

# **Schools and Educational Settings (Essential Infrastructure and Opening During Emergencies) Bill**

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[AS INTRODUCED]

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# B I L L

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Make provision for educational settings including early years, schools, colleges and universities to be classified as essential infrastructure and remain open to all students during public health and other national emergencies; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Educational institutions are essential infrastructure**

- (1) Educational institutions in England are classified as essential infrastructure for the purposes of any enactment.
- (2) In this Act, “educational institutions” means—
  - (a) schools; 5
  - (b) 16 to 19 Academies, within the meaning of section 1B of the Academies Act 2010;
  - (c) institutions within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;
  - (d) providers of post-16 education or training— 10
    - (i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, and
    - (ii) in respect of which funding is provided by, or under, arrangements made by the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees; 15
  - (e) higher education providers within the meaning of section 83(1) of the Higher Education and Research Act 2017; 20
  - (f) providers of higher education within the meaning of section 83(1) of the Higher Education and Research Act 2017 which are not institutions (within the meaning of that section) whether or not they are designated under section 84 of that Act. 25

**2 Duty to keep educational institutions open to students**

- (1) Relevant public authorities must take all reasonable steps to ensure educational institutions remain open for students for ordinary attendance at those institutions.
- (2) That duty applies notwithstanding powers to make emergency regulations in— 5
- (a) the Civil Contingencies Act 2004,
  - (b) the Public Health (Control of Disease) Act 1984, or
  - (c) any other enactment.
- (3) The duty applies to any advice or guidance given by relevant public authorities. 10
- (4) In this Act—
- “ordinary attendance” means
    - (a) in person,
    - (b) on usual teaching hours and days, and 15
    - (c) with teaching and support staff present in person;
  - “relevant public authorities” means—
    - (a) the Secretary of State,
    - (b) local authorities, and
    - (c) educational institutions. 20
- (5) This section applies unless—
- (a) there is an emergency (within the meaning in section 1 of the Civil Contingencies Act 2004) which affects an educational institution, and
  - (b) the procedures in section 3 are followed.

**3 Procedures for emergency closure of educational institutions** 25

- (1) If the emergency is not an immediate threat to life, the duty in section 2 applies unless the conditions in subsections (3) to (5) are met.
- (2) If the emergency is an immediate threat to life, the duty in section 2 may be disapplied by direction of the Secretary of State for a period of no more than five days unless within that five day period— 30
- (a) the conditions in subsections (3) and (4) are met (and then subsection (5) applies), and
  - (b) the Secretary of State has made a statement to the House of Commons explaining the reasons for using the urgent procedure under this subsection. 35
- (3) The first condition is that the Secretary of State has—
- (a) sought the advice of the Children’s Commissioner on whether the educational institutions should remain open for ordinary attendance,
  - (b) laid that advice before Parliament, and

(c) if the Secretary of State proposes to take any action contrary to that advice, made a statement to the House of Commons explaining the reasons for so doing.

(4) The second condition is that the House of Commons has passed a motion of the form—

5

That this House approves the temporary emergency closure of educational institutions in accordance with section 3 of the Schools and Educational Settings (Essential Infrastructure and Opening During Emergencies) Act 2022.

(5) The third condition is that, if 21 days have passed since the day on which the House of Commons last passed a motion of the form in subsection (4) or this section—

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(a) the Secretary of State has again acted in accordance with subsection (1)(a) to (c), and

(b) the House of Commons has passed a motion of the form—

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That this House approves the extension of the temporary emergency closure of educational institutions in accordance with section 3 of the Schools and Educational Settings (Essential Infrastructure and Opening During Emergencies) Act 2022.

#### **4 Extent, commencement and short title**

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(1) This Act extends to England and Wales only.

(2) This Act comes into force on the day on which it is passed.

(3) This Act may be cited as the Schools and Educational Settings (Essential Infrastructure and Opening During Emergencies) Act 2022.





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*Presented by Robert Halfon  
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