

Children's Wellbeing and Schools Bill

FIFTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

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

200 [Withdrawn]

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 Pupil 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.

LORD LAYARD
LORD MACPHERSON OF EARL'S COURT

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

“Duty: prioritisation of Level 3 qualified applicants in apprenticeship policy

In the development of apprenticeship policy, the Secretary of State has a duty to prioritise securing sufficient places up to Level 3 for qualified applicants aged 16–18 as soon as resources permit.”

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

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

30 January 2026

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