

# EDUCATION AND ADOPTION BILL

## EXPLANATORY NOTES ON LORDS AMENDMENTS

### What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Education and Adoption Bill as brought from the House of Lords on 8 February 2016 (Bill 129).
- 2 These Explanatory Notes have been prepared by the Department for Education in order to assist the reader of the Bill and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 64, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 1, 2, 4, 5, 6, 7 and 8 were tabled in the name of the Minister.
- 6 Lords Amendment 3 was tabled by Lord Watson of Invergowrie, Lord Hunt of Kings Heath and Lord Nash and was supported by the Government.
- 7 In the following Commentary, an asterisk (\*) appears in the heading of any paragraph that deals with a non-Government amendment.

## Commentary on Lords amendments

### Lords Amendments to Clause 1: Coasting schools

#### Lords Amendments 1, 2, \*3, 4 and 5

- 8 Lords Amendment 1 would provide that a coasting school is eligible for intervention if the Secretary of State has notified the school that it is coasting. It removes the previous reference to a school that the Secretary of State “considers” to be coasting.
- 9 Lords Amendment 2 would allow the Secretary of State, through regulations, to disapply the coasting definition from certain types of schools, for example maintained nursery schools.
- 10 Lords Amendment 3 would provide that the Secretary of State must define in regulations what “coasting” means.
- 11 Lords Amendment 4 is consequential to 1 and is a technical change to ensure the correct cross reference.
- 12 Lords Amendment 5 would require that the coasting regulations are subject to the affirmative procedure the first time they are laid.

### Lords Amendment to Clause 3: Other warning notices

#### Lords Amendment 6

- 13 Lords Amendment 6 would make two consequential amendments to section 69B of the Education and Inspections Act 2006. These amendments are a consequence of the amendment of section 60A of the Education and Inspections Act 2006 by clause 3 of the Bill which removes the procedure by which a governing body may make representations to the local authority against a teachers' pay and conditions warning notice and changes the reference to the definition of "compliance period", which is now given at section 60A (1)(b) rather than 60A (10) of the 2006 Act.

### Lords Amendments after Clause 12: Power to revoke Academy orders

#### Lords Amendment 7

- 14 Lords Amendment 7 would insert a new clause requiring that once an academy sponsor has been identified to take over a school that is eligible for intervention, the sponsor must communicate to parents information about their plans to improve the school, before the school is converted into a sponsored academy.

#### Lords Amendment 8

- 15 Lords Amendment 8 would insert a new clause to provide that all funding agreements for Academies and free schools made after the clause comes into effect must include termination provisions around failing and coasting schools which are broadly in line with those in the current model funding agreement. Where an academy or free school [other than a 16 – 19 Academy] with a funding agreement entered into before the new clause comes into effect is judged inadequate by Ofsted or meets the coasting definition, their funding agreement will be read as having provisions around failing and coasting schools which are broadly in line with those in the current model funding agreement.
- 16 In practice, the provision for failing academies would give the Secretary of State consistent powers to terminate existing funding agreements where necessary enabling the academy to

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be moved to a new sponsor. The provision for coasting academies, would apply the same coasting definition to academies as defined in regulations for maintained schools. It would also allow the Secretary of State to ultimately terminate the funding agreement of a coasting academy and bring in a new sponsor where the school does not demonstrate sufficient capacity to improve.

- 17 The provisions would apply to existing and future academies and free schools. The amendment also provides the Secretary of State with the power to exclude certain type of academies from the coasting provisions through regulations.

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