectiveness and appropriateness of for-profit provision of children’s social care, including consideration of ways in which its use might be ended.”

Member's explanatory statement

This amendment seeks to examine the costs and appropriateness of private provision of children's social care, and consider alternatives.

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 [Withdrawn]

BARONESS BARRAN
LORD HAMPTON

116 [Withdrawn]

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
BARONESS BENNETT OF MANOR CASTLE

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.

BARONESS BENNETT OF MANOR CASTLE

119A After Clause 30, insert the following new Clause—

“School uniforms: report on health considerations

Within two years of the day on which this Act is passed the Secretary of State must lay before Parliament a report on the health implications of current school uniform provision and rules, and how this might be regulated and improved, including, but not limited to, consideration of—

- (a) the health impacts of materials used, particularly those comprised of or including artificial fibres and dyes, and using chemical treatments;
- (b) the suitability for the encouragement of movement and physical activity;
- (c) the suitability for changing climatic conditions, particularly hot weather.”

Member's explanatory statement

This amendment seeks to examine the health impacts of school uniforms, with a view to ensuring maximum health and wellbeing of pupils.

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.

LORD CRISP

As an amendment to Amendment 120

120A★ At end insert—

- “(4A) Condition B does not apply to a child who has been adopted, if the action specified in subsection (4)(b) occurred before the child was adopted.”

Member's explanatory statement

This amendment seeks to ensure that parents are not required to receive local authority consent to withdraw adopted children from school if action was taken under section 47(8) of the Children Act 1989 in respect of the child before they were adopted.

LORD HAMPTON

121 [Withdrawn]

BARONESS BARRAN
LORD HAMPTON
LORD RUSSELL OF LIVERPOOL
BARONESS TYLER OF ENFIELD

121A Clause 31, page 55, line 2, at end insert —

- “(c) conducting or has ever initiated proceedings under section 31 of the Children Act 1989 (care and supervision),
- (d) 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 conducted enquiries or has ever taken action 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 must consent to the withdrawal of a child from school if there are currently, or have ever been, enquiries, proceedings or action initiated in relation to the child under section 31 or 47 of the Children Act 1989 or the child is currently classified as a child in need under section 17 of that Act.

BARONESS BARRAN

121B Clause 31, page 55, line 14, at end insert —

- “(za) must consult any other individual with parental responsibility for the child,”

Member's explanatory statement

This amendment would ensure that the views of a non-resident parent would be sought as part of the local authority's decision whether or not to give consent to a child being home-educated.

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
LORD HAMPTON
LORD RUSSELL OF LIVERPOOL
As an amendment to Amendment 131

131A After subsection (8)(b), insert —

- “(c) must request a visit if the local authority has ever taken any action under sections 31 or 47 of the Children Act 1989 or is currently taking action under section 17 of that Act, in relation to the child.”

Member's explanatory statement

This amendment would require the local authority to conduct a home visit where a child has ever been subject to care proceedings, named in a child protection plan or is currently classified as a child in need.

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

This amendment replaces Amendment 135

134A Clause 32, page 58, leave out lines 17 to 19 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.

LORD HACKING

135 [Withdrawn]

BARONESS BARRAN
LORD CRISP

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 BARRAN

135B Clause 32, page 58, leave out lines 18 to 36

Member's explanatory statement

This amendment, linked with others in the name of Baroness Barran, seeks to focus the information required for the register on safeguarding.

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 BARRAN

143A [Withdrawn]

BARONESS BARRAN

143B Clause 32, page 59, line 32, at end insert —

“(ga) whether the local authority has ever made an application under section 31 of Children Act 1989 (care and supervision) in respect of the child or another child in the same household;”

Member's explanatory statement

This amendment, linked with others in the name of Baroness Barran, seeks to include information in relation to care proceedings both for the child and their siblings in the register on safeguarding.

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 BARRAN

146A Clause 32, page 60, leave out lines 4 to 9

Member's explanatory statement

This amendment, linked with others in the name of Baroness Barran, seeks to limit the extent of information that the Secretary of State or Welsh Ministers can add to the register.

BARONESS BARRAN

146B Clause 32, page 60, leave out lines 10 and 11 and insert —

“(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, linked with others in the name of Baroness Barran, seeks to focus the information required for the register on safeguarding.

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

BARONESS JONES OF MOULSECOOMB

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, complaints 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

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 [Withdrawn]

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** [Withdrawn]

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.

After Clause 33

LORD WEI

- 172A After Clause 33, insert the following new Clause –

“Cybersecurity of register

The National Cyber Security Centre (or an equivalent body designated by the Secretary of State) must inspect the arrangements for the security of the register of children not in school established by section 32 and may certify them if –

- (a) they are in line with best practice, and
- (b) testing of the systems is complete.”

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
LORD LUCAS
LORD MARKS OF HALE

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 or after they have ended their teaching career.

LORD KNIGHT OF WEYMOUTH
BARONESS EVANS OF BOWES PARK

- 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.

After Clause 46

LORD MOHAMMED OF TINSLEY
BARONESS BARRAN

191A After Clause 46, insert the following new Clause –

“Accompaniment at disciplinary and grievance hearings in schools

- (1) Where a relevant school conducts a disciplinary or grievance hearing in relation to a member of staff, that person is entitled to be accompanied by –
 - (a) a trade union representative or official,
 - (b) a workplace colleague, or
 - (c) a person acting in a professional capacity to provide workplace or employment-related support to the member of staff.
- (2) A person accompanying a member of staff under this section –
 - (a) may address the hearing, put the member of staff’s case, sum up that case and respond on the member of staff’s behalf to any views expressed at the hearing, and
 - (b) may confer with the member of staff during the hearing,but may not answer questions on the member of staff’s behalf or act as a legal representative or advocate.
- (3) Nothing in this section –
 - (a) limits any entitlement to be accompanied by a trade union representative or official under any other enactment, or
 - (b) restricts the rights of trade unions or their members under Article 11 of the European Convention on Human Rights.
- (4) In this section “relevant school” means –
 - (a) an Academy,
 - (b) an alternative provision Academy,
 - (c) a maintained school,
 - (d) a non-maintained special school, or
 - (e) a pupil referral unit.”

Member's explanatory statement

This amendment provides that a member of staff at a state-funded school may be accompanied at a disciplinary or grievance hearing by a trade union representative, a workplace colleague, or a professional companion providing workplace or employment-related support. It aligns the permitted role and functions of such a companion with section 10 of the Employment Relations Act 1999 and does not permit legal representation or advocacy.

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.

THE LORD BISHOP OF PORTSMOUTH
BARONESS RITCHIE OF DOWNPATRICK

As an amendment to Amendment 193

- 193A** In inserted section 122B, in subsection (3), at end of paragraph (b) insert “, and
(c) any relevant religious body.”

Member's explanatory statement

This amendment, and another in the name of the Lord Bishop of Portsmouth, seeks to ensure that relevant religious bodies are notified directly of the outcome of inspections, as is currently the case in individual school inspections as provided for in section 14 of the Education Act 2005.

THE LORD BISHOP OF PORTSMOUTH
BARONESS RITCHIE OF DOWNPATRICK

As an amendment to Amendment 193

- 193B** In inserted section 122H, in subsection (3)(a), after sub-paragraph (ii) insert –
“(iii) any relevant religious body, and”

Member's explanatory statement

This amendment, and another in the name of the Lord Bishop of Portsmouth, seeks to ensure that relevant religious bodies are notified directly of the outcome of inspections, as is currently the case in individual school inspections as provided for in section 14 of the Education Act 2005.

THE LORD BISHOP OF PORTSMOUTH

As an amendment to Amendment 193

- 193C** After inserted section 122H, insert –
“*Inspection of Academies with a religious character*”

122HA Inspection in respect of Academies with a religious character

- (1) This section applies where an Academy proprietor is the proprietor of one or more Academies which have been designated as having a religious character or which are to be treated as having been so designated by virtue of section 6(8) (effect of Academy order) of the Academies Act 2010 (“the relevant Academies”).

- (2) It is the duty of the Academy proprietor to secure that the matters set out in subsection (3) are inspected.
- (3) The matters to be inspected under this section are the quality and effectiveness of the Academy proprietor's leadership, management and governance in connection with the religious character, ethos and mission of the relevant Academies including—
 - (a) the conduct of each of the relevant Academies in accordance with its trust deed,
 - (b) denominational education and the content of collective worship at the relevant Academies, and
 - (c) the spiritual, moral social and cultural education of the pupils at the relevant Academies.
- (4) An inspection under this section is to be conducted by a person chosen—
 - (a) by the relevant religious body, or
 - (b) if there is more than one relevant religious body, in accordance with an agreement between the relevant religious bodies, or
 - (c) if there is no such agreement, by one of the relevant religious bodies chosen by the Academy proprietor.
- (5) Inspections under this section must be carried out at such intervals as may be prescribed in regulations by the Secretary of State.
- (6) It is the general duty of a person conducting an inspection under this section to report on the matters set out in subsection (3).
- (7) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.
- (8) When the inspection has been completed, the person conducting the inspection must—
 - (a) before the end of the period prescribed for the purposes of this subsection, prepare in writing a report of the inspection, and
 - (b) send the report to the Academy proprietor.
- (9) The Academy proprietor must—
 - (a) make a copy of any report sent to it under subsection (8) available for inspection by members of the public,
 - (b) provide a copy of the report, free of charge, on request, and
 - (c) take such steps as are reasonably practicable to secure that every registered parent of a pupil at the relevant Academies receives a copy of the report as soon as is reasonably practicable.”

Member's explanatory statement

This amendment ensures that Academy proprietors with one or more Academies with a religious character are inspected in respect of the religious character, ethos and mission of those academies including those matters which are not to be inspected by Ofsted under this Chapter in accordance with sections 122A(6) and 122C(4).

BARONESS BARRAN
BARONESS SPIELMAN

As an amendment to Amendment 193

193D★ After inserted section 122H, insert —

“122HA Consultation prior to inspections under this Chapter

- (1) Prior to sections 122A to 122H coming into force, the Secretary of State must undertake a consultation on —
 - (a) the proposed purpose, scope, frequency and framework of inspections of proprietors of academies, and
 - (b) the impact of the proposed inspections of academy providers on the purpose, scope, frequency and framework of inspections of individual schools.
- (2) The consultation must include the following stakeholders —
 - (a) His Majesty’s Chief Inspector of Education, Children’s Services and Skills,
 - (b) proprietors of academies,
 - (c) organisations representing teachers and other school staff, and
 - (d) such other persons as the Secretary of State considers appropriate, including parent groups and other interested organisations.
- (3) The Secretary of State must publish an impact assessment that —
 - (a) assesses the interaction between the proposed inspections of academy proprietors and existing inspections of individual schools under Chapter 1 of Part 8 of the Education and Inspections Act 2006 (Ofsted inspections), and
 - (b) sets out the likely resource and administrative implications for both the Office for Standards in Education, Children's Services and Skills and academy trusts.

122HB Pilot scheme of inspections

- (1) The Secretary of State must, by regulations made before the end of the relevant period, ensure that provisions under this Chapter have been trialled under a pilot scheme.
- (2) The pilot scheme must —
 - (a) assess the effectiveness of multi-academy trusts;
 - (b) take into account —
 - (i) variations in multi-academy trusts models, and
 - (ii) the level of centralisation in the structure of the multi-academy trust;
 - (c) be informed by —
 - (i) school-level inspections;

- (ii) financial information held by the Department for Education regarding the multi-academy trust.
- (3) For the purposes of subsection (1), the following proprietors of Academies should be included in the pilot scheme—
 - (a) proprietors of academies whose schools are on average significantly under-performing, or which are not providing value for money;
 - (b) proprietors of academies which are seeking to expand and enter into new partnerships with schools;
 - (c) a number of proprietors of academies found by Ofsted to be achieving an acceptable level of performance, to establish the value of universal inspection.
- (4) The “relevant period” is the period of two years beginning with the day on which section 50 of the Children’s Wellbeing and Schools Act 2026 comes fully into force.”

Member's explanatory statement

This amendment seeks to ensure that new provisions on the inspection of multi-academy trusts are not commenced until the Secretary of State has carried out a consultation, consulted key stakeholders including Ofsted, published an impact assessment, and laid before Parliament both a report on that consultation and a statement of the purpose of inspections of multi academy trusts and of individual schools. It would also require The Secretary of State to conduct a pilot scheme of inspections.

BARONESS BARRAN
BARONESS SPIELMAN

As an amendment to Amendment 193

193E★ After subsection (1) insert—

“(1A) In the Education and Inspections Act 2006—

- (a) in section 182 (parliamentary control of orders and regulations), after subsection (3)(c) insert—
 - “(d) regulations made under section 122HB (pilot scheme of inspections);”;
- (b) in section 188 (commencement), in subsection (3) at end insert "subject to subsection (4).
- (4) Sections 122A to 122H (inspection of academy proprietors) may not come into force until the Secretary of State has laid the report and statement made under section 122HA (consultation prior to inspections under this Chapter) before both Houses of Parliament.””

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 51

BARONESS BENNETT OF MANOR CASTLE

196A After Clause 51, insert the following new Clause –

“Report on the demand for, desirability of and mechanisms for conversion of Academy-run schools to maintained schools

Within two years of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on –

- (a) the level of demand for Academy-run schools to be converted to local authority maintained schools;
- (b) the advantages and disadvantages of such a step for schools of different characters and purposes;
- (c) a proposed mechanism by which such conversion might be achieved.”

Member's explanatory statement

This amendment seeks to examine the demand for, desirability of and potential mechanism for the conversion of Academy-run schools to local authority maintained schools.

After Clause 52

LORD STOREY
BARONESS BENNETT OF MANOR CASTLE

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
LORD NASH

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
LORD NASH
LORD HAMPTON
BARONESS WOLF OF DULWICH

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

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
BARONESS FOX OF BUCKLEY

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 –
 - (a) lay before Parliament a copy of the Children's Commissioner's advice, and
 - (b) 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 –

- (a) the foreseeable impacts of any closures of schools on the affected children and young people,
 - (b) any reasonable actions that could be taken to mitigate those impacts,
 - (c) 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
 - (d) 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
 BARONESS BENNETT OF MANOR CASTLE

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
 BARONESS BENNETT OF MANOR CASTLE
 BARONESS RAMSEY OF WALL HEATH

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 administering 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
BARONESS HAYTER OF KENTISH TOWN

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 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

BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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.”

Member's explanatory statement

This amendment seeks to ensure a minimum level of access to websites for students to learn about computer science and AI as part of their school education, by requiring the Secretary of State to prepare a register of suitable software tools which must be whitelisted - and therefore remain accessible - by school 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
BARONESS BENNETT OF MANOR CASTLE

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
BARONESS BENNETT OF MANOR CASTLE

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
BARONESS BENNETT OF MANOR CASTLE

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
BARONESS SPIELMAN
LORD WALNEY

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.

LORD STOREY
BARONESS WOLF OF DULWICH

243B After Clause 63, insert the following new Clause –

“Standalone sixth form colleges: refunds of VAT

After section 33B (refunds of VAT to Academies) of the Value Added Tax Act 1994, insert –

“33BA Refunds of VAT to standalone sixth form colleges

- (1) This section applies where –
 - (a) VAT is chargeable on the supply of goods or services to, or on the importation of goods by, the proprietor of a standalone sixth form college, and

- (b) the supply or importation is not for the purposes of any business carried on by the proprietor of the standalone sixth form college.
- (2) The Commissioners shall, on a claim made by the proprietor of the standalone sixth form college at such time and in such form and manner as the Commissioners may determine, refund to that proprietor the amount of VAT so chargeable.
- (3) Subject to subsection (4), the claim must be made before the end of the period of 4 years beginning with the day on which the supply is made or the importation takes place.
- (4) If the Commissioners so determine, the claim period is such shorter period beginning with that day as the Commissioners may determine.
- (5) Subsection (6) applies where goods or services supplied to, or imported by, the proprietor of a standalone sixth form college cannot be conveniently distinguished from goods or services supplied to, or imported by, it for the purpose of a business carried on by that proprietor.
- (6) The amount to be refunded under this section is such amount as remains after deducting from the whole of the VAT chargeable on any supply to, or importation by, the proprietor of the standalone sixth form college such proportion of that VAT as appears to the Commissioners to be attributable to the carrying on of the business.
- (7) References in this section to VAT do not include any VAT which, by virtue of an order under section 25(7), is excluded from credit under section 25.”

Member's explanatory statement

This amendment makes provision for standalone sixth form colleges to recover VAT incurred on goods and services purchased, mirroring existing provisions which apply to academies.

BARONESS SATER
BARONESS GREY-THOMPSON
LORD ADDINGTON

243C After Clause 63, insert the following new Clause –

“National strategy for physical education and sport in schools

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a national strategy for physical education and sport in schools.
- (2) The strategy must include recommendations related to –
 - (a) the delivery of a minimum of 60 minutes of school sport and physical activity per day;
 - (b) the chief medical officer’s recommended levels of physical activity forming part of the curricular physical education provision within schools;
 - (c) physical and mental wellbeing;
 - (d) incentivising pupils to continue sport and physical activity throughout their school careers;

- (e) full and integrated sports provision for disabled students;
 - (f) enhanced mandatory requirements for teacher training for physical literacy and physical education;
 - (g) integrating physical education and sport into the teaching of other school subjects;
 - (h) integrating outdoor recreation, non-traditional sport, physical activity and natural facilities into sports provision in schools;
 - (i) meeting swimming attainment standards through school sport provision;
 - (j) the levels of investment in and effectiveness of primary physical education and sport premium funding;
 - (k) the role of volunteering in the teaching of sport and physical education in schools, including qualifications, standards, and engagement of external coaches and parents with qualifications recognised by the governing bodies of sport in Great Britain;
 - (l) a duty of care for all schoolchildren participating in sport;
 - (m) the development of a list of key performance indicators to measure outcomes of the national strategy;
 - (n) enhanced mandatory requirements for teacher training for physical literacy and physical education.
- (3) The national strategy must be reviewed, updated and laid before both Houses of Parliament annually.”

BARONESS SPIELMAN
BARONESS BARRAN
LORD HAMPTON

243D After Clause 63, insert the following new Clause –

“School complaints procedure

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must establish a central complaints handling system for use by –
 - (a) the Department for Education,
 - (b) His Majesty’s Chief Inspector of Schools (“Ofsted”),
 - (c) the Teacher Regulation Agency, and
 - (d) schools in England.
- (2) The system must review the complaint and direct it to the most appropriate person or body.
- (3) The system must enable complaints to be submitted via the GOV.UK website.
- (4) Complaints submitted under the system must be stored in a single database, to which the Department for Education and Ofsted must have access.”

Member's explanatory statement

This amendment seeks to establish a central complaints system for the education system in England, to avoid the duplication of complaints to multiple organisations.

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 WEI

247A Clause 67, page 127, line 29, at end insert “subject to subsection (1A).

(1A) No part of sections 31 to 36 (children not in school) and Schedule 2 (consequential amendments) may be commenced until the duty in section (Cybersecurity of register) has been discharged.”

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

FOURTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

26 January 2026

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