
Report Stage: Monday 17 March 2025

Children's Wellbeing and Schools Bill, As Amended

(Amendment Paper)

This document lists all amendments tabled to the Children's Wellbeing and Schools Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Speaker's provisional selection and grouping, which sets out the order in which the amendments will be debated

☆ Amendments which will comply with the required notice period at their next appearance.

DAY 1

*NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER
OF, AND AMENDMENTS TO, PART 1*

Secretary Bridget Phillipson

Gov NC18

To move the following Clause—

“Corporate parenting responsibilities

- (1) It is the duty of every relevant authority when exercising its functions—
 - (a) to be alert to matters which adversely affect, or might adversely affect, the wellbeing of looked-after children and relevant young people;
 - (b) to assess what services or support provided by the authority are or may be available for looked-after children and relevant young people;
 - (c) to seek to provide opportunities for looked-after children and relevant young people to participate in activities designed to promote their wellbeing or enhance their employment prospects;
 - (d) to take such action as the authority considers appropriate to help looked-after children and relevant young people—

- (i) to make use of services, and access support, provided by the authority, and
 - (ii) to access opportunities provided by the authority in pursuance of paragraph (c).
- (2) The duty imposed by subsection (1)—
 - (a) applies to a relevant authority only so far as compliance with the duty—
 - (i) is consistent with the proper exercise of its functions, and
 - (ii) is reasonably practicable, and
 - (b) does not apply as mentioned in section (*Cases in which duty under section (Corporate parenting responsibilities) does not apply*).
- (3) “Relevant authority” means a person listed, or within a description listed, in Part 1 of Schedule (*Relevant authorities*).
- (4) “Looked-after child” means a person aged under 18 who is—
 - (a) looked after by a local authority for the purposes of the Children Act 1989, the Social Services and Well-being (Wales) Act 2014 (anaw 4) or the Children (Scotland) Act 1995, or
 - (b) looked after by an authority for the purposes of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)).
- (5) “Relevant young person” means a person who—
 - (a) is aged 16 or over but under 25, and
 - (b) was a looked-after child on their 16th birthday or at any subsequent time but is no longer a looked-after child.”

Member's explanatory statement

This new clause, to be inserted in Part 1 of the Bill after clause 20, imposes a duty on relevant authorities in relation to the wellbeing and employment prospects of looked-after children and previously looked-after children, and in relation to services and support provided to such persons (a “corporate parenting duty”).

Secretary Bridget Phillipson

Gov NC19

To move the following Clause—

“Cases in which duty under section (*Corporate parenting responsibilities*)(1) does not apply

- (1) The duty under section (*Corporate parenting responsibilities*)(1) does not apply in relation to the exercise of—
 - (a) any function of the Secretary of State in relation to immigration, asylum or nationality, or
 - (b) any general customs function of the Secretary of State.
- (2) In subsection (1)(b), “general customs function” has the same meaning as in Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 1(8) of that Act).

- (3) The duty under section (*Corporate parenting responsibilities*)(1) does not apply in relation to—
- (a) the exercise of a function in or as regards Scotland to the extent that the function could be conferred by provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament (see section 29 of the Scotland Act 1998);
 - (b) the exercise of a function in relation to Wales to the extent that the function could be conferred by provision that would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (see section 108A of the Government of Wales Act 2006);
 - (c) the exercise of a function in or as regards Northern Ireland to the extent that the function could be conferred by provision that—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998), and
 - (ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of that Act.”

Member's explanatory statement

This new clause ensures that the corporate parenting duty under NC18 does not apply in relation to certain functions of the Secretary of State, and limits the application of the duty in relation to Scotland, Wales and Northern Ireland.

Secretary Bridget Phillipson

Gov NC20

To move the following Clause—

“Corporate parenting duty: collaborative working

- (1) Relevant authorities and local authorities in England must, so far as reasonably practicable, collaborate with each other when performing their corporate parenting duty where they consider that doing so would safeguard or promote the wellbeing of looked-after children or relevant young people.
- (2) In subsection (1), “corporate parenting duty” means—
 - (a) in the case of a relevant authority, the duty under section (*Corporate parenting responsibilities*)(1);
 - (b) in the case of a local authority in England, the duty under section 1(1) of the Children and Social Work Act 2017.
- (3) Collaboration under subsection (1) may in particular include—
 - (a) sharing information;
 - (b) providing advice or assistance;
 - (c) co-ordinating activities (and seeking to prevent unnecessary duplication).
- (4) Subsection (1) is not to be read as—
 - (a) requiring or authorising the processing of information if the processing would contravene the data protection legislation (but in determining

- whether the processing would do so, take the duty under subsection (1) into account);
- (b) requiring or authorising a disclosure of information which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (5) In this section—
- “local authority in England” has the same meaning as in section 1 of the Children and Social Work Act 2017;
- “processing” and “the data protection legislation” have the meaning given by the Data Protection Act 2018 (see section 3(4) and (9) of that Act);
- “relevant authority”, “looked-after children” and “relevant young people” have the same meaning as in section (*Corporate parenting responsibilities*).
- (6) In section 1 of the Children and Social Work Act 2017, after subsection (4) insert—
- “(5) See also section (*Corporate parenting duty: collaborative working*) of the Children’s Wellbeing and Schools Act 2025, which requires local authorities in England to collaborate with other bodies in performing their respective corporate parenting duties.””

Member's explanatory statement

This new clause requires relevant authorities and local authorities in England to collaborate with each other when performing the corporate parenting duty under NC18 (for relevant authorities) and the duty under section 1(1) of the Children and Social Work Act 2017 (for local authorities).

Secretary Bridget Phillipson

Gov NC21

To move the following Clause—

“Duty to have regard to guidance

- (1) A relevant authority must have regard to any guidance given by the Secretary of State as to the performance of the duty under section (*Corporate parenting responsibilities*)(1).
- (2) Guidance for the purposes of this section may in particular include guidance about—
- (a) how the duty under section (*Corporate parenting responsibilities*)(1) applies in relation to a particular relevant authority or to relevant authorities of a particular description;
- (b) outcomes which a relevant authority should seek to achieve in performing the duty.
- (3) Before giving guidance, the Secretary of State must consult—
- (a) those relevant authorities to which the guidance relates, and
- (b) such other persons as the Secretary of State considers appropriate.

- (4) In this section, “relevant authority” has the same meaning as in section (*Corporate parenting responsibilities*).”

Member's explanatory statement

This new clause requires relevant authorities to have regard to guidance in relation to the corporate parenting duty under NC18. It also requires the Secretary of State to consult before giving any such guidance.

Secretary Bridget Phillipson

Gov NC22

To move the following Clause—

“Reports by Secretary of State

- (1) The Secretary of State must, after the end of each relevant three-year period, lay before Parliament a report on how the Secretary of State has performed the duty under section (*Corporate parenting responsibilities*)(1) during that period.
- (2) In subsection (1), “relevant three-year period” means—
- (a) the period of three years beginning with the day on which this section comes into force, and
 - (b) each subsequent period of three years.”

Member's explanatory statement

This new clause requires the Secretary of State to lay before Parliament a report on the Secretary of State’s compliance with the corporate parenting duty under NC18.

Helen Hayes

NC3

Mrs Sureena Brackenridge
Mark Swards
Manuela Perteghella
Caroline Voaden
Jess Asato

Dr Marie Tidball
Ellie Chowns
Neil Duncan-Jordan
Natasha Irons

Carla Denyer
Dr Simon Opher
Jodie Gosling
David Smith

Siân Berry
Adrian Ramsay
Mrs Sharon Hodgson
Cat Smith

To move the following Clause—

“National Care Offer

- (1) The Secretary of State must, within 18 months of the passing of this Act, publish a document (the “National Care Offer”) which sets out the minimum standards of information that local authorities must publish under section 2 of the Children and Social Work Act 2017 (local offer for care leavers).
- (2) Before publishing or revising the National Care Offer, the Secretary of State must consult with persons that appear to the Secretary of State to represent the interests of care leavers.

- (3) Where a consultation under subsection (2) results in recommendations to be made to the National Care Offer, the Secretary of State must—
- (a) make the recommended changes or otherwise implement the recommendations; or
 - (b) where not intending to make the recommended changes or otherwise implement the recommendations, publish a response to the consultation outlining the reasons for the Secretary of State’s decision and the action that will be taken instead.”

Member's explanatory statement

This new clause would require the Secretary of State to consult on and publish a draft National Care Offer, which sets minimum standards for local care offers, within 18 months of this Act coming into force.

Helen Hayes

NC4

Mrs Sureena Brackenridge
Mark Swards
Manuela Perteghella
Caroline Voaden
Jess Asato

Dr Marie Tidball
Ellie Chowns
Neil Duncan-Jordan
Natasha Irons

Carla Denyer
Dr Simon Opher
Jodie Gosling

Siân Berry
Adrian Ramsay
Mrs Sharon Hodgson

To move the following Clause—

“Health assessments to include mental health practitioner

In regulation 7 of the Care Planning, Placement and Case Review (England) Regulations 2010, after “practitioner” in paragraph (1) insert “and a registered mental health practitioner”.”

Member's explanatory statement

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

Jess Asato

NC8

Ellie Chowns
 Rachael Maskell
 Neil Duncan-Jordan
 Caroline Voaden
 Manuela Perteghella

Dr Simon Opher
 Marie Goldman
 Emily Darlington
 Wera Hobhouse
 Siân Berry
 Ms Marie Rimmer
 David Simmonds
 Liz Jarvis

Pam Cox
 Ms Stella Creasy
 Helen Hayes
 Maya Ellis
 Carla Denyer
 Ian Byrne
 Kim Johnson

Alison Hume
 Mrs Sharon Hodgson
 Vikki Slade
 Daisy Cooper
 Tonia Antoniazzi
 Ruth Cadbury
 Adrian Ramsay

To move the following Clause—

“Abolition of common law defence of reasonable punishment

- (1) The Children Act 2004 is amended as follows.
- (2) In section 58 (Reasonable Punishment: England), omit subsections (1) to (4).
- (3) After section 58, insert—

“58A Abolition of common law defence of reasonable punishment

- (1) The common law defence of reasonable punishment is abolished in relation to corporal punishment of a child taking place in England.
- (2) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.
- (3) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted acceptable conduct for the purposes of any other rule of the common law.
- (4) For the purposes of subsections (1) to (3) “corporal punishment” means any battery carried out as a punishment.
- (5) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.
- (6) The power to make regulations under subsection (5) is exercisable by statutory instrument.

58B Promotion of public awareness and reporting

- (1) The Secretary of State must take steps before the coming into force of section 58A to promote public awareness of the changes to the law to be made by that section.

- (2) The Secretary of State must, five years after its commencement, prepare a report on the effect of the changes to the law made by section 58A.
- (3) The Secretary of State must, as soon as practicable after preparing a report under this section—
 - (a) lay the report before Parliament, and
 - (b) publish the report.
- (4) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.
- (5) The power to make regulations under subsection (4) is exercisable by statutory instrument.””

Member's explanatory statement

This new clause would abolish the common law defence of reasonable punishment in relation to corporal (physical) punishment of a child taking place in England, amend certain provisions of the Children Act 2004 relating to corporal punishment of children and place a duty on the Secretary of State to report this change.

Caroline Voaden

NC13

Liz Jarvis
Tom Gordon
Steve Darling
Martin Wrigley
Vikki Slade

John Milne
Gideon Amos
Calum Miller

Mr Lee Dillon
Manuela Perteghella

Wera Hobhouse
Mr Paul Kohler

To move the following Clause—

“Review of adoption support offered by local authorities

- (1) The Secretary of State must, within 12 months of the passing of this Act, conduct a review of the adequacy and effectiveness of adoption support services provided by local authorities.
- (2) The review must include services provided by adoption agencies which have been commissioned by local authorities.
- (3) The review must consider in particular—
 - (a) any updates required to existing regulations and guidance relating to adoption; and
 - (b) the support needs of, and support services currently available or provided to—
 - (i) relevant parties in relation to birth family contact;
 - (ii) young adult adoptees in relation to their transition to adulthood; and
 - (iii) adult adoptees.

- (4) Within six months of the completion of the review, the Secretary of State must publish and lay before Parliament a report on the findings and conclusions of the review.”

Dame Siobhain McDonagh

NC14

Paula Barker
Ms Polly Billington
Apsana Begum
Cat Eccles
Clive Efford

Daniel Francis
Debbie Abrahams
Dr Marie Tidball
Natasha Irons
Ruth Cadbury
Ms Stella Creasy
Vikki Slade
Mr Lee Dillon
Mike Reader
Gideon Amos
Mr Paul Kohler

Danny Beales
Mr Jonathan Brash
Marsha De Cordova
Rachael Maskell
Sarah Champion
Uma Kumaran
Liz Jarvis
Neil Duncan-Jordan
Josh Babarinde
Caroline Voaden

Dawn Butler
Kate Osborne
Mary Kelly Foy
Rebecca Long Bailey
Mrs Sharon Hodgson
Valerie Vaz
Margaret Mullane
Helen Hayes
Dame Meg Hillier
James Asser

To move the following Clause—

“Notification when a child is placed into temporary accommodation

- (1) This section applies where a local authority is exercising its duty under Section 189B of the Housing Act 1996 (Initial duty owed to all eligible persons who are homeless) to allocate temporary accommodation to a household which includes a child.
- (2) A local authority must notify the following of the household’s homelessness status—
 - (a) the child’s school, and
 - (b) the child’s registered GP practice.
- (3) The Secretary of State must issue guidance to schools and GPs on how to safeguard and promote a child’s welfare and wellbeing following receipt of a notification under subsection (2).
- (4) A local authority must, before issuing a notification under subsection (2), request the consent of the household for the sharing of information relating to the household’s homelessness status.
- (5) Subsection (2) does not apply if the household has not consented to the local authority sharing information about it.”

Member's explanatory statement

This new clause would establish a notification system requiring local authorities to alert schools and GPs, when a child is placed into temporary accommodation. The notification can only occur when the child’s parent or guardian consent to the sharing of this information.

Sarah Champion

NC15

To move the following Clause—

“Implementation of recommendations of the Independent Inquiry into Child Sexual Abuse

- (1) The Secretary of State must, within 6 months of the passing of this Act, take steps to implement the recommendations made in the final report of the Independent Inquiry into Child Sexual Abuse listed below.
- (2) The recommendations are—
 - (a) the establishment of a single core data set on child sexual abuse and child sexual exploitation in England and Wales;
 - (b) the establishment of Child Protection Authorities for England and Wales;
 - (c) the creation of cabinet Ministers for Children in the UK and Welsh Governments;
 - (d) the commissioning of regular public awareness campaigns on child sexual abuse;
 - (e) the amendment of the Children Act 1989 to provide for court action where there is reasonable cause to believe that a child in the care of a local authority is experiencing or is at risk of experiencing significant harm;
 - (f) the creation of registration systems for care staff in children’s homes, young offender institutions and secure training centres;
 - (g) greater use of the barred list in relation to persons recruiting individuals to work or volunteer with children on a frequent basis;
 - (h) the improvement of compliance with statutory duties to notify the Disclosure and Barring Service of the suitability of individuals to work with children;
 - (i) the extension of the powers of the Disclosure and Barring Service to provide enhanced certificates to people working with children overseas; and
 - (j) the provision of specialist and accredited therapeutic support to child victims of sexual abuse.
- (3) The Secretary of State must, after a period of six months has elapsed from the passing of this Act and at 12 monthly intervals thereafter, publish a report detailing the steps taken by the Government to implement each of the recommendations listed above.
- (4) A report published under subsection (3) must include—
 - (a) actions taken to meet, action or implement each of the recommendations;
 - (b) details of any further action required to implement each of the recommendations or planned to supplement the recommendations;
 - (c) consideration of any challenges to full or successful implementation of the recommendations, with proposals for addressing these challenges so as to facilitate implementation of the recommendations; and

- (d) where it has not been practicable to fully implement a recommendation—
 - (i) explanation of why implementation has not been possible;
 - (ii) a statement of the Government’s intention to implement the recommendation; and
 - (iii) a timetable for implementation.”

Munira Wilson

NC25

Bobby Dean
Gideon Amos

To move the following Clause—

“Kinship care leave

- (1) The Secretary of State must, by regulations, entitle an individual to be absent from work on care leave under this section where—
 - (a) the individual is a kinship carer, and
 - (b) the individual satisfies conditions specified in the regulations.
- (2) Regulations made under subsection (1) must include provision for determining—
 - (a) the extent of an individual’s entitlement to leave under this section; and
 - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that—
 - (a) where one individual is entitled to leave under this section, they are entitled to at least 52 weeks of leave; or
 - (b) where more than one individual is entitled to leave under this section in respect of the same child, those individuals are entitled to share at least 52 weeks of leave between them.
- (4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last—
 - (a) at least one year, and
 - (b) until the child being cared for attains the age of 18.
- (5) For the purposes of this section, a “kinship carer” has the meaning given in section 221 of the Children Act 1989, as inserted by section 5 of this Act.
- (6) Regulations made under this section may make provision about how leave under this section is to be taken.”

Munira Wilson

NC26

Bobby Dean
Gideon Amos

To move the following Clause—

“Kinship care allowance

- (1) A person is entitled to a kinship care allowance for any week in which that person is engaged as a kinship carer in England.
- (2) For the purposes of this section, a “kinship carer” has the meaning given in section 221 of the Children Act 1989, as inserted by section 5 of this Act.
- (3) A person is not entitled to an allowance under this section unless that person satisfies conditions prescribed in regulations made by the Secretary of State.
- (4) A person may claim an allowance under this section in respect of more than one child.
- (5) Where two or more persons would be entitled for the same week to such an allowance in respect of the same child, only one allowance may be claimed on the behalf of—
 - (a) the person jointly elected by those two for that purpose, or
 - (b) in default of such an election, the person determined by, and at the discretion of, the Secretary of State.
- (6) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a child under an eligible kinship care arrangement.
- (7) An allowance under this section is payable at the weekly rate specified by the Secretary of State in regulations.
- (8) Regulations under subsection (7) may specify—
 - (a) different weekly rates for different ages of children being cared for, or
 - (b) different weekly rates for different regions of England.
- (9) Regulations under subsection (7) must specify a weekly rate that is no lower than the minimum weekly allowance for foster carers published by the Secretary of State pursuant to section 23 of the Care Standards Act 2000.”

Munira Wilson

NC27

Bobby Dean
Gideon Amos

To move the following Clause—

“Extension of pupil premium to children subject to a kinship care arrangement

- (1) The Secretary of State must, for the financial year beginning 1 April 2026 and for each year thereafter, provide that an amount is payable from the pupil premium grant to schools and local authorities in respect of each registered pupil in England who is who is a child living in kinship care.

(2) The amount payable under subsection (1) must be equal to the amount that is payable for a pupil who is a looked after child.

(3) In this section—

“a child living in kinship care” is to be interpreted in the same manner as given in section 221 of the Children Act 1989, as inserted by section 5 of this Act.

“looked after child” has the same meaning as in the Children Act 1989;

“pupil premium grant” means the grant of that name paid to a school or a local authority by the Secretary of State under section 14 of the Education Act 2002 (power of Secretary of State and Senedd Cymru to give financial assistance for purposes related to education or children etc).”

Munira Wilson

NC28

Bobby Dean
Gideon Amos

To move the following Clause—

“Admissions arrangements relating to looked after children and children in kinship care

(1) For section 88B of the School Standards and Framework Act 1998 (admission arrangements relating to children looked after by local authority) substitute—

“88B Admissions arrangements relating to looked after children and children in kinship care

(1) Regulations may require the admission authorities for maintained schools in England to include in their admission arrangements provision relating to the admission of children who are—

- (a) looked after by a local authority in England, or
- (b) living in kinship care as may be prescribed.

(2) Regulations under subsection (1) may in particular include provision for securing that, subject to sections 86(3), 86B(2) and (4) and 87, such children are to be offered admission in preference to other children.

(3) In this section, “children who are living in kinship care” is to be interpreted in the same manner as given in section 221 of the Children Act 1989, as inserted by section 5 of this Act.””

Munira Wilson

NC29

Gideon Amos

To move the following Clause—

“Establishment of National Wellbeing Measurement Programme

- (1) The Secretary of State must establish a national children and young people’s wellbeing measurement programme.
- (2) A programme established under this section must—
 - (a) conduct a national survey of the mental health and wellbeing of children and young people in relevant schools in England;
 - (b) support schools in the administration of the survey
 - (c) make provision for parental and student consent to participation in the survey, ensuring that participation is voluntary and that results are handled confidentially; and
 - (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 and young people’s wellbeing.
- (3) A programme established under this section must—
 - (a) be developed and piloted within two years of the passing of this Act;
 - (b) be fully implemented in England no later than the start of the academic year three years after the passing of this Act;
 - (c) be reviewed as to its effectiveness by the Secretary of State every three years.
- (4) Any review of the programme under subsection (3)(c) must be published and laid before Parliament.
- (5) For the purposes of this section “relevant school” means—
 - (a) an academy school,
 - (b) an alternative provision Academy,
 - (c) a maintained school,
 - (d) a non-maintained special school,
 - (e) an independent school, or
 - (f) a pupil referral unit, other than where established in a hospital.”

Member's explanatory statement

This new clause would place a duty on the Secretary of State to introduce a national programme to regularly measure and report on the mental health and wellbeing of children and young people in schools.

Tim Farron

NC30

Gideon Amos

To move the following Clause—

“Benefits of outdoor education to children's wellbeing

- (1) The Secretary of State must, within six months of the passing of this Act, conduct a review on the benefits of outdoor education to children's wellbeing.

- (2) A report on the review must be published within six months of the conclusion of the review."

Mr Will Forster

NC33

To move the following Clause—

"National standards for children in need thresholds

- (1) The Secretary of State must, within a year of the passing of this Act, conduct a review of the operation of section 17 of the Children Act 1989 (Provision of services for children in need, their families and others).
- (2) The review must assess regional and national variation in the type, frequency, and duration of support provided to children through child in need plans.
- (3) The recommendations of the review must include the setting of—
 - (a) metrics in the Department for Education's Children's Social Care Dashboard for assessing the progress of children with child in need plans, and
 - (b) national guidance for local authorities defining the thresholds of need that children and families must meet to be offered children in need support.
- (4) The national guidance issued under section (2)(b) must include—
 - (a) national triggers for an automatic referral to children's social care, including when a primary care giver enters custody or inpatient mental health provision, and when a child is arrested,
 - (b) the Secretary of State's expectations on how often children should receive help,
 - (c) the Secretary of State's expectations on how frequently a child's support should be reviewed when they have a child in need plan, and
 - (d) any other matters that the Secretary of State deems appropriate."

Member's explanatory statement

The purpose of this new clause is to reduce regional variations in the type, frequency and duration of support that children receive through child in need plans.

Bobby Dean

NC35

Gideon Amos

To move the following Clause—

"Extension of priority need status to under 25s

- (1) The Homelessness (Priority Need for Accommodation) (England) Order 2002 is amended as follows.
- (2) In article (4), paragraph (1)(a), omit "twenty-one" and insert "twenty-five".

(3) In article (5), omit paragraph (1)."

Member's explanatory statement

This new clause would extend the priority need status under homelessness legislation to all care leavers up to the age of 25, regardless of vulnerability.

Laura Trott

NC36

Neil O'Brien
Patrick Spencer
Damian Hinds
Kit Malthouse

To move the following Clause—

"Action to promote children's wellbeing in relation to mobile phones and social media

- (1) Within 12 months of the passing of this Act, the Secretary of State must, for the purposes of promoting the wellbeing of children—
 - (a) direct the Chief Medical Officers of the United Kingdom ("the UK CMOs") to prepare and publish advice for parents and carers on the use of smartphones and social media use by children,
 - (b) publish a plan for research into the impact of use of social media on children's wellbeing, and
 - (c) require all schools in England to have a policy that prohibits the use and carrying of certain devices by pupils during the school day.
- (2) Any advice published under subsection (1)(a) must have regard to—
 - (a) the paper published on 7 February 2019 entitled "United Kingdom Chief Medical Officers' commentary on 'Screen-based activities and children and young people's mental health and psychosocial wellbeing: a systematic map of reviews'", and
 - (b) any scientific or other developments since the publication of that paper which appear to the UK CMOs to be relevant.
- (3) Any policy implemented under subsection (1)(c)—
 - (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 which their pupils are on school premises, subject to such policies safeguarding and promoting the welfare of children in accordance with relevant national standards.
- (4) For the purposes of this section—

“certain devices” means mobile phones and other devices which provide similar functionality and whose main purpose is not the support of learning or study;

“the Chief Medical Officers of the United Kingdom” means the Chief Medical Officers for—

- (a) England,
- (b) Wales,
- (c) Scotland, and
- (d) Northern Ireland

“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 would require the Secretary of State to take action to promote children’s wellbeing in relation to mobile phones and social media by commissioning a report from the Chief Medical Officers and requiring schools to ban the use of mobile telephones during the school day.

Laura Trott

NC37

Neil O'Brien
Patrick Spencer

To move the following Clause—

“Cessation of Child Protection Plans

Where proceedings are initiated or a care and supervision order is issued under section 31 of the Children Act 1989, any cessation of child protection plans for children under five years old must be signed off by the relevant Director of Children's Services or Head of Social Work Practice.”

Member's explanatory statement

This new clause would mean that the relevant Director of Children's Services or Head of Social Work Practice must sign off any cessation of child protection plans for children under five years old once proceedings have been initiated or once a care and supervision order has been issued.

Mrs Emma Lewell-Buck

NC43

Ellie Chowns
Carla Denyer
Siân Berry
Adrian Ramsay
Mrs Sharon Hodgson

Chris Hinchliff
Paula Barker
Rosie Duffield
Cat Eccles
Dr Simon Opher
Ian Lavery

Ian Byrne
Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Jon Trickett
Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

To move the following Clause—

“Automatic enrolment for the Healthy Start scheme

- (1) The Secretary of State must, within 6 months of the passing of this Act, introduce a scheme to automatically enrol certain individuals for the purposes of the Healthy Start scheme.
- (2) For the purposes of this section, “certain individuals” means people who are eligible for the Healthy Start scheme on the basis of having a child under the age of 4.
- (3) The scheme must provide the means for individuals to opt out of enrolment for the Healthy Start scheme.”

Mrs Emma Lewell-Buck

NC44

Ian Byrne
Jon Trickett
Paula Barker
Kate Osborne
Mary Kelly Foy

Rosie Duffield
Cat Eccles
Mrs Sharon Hodgson

Barry Gardiner
Rachael Maskell
Sarah Champion

Marsha De Cordova
Yasmin Qureshi
Zarah Sultana

To move the following Clause—

“Contact with siblings for children in care

- (1) The Children Act 1989 is amended as follows.
- (2) In section 34(1), after paragraph (d) insert—
 - “(e) his siblings (whether of the whole or half blood).”
- (3) In paragraph 15(1) of Schedule 2, after paragraph (c) insert—
 - “(d) his siblings (whether of the whole or half blood).””

Member's explanatory statement

This new clause would ensure that children in care are allowed reasonable contact with their siblings.

Mrs Emma Lewell-Buck

NC45

Ian Byrne
Jon Trickett
Paula Barker
Kate Osborne
Mary Kelly Foy

Rosie Duffield
Cat Eccles
Mrs Sharon Hodgson

Barry Gardiner
Rachael Maskell
Sarah Champion

Marsha De Cordova
Yasmin Qureshi
Zarah Sultana

To move the following Clause—

“Arrangements for remaining in a residential children’s home after reaching adulthood

- (1) The Children Act 1989 is amended as follows.
- (2) In section 23CZA (arrangements for certain former relevant children to live with former foster parents), at the end of subsection (2) insert – “or by which a person who is a former relevant child by virtue of section 23C(1)(b) continues to live at the residential children’s home at which they were resident when they were looked after.
- (3) In paragraph 19BA in Part 2 of Schedule 2 (local authority support for looked after children)—
 - (a) in sub-paragraph (1), after “parent” insert “or in a residential children’s home”;
 - (b) in sub-paragraph (3)(b), after “parent” insert “or residential children’s home”.”

Member's explanatory statement

This new clause would extend the “staying put” arrangements that currently exist for young people placed with foster parents to those living in a residential children’s home.

Mrs Emma Lewell-Buck

NC46

Ian Byrne
Jon Trickett
Paula Barker
Kate Osborne
Mary Kelly Foy

Rosie Duffield
Cat Eccles
Mrs Sharon Hodgson

Barry Gardiner
Rachael Maskell
Sarah Champion

Marsha De Cordova
Yasmin Qureshi
Zarah Sultana

To move the following Clause—

“Extension of the ban on unregulated accommodation for 16- and 17-year-olds

- (1) In the Care Planning, Placement and Case Review (England) Regulations 2010—
 - (a) in Regulation 27A (Prohibition on placing a child under 16 in an unregulated setting), for “under 16” substitute “under 18”;
 - (b) in Regulation 27B (Exception to the prohibition on placing a child under 16 in other arrangements), after paragraph (1), insert—
 - “(1A) The Secretary of State shall ensure that all accommodation provided to looked after children aged 16 and 17 meets the standards of regulated children’s homes or other regulated supported accommodation.””

- (2) In section 22C of the Children Act 1989 (Ways in which looked after children are to be accommodated and maintained), after subsection (6) insert—

“(6A) A local authority must not place a looked after child aged 16 or 17 in unregulated accommodation that does not meet the requirements set out in regulations made under subsection (7).”

Mrs Emma Lewell-Buck

NC47

Ian Byrne
Jon Trickett
Paula Barker
Kate Osborne
Mary Kelly Foy

Rosie Duffield
Cat Eccles
Mrs Sharon Hodgson

Barry Gardiner
Rachael Maskell
Sarah Champion

Marsha De Cordova
Yasmin Qureshi
Zarah Sultana

To move the following Clause—

“Requirement for minimum standards for accommodation provided to 16- and 17-year-olds in care

The Secretary of State must, within six months of the passing of this Act, lay before Parliament regulations establishing national minimum standards for accommodation provided to 16- and 17-year-olds in care, ensuring—

- (a) access to appropriate levels of support and supervision;
- (b) safeguarding protections equivalent to those in regulated children’s homes; and
- (c) oversight by Ofsted or another appropriate regulatory body.”

Munira Wilson

NC50

Gideon Amos

To move the following Clause—

“Establishment of Child Protection Authority

- (1) The Secretary of State must, within six months of the passing of this Act, establish a Child Protection Authority for England.
- (2) The purpose of such an Authority will be to—
 - (a) improve practice in child protection;
 - (b) provide advice and make recommendations to the Government on child protection policy and reforms to improve child protection;
 - (c) inspect institutions and settings at some times and in such ways as it considers necessary and appropriate to ensure compliance with child protection standards; and

- (d) monitor the implementation of the recommendations of the Independent Inquiry into Child Sexual Abuse and other inquiries relating to the protection of children.
- (3) The Authority must act with a view to—
 - (a) safeguarding and promoting the welfare of children;
 - (b) ensuring that institutions and settings fulfil their responsibilities in relation to child protection.”

Member's explanatory statement

This new clause would seek to fulfil the second recommendation of the Independent Inquiry into Child Sexual Abuse in establishing a Child Protection Authority for England.

Laura Trott 176

Neil O'Brien
Patrick Spencer

Clause 1, page 1, line 7, leave out from start to “in” in line 8 and insert—

“When a local authority starts formal child protection proceedings.”

Member's explanatory statement

This amendment would require the offer of a family group decision making meeting when formal child protection proceedings are initiated or when a child protection plan is failing to protect the child, rather than before a local authority makes an application for a care and supervision order.

Laura Trott 177

Neil O'Brien
Patrick Spencer

Clause 1, page 1, line 10, at end insert—

“(1A) A family group decision-making meeting must be offered by the relevant local authority when a family is going through private law proceedings.”

Member's explanatory statement

This amendment seeks to reduce the conflict in private law proceedings by offering a family group decision making meeting, allow other family members to support the child as well as to identify where there are significant safeguarding risks to the child/children. It would strengthen the intention that mediation and reconciliation out of court are better for the child.

Laura Trott 178

Neil O'Brien
Patrick Spencer

Clause 1, page 2, line 7, at end insert—

“(5) A family group decision-making meeting must be chaired by a systemic family therapist or other similarly qualified professional.”

Member's explanatory statement

This amendment would require family group decision-making meetings to be chaired by a family therapist or other professional with equivalent qualifications. Particularly in cases involving domestic abuse, including coercion and control, it is essential that the FGDP has the expertise to manage this and protect the child/children.

Carla Denyer

172

Adrian Ramsay
Ellie Chowns

Clause 1, page 2, leave out lines 21 to 26 and insert—

“(8) The child in relation to whom the family group decision-making meeting is held should be supported to attend all or part of the meeting if they wish to do so, unless the local authority determines this not to be in the best interests of the child, in which instance efforts should be made to ensure their views are represented.

- (9) In exercising functions under this section in relation to a child, the local authority must, so far as is reasonably practicable and consistent with the child's welfare—
- (a) ascertain the child's wishes and feelings; and
 - (b) give due consideration (having regard to the child's age and understanding) to such wishes and feelings of the child as they have been able to ascertain.”

Member's explanatory statement

This amendment would require a local authority to ascertain a child's wishes and feelings regarding all aspects of family group decision-making, to give those views due consideration, and to support the child to participate in family group decision-making meetings where appropriate.

Laura Trott

179

Neil O'Brien
Patrick Spencer

Clause 1, page 2, line 26, at end insert—

“(10) If a child is to be looked after by other family members as a result of the family group decision-making meeting, the local authority must make arrangements to ensure the safety and welfare of the child and prepare a child protection plan that reflects this.”

Member's explanatory statement

This amendment would ensure that if a child is going to be looked after by other family members, the local authority takes appropriate action, that is reflected in the child protection plan, to assure their safety and welfare.

Laura Trott**180**Neil O'Brien
Patrick Spencer

Clause 1, page 2, line 26, at end insert—

“(10) If the child is under the age of two, the family group decision-making conference must not delay the timetable for the making of permanent arrangements regarding the child’s care.”

Member's explanatory statement

This amendment is designed to ensure that the offer of a family group decision-making meeting does not unduly delay making permanent arrangements regarding the child’s care

Secretary Bridget Phillipson**Gov 111**

Clause 4, page 6, line 21, leave out from “facilitate” to end of line 22 and insert—

- “(a) where the recipient is within subsection (4)(a) or (b), the exercise by the recipient of any of its relevant functions, or
- (b) where the recipient is within subsection (4)(c), the provision of services by the recipient pursuant to arrangements made by a person within subsection (4)(a) or (b) in connection with the exercise of any of that person’s relevant functions.”

Member's explanatory statement

This amendment clarifies how the duty under section 16LA(2) of the Children Act 2004 (inserted by clause 4) operates where information is disclosed to a person engaged to provide services relating to safeguarding or promoting the welfare of children.

Laura Trott**181**Neil O'Brien
Patrick Spencer

Clause 4, page 6, line 25, at end insert—

“(4A) Where the relevant person considers that the disclosure would be more detrimental to the child than not disclosing the information, this decision must be recorded.”

Member's explanatory statement

This amendment requires decisions made not to disclose information to be recorded.

Secretary Bridget Phillipson

Gov 112

Clause 4, page 6, line 32, at end insert “, and

- (c) a person who provides services pursuant to arrangements made by a person within paragraph (a) or (b) in connection with the exercise of any of that person’s relevant functions.”

Member's explanatory statement

This amendment ensures that the information-sharing requirements in section 16LA of the Children Act 2004 (inserted by clause 4) also extend to persons engaged to provide services relating to safeguarding or promoting the welfare of children.

Laura Trott

182

Neil O'Brien
Patrick Spencer

Clause 4, page 6, line 37, at end insert—

- “(6A) Where information is disclosed under this section, the recipient must consider the safety and welfare of others to whom the information may relate or involve and take steps to promote their safety and welfare, particularly in cases of domestic abuse or elder abuse.”

Member's explanatory statement

This amendment seeks to ensure that other vulnerable members of a household are not inadvertently put at risk by the sharing of information, and that safety plans are put in place where needed.

Secretary Bridget Phillipson

Gov 113

Clause 4, page 7, leave out lines 4 to 8 and insert—

- “(9) This section does not authorise or require the disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duties imposed by this section).”

Member's explanatory statement

This amendment clarifies the operation of the data protection legislation in relation to section 16LA of the Children Act 2004 (inserted by clause 4).

Secretary Bridget Phillipson

Gov 114

Clause 4, page 7, line 10, at end insert—

- ““relevant function” means a function relating to safeguarding or promoting the welfare of children.”

Member's explanatory statement

This amendment defines “relevant function” for the purposes of the new provisions inserted by amendments 111 and 112.

Secretary Bridget Phillipson**Gov 115**

Clause 4, page 8, leave out lines 1 to 4 and insert—

- “(9) This section does not authorise or require the processing of information if the processing would contravene the data protection legislation (but in determining whether the processing would do so, take into account the duties imposed by this section).”

Member's explanatory statement

This amendment clarifies the operation of the data protection legislation in relation to section 16LB of the Children Act 2004 (inserted by clause 4).

Secretary Bridget Phillipson**Gov 116**

Clause 4, page 8, line 16, at end insert—

- “(12A) Where a person (a “service provider”) provides services pursuant to arrangements made by a designated person in connection with the exercise of any function of the designated person that relates to safeguarding or promoting the welfare of children, this section applies to the service provider as it applies to the designated person.”

Member's explanatory statement

This amendment ensures that the consistent identifier requirements in section 16LB of the Children Act 2004 (inserted by clause 4) also extend to persons engaged to provide services relating to safeguarding or promoting the welfare of children.

Bobby Dean**174**

Clause 5, page 9, line 31, at end insert—

- “(8) A kinship local offer published under subsection (5) must state when it will next be reviewed.
- (9) Any review of a kinship local offer conducted by a local authority under subsection (7) must involve the participation of children and families.”

Member's explanatory statement

This amendment would ensure that kinship families are actively engaged in shaping the support available to them, and that local authorities are held accountable for delivering their obligations.

Laura Trott 183
Neil O'Brien
Patrick Spencer

Clause 5, page 9, line 31, at end insert—

“(8) In fulfilling its duties under subsection (7) a local authority must annually consult and collect feedback from children in kinship care and their carers about its kinship local offer.

(9) Feedback received under subsection (8) must be published annually.”

Member's explanatory statement

This amendment would require local authorities to consult children and carers when assessing their kinship care offer.

Laura Trott 184
Neil O'Brien
Patrick Spencer

Clause 7, page 12, line 8, at end insert—

“(3A) Where staying close support is provided, it must be provided with due regard to the wishes of the relevant person and a record must be kept of that person’s wishes.”

Member's explanatory statement

This amendment would require local authorities to take account of the wishes of the relevant young person when providing staying close support, and keep a record of those wishes.

Laura Trott 186
Neil O'Brien
Patrick Spencer

Clause 10, page 16, line 18, at end insert—

“(1AA) A child who is being looked after by a local authority in England and is under the age of 13 may not, whilst being kept in relevant accommodation in England, be deprived of their liberty in that accommodation unless this has been authorised by the Secretary of State.”

Member's explanatory statement

This amendment would ensure that deprivation of liberty orders could not be issued to children under the age of 13 unless expressly authorised by the Secretary of State, in line with provisions relating to children’s homes.

Laura Trott 187
Neil O'Brien
Patrick Spencer

Clause 10, page 16, line 25, at end insert—

“(1C) The Secretary of State must review a deprivation of liberty order every 4 weeks to ensure that is appropriate for the order to remain in place.”

Member's explanatory statement

This amendment would require a review of deprivation of liberty orders to ensure that they remain appropriate for the relevant child.

Laura Trott 185
Neil O'Brien
Patrick Spencer

Clause 10, page 17, line 10, at end insert—

“(8A) After subsection (9) insert—

“(10) Where a child is kept in secure accommodation under this section, the relevant local authority has a duty to provide therapeutic treatment for the child.””

Member's explanatory statement

This amendment would place a duty on local authorities to provide therapeutic treatment for children subject to a deprivation of liberty order.

Secretary Bridget Phillipson Gov 117

Clause 11, page 16, line 7, after “England” insert “or Wales”

Member's explanatory statement

This amendment ensures that the clause 11 amendments to section 25 of the Children Act 1989 to allow local authorities in England to seek authorisation for the deprivation of liberty of children in certain accommodation in England provided for care and treatment extend to local authorities in Wales.

Laura Trott 188
Neil O'Brien
Patrick Spencer

Clause 12, page 17, delete from line 21 to line 17 on page 21 and insert—

“23A Requirement for inspection

- (1) The CIECSS may order an inspection of a parent undertaking, or any of its subsidiaries, if it has—
 - (a) a subsidiary undertaking which meets the requirements of subsection (2), or
 - (b) two or more subsidiary undertakings which meet the requirements of subsection (3).
- (2) A subsidiary undertaking meets the requirements of this subsection if—
 - (a) the subsidiary undertaking is registered under this Part as carrying on two or more establishments or agencies for which the CIECSS is the registration authority, and
 - (b) the CIECSS reasonably suspects that there are grounds for cancelling the subsidiary undertaking’s registration in respect of two or more of those establishments or agencies.
- (3) A subsidiary undertaking meets the requirements of this subsection if—
 - (a) the subsidiary undertaking is registered under this Part as carrying on one or more establishments or agencies for which the CIECSS is the registration authority, and
 - (b) the CIECSS reasonably suspects that there are grounds for cancelling the subsidiary undertaking’s registration in respect of one or more of those establishments or agencies.”

Member's explanatory statement

This amendment would require an inspection if the CIECSS believes that are reasons to cancel a children’s home registration, rather than issue an improvement plan notice.

Laura Trott

189

Neil O'Brien
Patrick Spencer

Clause 12, page 18, line 6, at end insert—

- “(3A) The CIECSS may require an unannounced visit by Regulation 44 visitor to a children’s home, if it reasonably suspects that there are administrative breaches or minor concerns about the quality of care being provided.
- (3B) After Regulation 44 visitors have inspected the relevant children’s home or homes, the local authority may issue an improvement plan notice based on their findings.”

Member's explanatory statement

This amendment would rely on the use of Regulation 44 visitors to inform the content of an improvement plan notice where the CIECSS has concerns about minor or technical breaches.

Secretary Bridget Phillipson

Gov 118

Clause 13, page 23, line 3, at end insert—

- “(2) None of the provisions in or made by virtue of this section are to be read as requiring or authorising the processing of information which would contravene the data protection legislation (but in determining whether the processing would do so, take into account the duty imposed or the power conferred by the provision in question).
- (3) In this section, “the data protection legislation” and “processing” have the same meaning as in section 3 of the Data Protection Act 2018.”

Member's explanatory statement

This amendment ensures that the provisions in or made under section 30ZD of the Care Standards Act 2000 (inserted by clause 13) do not override the provisions in the data protection legislation.

Munira Wilson

171

Gideon Amos

Clause 15, page 29, line 18, at end insert—

- “(c) independent schools with caring responsibilities and offering SEND provision.”

Member's explanatory statement

This amendment would include independent special schools within the profit cap provision.

Secretary Bridget Phillipson

Gov 119

Clause 18, page 34, line 37, at end insert—

- “(4A) The Secretary of State may provide financial oversight information to the Care Quality Commission for use in connection with the Commission’s functions under sections 54 to 56 of the Care Act 2014.
- (4B) “Financial oversight information” means information held by the Secretary of State in connection with the Secretary of State’s functions under sections 30ZE to 30ZJ.”

Member's explanatory statement

This amendment enables the Secretary of State to disclose certain information to the Care Quality Commission for use in connection with the Commission’s functions under sections 54 to 56 of the Care Act 2014.

Secretary Bridget Phillipson

Gov 120

Clause 18, page 35, leave out lines 1 and 2

Member's explanatory statement

This amendment removes subsection (5) because it is clear without it that the information in question may consist of or include personal data.

Secretary Bridget Phillipson

Gov 121

Clause 18, page 35, line 14, at end insert—

“(9) In this section, “the data protection legislation” and “processing” have the same meaning as in section 3 of the Data Protection Act 2018.”

Member's explanatory statement

This amendment adds a signpost to the definition of terms used in section 30ZO of the Care Standards Act 2000 (inserted by clause 18).

Secretary Bridget Phillipson

Gov 122

Clause 18, page 35, line 14, at end insert—

“(2) In the Care Act 2014, after section 56 insert—

“56A Provision of information to the Secretary of State

- (1) The Care Quality Commission may provide market oversight information to the Secretary of State for use in connection with the Secretary of State’s functions under sections 30ZE to 30ZJ of the Care Standards Act 2000.
- (2) “Market oversight information” means information held by the Commission in connection with its functions under sections 54 to 56.
- (3) Except as provided for by subsection (4), a disclosure of information authorised by subsection (1) does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) Subsection (1) does not authorise the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account the power conferred by that subsection).
- (5) In this section, “the data protection legislation” and “processing” have the same meaning as in section 3 of the Data Protection Act 2018.””

Member's explanatory statement

This amendment enables the Care Quality Commission to disclose certain information to the Secretary of State for use in connection with the Secretary of State’s functions under sections 30ZE to 30ZJ of the Care Standards Act 2000.

Secretary Bridget Phillipson

Gov 123

Clause 20, page 36, line 29, leave out “in England”

Member's explanatory statement

This amendment and amendments 124, 125, 126, 127, 128, 129, 130 and 131 ensure that the clause 20 protection against ill-treatment or wilful neglect applies to children aged 16 and 17 in certain care and detention settings in Wales, as well as in England.

Secretary Bridget Phillipson

Gov 124

Clause 20, page 36, line 32, after “home” insert “in England”

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 125

Clause 20, page 36, line 34, after “centre” insert “in England”

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 126

Clause 20, page 36, line 36, leave out “accommodation provided at an establishment” and insert “an establishment in England providing accommodation”

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 127

Clause 20, page 37, line 1, after “accommodation” insert “in England”

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 128

Clause 20, page 37, line 2, at end insert—

“(e) a place in Wales at which a care home service or a residential family centre service, as defined by Schedule 1 to the Regulation

- and Inspection of Social Care (Wales) Act 2016 (anaw 2), is provided;
- (f) a place in Wales at which accommodation is provided to disabled children and which is notified to the Welsh Ministers in accordance with regulations under section 2 of that Act;
 - (g) youth detention accommodation in Wales as defined by section 188(1) of the Social Services and Well-being (Wales) Act 2014 (anaw 4)."

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 129

Clause 20, page 37, line 4, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 130

Clause 20, page 37, line 14, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov 131

Clause 20, page 37, line 35, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 123.

Secretary Bridget Phillipson

Gov NS1

To move the following Schedule—

“SCHEDULE

Section (*Corporate parenting responsibilities*)

RELEVANT AUTHORITIES

PART 1

LIST OF RELEVANT AUTHORITIES

- 1 The Secretary of State.
- 2 The Lord Chancellor.
- 3 (1) The governing body of a maintained school in England.
(2) In sub-paragraph (1), “maintained school” has the meaning given by section 39(1) of the Education Act 2002.
- 4 (1) The proprietor of a non-maintained special school in England.
(2) In sub-paragraph (1)—
 - (a) “non-maintained special school” has the meaning given by section 337A of the Education Act 1996;
 - (b) “proprietor” has the meaning given by section 579(1) of that Act.
- 5 (1) The proprietor of—
 - (a) an Academy (as defined by section 579(1) of the Education Act 1996),
 - (b) a city technology college, or
 - (c) a city college for the technology of the arts.
(2) In sub-paragraph (1), “proprietor” has the meaning given by section 579(1) of the Education Act 1996.
- 6 (1) The governing body of an institution in England within the further education sector.
(2) In sub-paragraph (1)—
 - (a) “institution within the further education sector” has the meaning given by section 91(3) of the Further and Higher Education Act 1992;
 - (b) “governing body” has the meaning given by section 90(1) of that Act.
- 7 (1) The proprietor of a special post-16 institution in England in relation to which an approval under section 41(3) of the Children and Families Act 2014 has effect.
(2) In sub-paragraph (1), “proprietor” and “special post-16 institution” have the meaning given by section 83(2) of the Children and Families Act 2014.
- 8 His Majesty’s Chief Inspector of Education, Children’s Services and Skills.
- 9 NHS England.

- 10 An integrated care board.
- 11 An NHS foundation trust.
- 12 An NHS trust.
- 13 The Care Quality Commission.
- 14 The Youth Justice Board for England and Wales.

PART 2

POWER TO MODIFY PART 1

- 15 (1) The Secretary of State may by regulations made by statutory instrument amend Part 1 of this Schedule by—
 - (a) adding a person or description of persons,
 - (b) removing an entry listed in it, or
 - (c) varying an entry listed in it.
- (2) A statutory instrument containing regulations under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- 16 (1) Regulations under paragraph 15(1)(a) may not add a person or description of persons to Part 1 unless the Secretary of State considers that the person exercises, or (as the case may be) all persons of that description exercise, functions of a public nature.
- (2) Regulations under paragraph 15(1)(c) may not vary an entry listed in Part 1 so that it relates to a person who does not exercise functions of a public nature or, in the case of a description of persons, so that the description consists of or includes persons who do not exercise functions of a public nature.
- 17 (1) Regulations under paragraph 15(1)(a) may not add a person or description of persons to Part 1 if the Secretary of State considers that the person or (as the case may be) any person of that description—
 - (a) exercises devolved functions only, or
 - (b) exercises any devolved functions, unless the entry for that person or description of persons provides that they are a relevant authority only to the extent that they are exercising functions that are not devolved functions.
- (2) Regulations under paragraph 15(1)(c) may not vary an entry listed in Part 1—
 - (a) so that it relates to a person who exercises devolved functions only, or in the case of a description of persons, so that the description consists of or includes any persons who exercise devolved functions only, or
 - (b) so that it relates to a person who exercises devolved functions, or in the case of a description of persons, so that the description consists of or includes any persons who exercise devolved functions, unless the entry provides that they are a relevant authority only to the

extent that they are exercising functions that are not devolved functions.

- (3) In this paragraph, “devolved function” means a function that could be conferred by provision that would be within the legislative competence of—
- (a) the Scottish Parliament, if it were contained in an Act of that Parliament (see section 29 of the Scotland Act 1998),
 - (b) Senedd Cymru, if it were contained in an Act of the Senedd (see section 108A of the Government of Wales Act 2006), or
 - (c) the Northern Ireland Assembly, if it were contained in an Act of the Assembly, where the Bill for that Act would not require the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).”

Member's explanatory statement

This new Schedule lists the persons who are relevant authorities for the purposes of the corporate parenting duty introduced by NC18. It also contains a power for the Secretary of State to amend the list of relevant authorities by regulations.

DAY 2

NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF, AND AMENDMENTS TO, PART 2 AND PART 3; REMAINING NEW CLAUSES AND NEW SCHEDULES; REMAINING PROCEEDINGS ON CONSIDERATION

Secretary Bridget Phillipson

Gov NC17

To move the following Clause—

“Establishment of new schools: data protection

After section 30 of the Education and Inspections Act 2006 insert—

“30A Data protection

- (1) None of the provisions in or made by virtue of this Part (including Schedule 2) are to be read as requiring or authorising the processing of information which would contravene the data protection legislation (but in determining whether the processing would do so, take into account the duty imposed or the power conferred by the provision in question).
- (2) In this section, “the data protection legislation” and “processing” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Member's explanatory statement

This amendment ensures that the provisions in or made under Part 2 of the Education and Inspections Act 2006 (including provisions inserted into that Part by clauses 52 to 55 and Schedule 3) do not override the provisions in the data protection legislation.

Helen Hayes

NC1

Jess Asato
 Caroline Voaden
 Mark Sowards
 Mrs Sureena Brackenridge
 Manuela Perteghella

Dr Marie Tidball
 Siân Berry
 Adrian Ramsay
 Natasha Irons
 Cat Smith

Mrs Sharon Hodgson
 Ellie Chowns
 Neil Duncan-Jordan
 Liz Jarvis
 Ian Lavery

Carla Denyer
 Dr Simon Opher
 Jodie Gosling
 David Smith

To move the following Clause—

“Free school meals: automatic enrolment of eligible children

In section 512ZB of the Education Act 1996 (provision of free school lunches and milk), omit subsection (2)(b).”

Member's explanatory statement

This new clause would remove the requirement in the Education Act 1996 for eligible children to request free school meals of their local authority.

Mrs Sharon Hodgson

NC6

Siân Berry
 Carla Denyer
 Ellie Chowns
 Manuela Perteghella
 Ian Lavery

To move the following Clause—

“Establishment of national school food monitoring scheme

- (1) Within 12 months of the passing of this Act, the Secretary of State must institute a scheme for monitoring school food standards in England (“the national school food monitoring scheme”).
- (2) The purpose of the national school food monitoring scheme will be to determine whether applicable food standards duties are being met in the provision of all food in schools in England.
- (3) The national school food monitoring scheme may from time to time publish reports containing such information as it sees fit relating to school food standards in England.”

Member's explanatory statement

This new clause would establish a national school food monitoring scheme, to ensure that the breakfast club provision included within this bill, along with all other school food, follows school food standards.

Munira Wilson**NC7**

Gideon Amos
Manuela Perteghella
Liz Jarvis

To move the following Clause—

“Registration of children for free school meals

After section 512ZA of the Education Act 1996 (power to charge for meals etc.), insert—

“512ZAA Registration of children for free school meals

The Secretary of State must ensure that free school meals are provided to—

- (a) all children in England who are eligible to receive free school meals; and
- (b) all children whose household income is less than £20,000 per year.””

Munira Wilson**NC9**

Gideon Amos

To move the following Clause—

“Duty of school governing bodies regarding mental health provision

- (1) Subject to subsection (3), the governing body of a maintained or academy school in England has a duty to make arrangements for provision in the school of a dedicated mental health practitioner.
- (2) In subsection (1), “education mental health practitioner” means a person with a graduate-level or postgraduate-level qualification of that name earned through a course commissioned by NHS England.
- (3) Where a school has 100 or fewer pupils, the duty under subsection (1) may be satisfied through collaborative provision between several schools.
- (4) The Secretary of State must provide, or make arrangements for the provision of, appropriate financial and other support to school governing bodies for their purposes of facilitating the fulfilling of the duty in subsection (1).”

Munira Wilson

NC10

Gideon Amos

To move the following 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 SEND.
- (2) The functions of the National Body for SEND will include, but not be limited to—
 - (a) national coordination of SEND provision;
 - (b) supporting the delivery of SEND support for children with very high needs; and
 - (c) advising on funding needed by local authorities for SEND provision.
- (3) Any mechanism used by the National Body for SEND in advising on funding under subsection (2)(c) should be based on current need and may disregard historic spend.”

Munira Wilson

NC11

Gideon Amos

To move the following Clause—

“National Tutoring Guarantee

- (1) The Secretary of State must, within six months of the passing of this Act, 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 implement the recommendations contained in the report."

Munira Wilson

NC12

Gideon Amos

To move the following Clause—

"VAT zero-rating for certain items of school uniform

- (1) The Secretary of State must, within 6 months of the passing of this Act, make provision for certain items of school uniform to be zero-rated for the purposes of VAT.
- (2) For the purposes of this section, "certain items of school uniform" means items of school uniform for pupils up to the age of 16."

Cat Eccles

NC16

Siân Berry
Carla Denyer
Ellie Chowns

To move the following Clause—

"Spiritual, moral, social and cultural education in assemblies

- (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 70 (requirements relating to collective worship)—
- (a) for subsection (1) 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 on each school day take part in an act of collective worship."
 - (b) in subsection (2), for "community, foundation or voluntary school", substitute "school to which subsection (1) applies".

(3) 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 new clause would remove 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 introduce a requirement for a weekly assembly furthering spiritual, moral, social and cultural education.

Zarah Sultana

NC23

To move the following Clause—

“Provision of relationships and sex education and PSHE to persons who have not attained the age of 18 at further education providers

- (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 “and
 - (c) relationships and sex education to be provided to persons who have not attained the age of eighteen 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)(b), 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 “and
 - (c) to persons who have not attained the age of eighteen 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)(b), 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.

Ian Sollom

NC24

Siân Berry
Carla Denyer
Ellie Chowns

To move the following Clause—

“Cap on new faith schools’ admissions

- (1) Any school or academy established more than two months after the passing of this Act which—
- (a) is of a religious character, and
 - (b) is selective on the basis of faith,
- must adopt admissions criteria which provide that, where the school is oversubscribed, at least 50% of the places available each year are allocated without reference to faith-based criteria.
- (2) Subsection (1) does not apply to an academy established as a result of a maintained school being converted into an academy under section 4 of the Academies Act 2010, except where the converted maintained school was—
- (a) of a religious character, and
 - (b) selective on the basis of faith prior to conversion.”

Member's explanatory statement

This new clause would require new schools with faith-based admissions (other than those which were maintained schools that have converted to being academies) to apply a 50% cap on faith-based admissions places when oversubscribed, in line with the cap for new academies and free schools.

Daisy Cooper

NC31

Munira Wilson
Gideon Amos

To move the following Clause—

“Guidance on the admission of summer-born children with EHC plans

- (1) The Secretary of State must, within 12 months of the passing of this Act, publish guidance for local authorities and school admissions authorities on the admission of summer-born children with education, health and care plans.
- (2) Guidance published under this section must—
 - (a) detail the factors which must be taken into account when considering a request for a summer born child with an EHC plan to be placed outside of their normal age group;
 - (b) include a presumption that requests relating to the placement or admission of summer-born children with EHC plans should be considered on no less favourable terms than requests relating to summer-born children without EHC plans; and
 - (c) outline circumstances when it may, or may not, be appropriate for a child who has been placed outside of their normal age group to be moved to join their normal age group , with a presumption that such a placement should be no less favourable terms than placements relating to summer-born children without EHC plans;
 - (d) detail how parents may object to the placing of their child with their normal age group, and the process by which such objections will be considered.
- (3) In developing guidance under this section, the Secretary of State must consult with—
 - (a) groups representing the interests of parents;
 - (b) individuals and organisations with expertise in supporting children with special educational needs and the parents of such children;
 - (c) other such parties as the Secretary of State considers appropriate.
- (4) For the purposes of this section, “summer-born children” means children born between 1 April and 31 August.”

Daisy Cooper

NC32

Munira Wilson
Gideon Amos

To move the following Clause—

“Collection and publication of data relating to summer-born children

- (1) A local authority must collect and publish data on—

- (a) the number and proportion of summer-born children who started school in the local authority's area outside of their normal age group—
 - (i) with EHC plans, and
 - (ii) without EHC plans
 - (b) the number and proportion of summer-born children—
 - (i) with EHC plans, and
 - (ii) without EHC plans
 who started school in the local authority's area outside of their normal age group and who have been required to join their normal age group;
 - (c) the number and proportion of summer-born children with EHC plans who started school in the local authority's area outside of their normal age group and who have been required to join their normal age group in a—
 - (i) special school;
 - (ii) mainstream school.
- (2) The Secretary of State must annually—
- (a) conduct a statistical analysis of, and
 - (b) publish a report on the data collected by local authorities under subsection (1)."

Adrian Ramsay

NC34

Carla Denyer
 Ellie Chowns
 Siân Berry
 Ian Byrne
 Neil Duncan-Jordan

Mrs Sharon Hodgson

Zarah Sultana

Ian Lavery

To move the following Clause—

“Provision of free school lunches to all primary school children

- (1) Section 512ZB of the Education Act 1996 (provision of free school lunches and milk) is amended as follows.
- (2) In paragraph (4A)(b), after "year 2," insert "year 3, year 4, year 5, year 6".
- (3) In subsection (4C), after "age of 7;" insert—
 - “Year 3” means a year group in which the majority of children will, in the school year, attain the age of 8;
 - “Year 4” means a year group in which the majority of children will, in the school year, attain the age of 9;
 - “Year 5” means a year group in which the majority of children will, in the school year, attain the age of 10;
 - “Year 6” means a year group in which the majority of children will, in the school year, attain the age of 11;”

Member's explanatory statement

This new clause would extend free school lunches to all primary school age children in state funded schools.

Laura Trott

NC38

Neil O'Brien
Patrick Spencer

To move the following Clause—

“Power to prescribe pay and conditions for teachers

The Secretary of State must, within three months of the passing of this Act—

- (a) make provision for the power of the governing bodies of maintained schools to set the pay and working conditions of school teachers to be made equivalent with the relevant powers of academies;
- (b) provide guidance to all applicable schools that—
 - (i) pay levels given in the School Teachers’ Pay and Conditions Document are to be treated as the minimum pay of relevant teachers;
 - (ii) teachers may be paid above the pay levels given in the School Teachers’ Pay and Conditions Document;
 - (iii) they must have regard to the School Teachers’ Pay and Conditions Document but may vary from it.”

Member's explanatory statement

This new clause would make the pay set out in the School Teachers’ Pay and Conditions Document a floor, and extend freedoms over pay and conditions to local authority maintained schools.

Laura Trott

NC39

Neil O'Brien
Patrick Spencer

To move the following Clause—

“Approved free schools and university training colleges in pre-opening

The Secretary of State must make provision for the opening of all free schools and university training colleges whose applications were approved prior to October 2024.”

Member's explanatory statement

This new clause would require the Secretary of State to proceed with the opening of free schools whose opening was paused in October 2024.

Laura Trott

NC40

Neil O'Brien
Patrick Spencer

To move the following Clause—

“Duty for schools to report acts of violence against staff to the police

- (1) Where an act listed in subsection (2) takes place which involves the use or threat of force against a member of a school’s staff, the school must report the incident to the police.
- (2) An act must be reported to the police where—
 - (a) it is directed towards a member of school staff or their property; and
 - (b) it takes place—
 - (i) on school property; or
 - (ii) because of the victim’s status as a member of a school’s staff.
- (3) The provisions of this section do not require or imply a duty on the police to take specific actions in response to such reports.”

Member's explanatory statement

This new clause would create a duty for all schools to report acts or threats of violence against their staff to the police. It would not create a requirement for the police to charge the perpetrator.

Laura Trott

NC41

Neil O'Brien
Patrick Spencer

To move the following Clause—

“Right to review school curriculum material

Where requested by the parent or carer of a child on the school’s pupil roll, a school must allow such persons to view all materials used in the teaching of the school curriculum, including those provided by external, third-party, charitable or commercial providers.”

Member's explanatory statement

This new clause would ensure that parents can view materials used in the teaching of the school curriculum.

Munira Wilson

NC48

Gideon Amos

To move the following Clause—

“Review of Impact on Home Educators and Reduction of Unnecessary Reporting

- (1) The Secretary of State must, within six months of the day on which this Act is passed, conduct a review and report of the impact of clause 26 on home educators in England.
- (2) The review must include an assessment of
 - (a) the administrative and reporting requirements placed on home educators as a result of clause 26;
 - (b) the administrative and reporting requirements placed on local authorities as a result of clause 26;
 - (c) the extent to which such requirements are necessary for safeguarding purposes; and
 - (d) any data or reporting obligations that can be reduced or removed for home educators where they are not essential for safeguarding.
- (3) The Secretary of State must lay a report before Parliament setting out the findings of the review, including—
 - (a) an analysis of the impact of clause 26 on home educators;
 - (b) a clear outline of any data or reporting obligations that will no longer be required from home educators; and
 - (c) a timeline for the removal of unnecessary reporting obligations, which must not exceed 12 months from the publication of the report.
- (4) In conducting the review, the Secretary of State must consult with representatives of home educators and relevant stakeholders.
- (5) The report must be made publicly available.
- (6) The Secretary of State must ensure that any reporting obligations identified as unnecessary under subsection (3)(b) are removed within the timeframe specified in subsection (3)(c).”

Ian Byrne

Ellie Chowns
Carla Denyer
Siân Berry
Adrian Ramsay
Ian Lavery

NC49

To move the following Clause—

“Provision of free meals and activities during school holidays

- (1) A local authority must—
 - (a) provide; or
 - (b) coordinate the provision of programmes which provide,free meals and activities to relevant children during school holidays.

- (2) For the purposes of this section, “relevant children” means children in receipt of free school meals.
- (3) The Secretary of State may, by regulations made by statutory instrument—
 - (a) specify minimum standards for meals and activities during school holidays;
 - (b) specify criteria that organisations involved in the delivery of meals and activities during school holidays must meet.”

Member's explanatory statement

This new clause would place a duty on local authorities to provide or coordinate free meals and activities for children eligible for free school meals during school holidays.

Munira Wilson

NC51

Gideon Amos

To move the following Clause—

“Flexibility to take into account local circumstances when following the National Curriculum

In section 87 of the Education Act 2002 (establishment of the National Curriculum for England by order), after subsection (1) insert—

- “(1A) In any revision to the National Curriculum for England, the Secretary of State must ensure that the National Curriculum shall consist of—
- (a) a core framework; and
 - (b) subjects or areas of learning outside the core framework that allow flexibility for each school to take account of their specific circumstances.””

Member's explanatory statement

This new clause would clarify that, when revised, the National Curriculum for England will provide a core framework as well as flexibility for schools to take account of their own specific circumstances.

Munira Wilson

NC52

Gideon Amos

To move the following Clause—

“Parliamentary approval of revisions of the National Curriculum

In section 87 of the Education Act 2002 (establishment of the National Curriculum for England by order), after subsection (3) insert—

- “(3A) An order made under this section revising the National Curriculum for England shall be subject to the affirmative procedure.””

Member's explanatory statement

This new clause would make revisions to the National Curriculum subject to parliamentary approval by the affirmative procedure.

Munira Wilson

NC53

Gideon Amos

To move the following Clause—

“Arrangements for national examinations for children not in school

After section 436G of the Education Act 1996, as inserted by section 25 of this Act, insert—

“436GA Arrangements for national examinations for children not in school

Where a child is eligible to be registered by the authority under section 436B, the authority must—

- (a) provide for the child to be able to sit any relevant national examination; and
- (b) provide financial assistance to enable the child to sit any relevant national examination; where requested by the parent or carer of the child.””

Munira Wilson

NC54

Gideon Amos

To move the following Clause—

““Review of Free School Meal eligibility and Pupil Premium registration

- (1) The Secretary of State must, within six months of the day on which this Act is passed, conduct a review of—
 - (a) the number of children in England who are eligible for free school meals but are not claiming them,
 - (b) the number of children who are eligible for free school meals but are not registered for the purposes of pupil premium funding,
 - (c) the number of additional children who would be eligible for free school meals if the income thresholds had been uprated in line with inflation since 2018, and
 - (d) the number of additional children who would be eligible for free school meals if the income thresholds were set at £20,000 per annum after tax.
- (2) A review under subsection (1) must include an assessment of—
 - (a) barriers preventing eligible children from claiming free school meals;
 - (b) disparities in take-up rates across different regions and demographics; and

- (c) the financial and educational impact of under-registration on schools and local authorities.
- (3) The Secretary of State must lay a report before Parliament setting out the findings of the review, including any recommendations for improving registration for and take-up of free school meals and pupil premium funding.
- (4) The review and report required under this section must be repeated annually.”

Mrs Emma Lewell-Buck

219

Mrs Sharon Hodgson
Chris Hinchliff
Ian Byrne
Jon Trickett
Paula Barker

Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

Rosie Duffield
Cat Eccles
Dr Simon Opher

Clause 22, page 41, line 23, at end insert “and for all pupils attending special schools”

Member's explanatory statement

This amendment would require the delivery of school breakfast provision to all pupils in special schools, regardless of their age.

Helen Hayes

2

Jess Asato
Caroline Voaden
Mark Swards
Mrs Sureena Brackenridge
Manuela Perteghella

Dr Marie Tidball
Ellie Chowns
Jodie Gosling
Gideon Amos

Carla Denyer
Adrian Ramsay
Mrs Sharon Hodgson

Siân Berry
Neil Duncan-Jordan
Natasha Irons

Clause 22, page 41, line 23, at end insert—

“(1A) The appropriate authority must, in securing breakfast club provision, make provision for the needs of qualifying children listed on the school’s Special Educational Needs and Disabilities Register.”

Member's explanatory statement

This amendment would require the providers of breakfast clubs to make particular provision for the needs of children on schools’ Special Educational Needs and Disabilities Registers.

Mrs Emma Lewell-Buck

220

Mrs Sharon Hodgson
Chris Hinchliff
Ian Byrne
Jon Trickett
Paula Barker

Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

Rosie Duffield
Cat Eccles
Dr Simon Opher

Clause 22, page 42, line 23, at end insert—

““special schools” has the meaning set out in section 337 of the Education Act 1996.”

Member's explanatory statement

This amendment defines special schools and is consequential on amendment 219.

Mrs Emma Lewell-Buck

214

Mrs Sharon Hodgson
Chris Hinchliff
Ian Byrne
Jon Trickett
Paula Barker

Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

Rosie Duffield
Cat Eccles
Dr Simon Opher

Clause 22, page 43, line 11, at end insert—

- “(2A) Before making an application under subsection (1), the appropriate authority of a relevant school must consider whether the duty might be met by other forms of breakfast provision including—
- (a) classroom-based provision, or
 - (b) takeaway provision, either at school or at a proximate site.”

Member's explanatory statement

This amendment would require schools to consider other models of breakfast provision before seeking an exemption from the duty to provide breakfast clubs.

Mrs Emma Lewell-Buck

215

Mrs Sharon Hodgson
Chris Hinchliff
Ian Byrne
Jon Trickett
Paula Barker

Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

Rosie Duffield
Cat Eccles
Dr Simon Opher

Clause 22, page 43, line 21, at end insert—

“and if the condition in subsection (4A) is met.

(4A) The condition in this subsection is that the Secretary of State is satisfied that the appropriate authority of a relevant school has fully considered other forms of breakfast provision in accordance with subsection (2A).”

Member's explanatory statement

This amendment would require the Secretary of State to be satisfied that a school had considered other models of breakfast provision before granting an exemption from the duty to provide breakfast clubs.

Mrs Emma Lewell-Buck

217

Mrs Sharon Hodgson
Chris Hinchliff
Ian Byrne
Jon Trickett
Paula Barker

Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

Rosie Duffield
Cat Eccles
Dr Simon Opher

Clause 22, page 43, line 29, at end insert—

“551CA Promotion of supplementary models of provision

The Secretary of State must seek to promote and support the development of supplementary models of provision where appropriate, including

- (a) classroom based provision.
- (b) takeaway provision, and
- (c) nurture group services.”

Member's explanatory statement

This amendment would require the Secretary of State to promote supplementary models of provision.

Mrs Emma Lewell-Buck

218

Mrs Sharon Hodgson
 Chris Hinchliff
 Ian Byrne
 Jon Trickett
 Paula Barker

Kate Osborne
 Barry Gardiner
 Rachael Maskell
 Sarah Champion

Mary Kelly Foy
 Marsha De Cordova
 Neil Duncan-Jordan
 Zarah Sultana

Rosie Duffield
 Cat Eccles
 Dr Simon Opher

Clause 22, page 43, line 37, at end insert—

“(d) matters arising from the Secretary of State’s duty under section 551CA.”

Member's explanatory statement

This amendment would require the Secretary of State to develop guidance in connection with the duty to promote supplementary models of provision.

Mrs Emma Lewell-Buck

216

Mrs Sharon Hodgson
 Chris Hinchliff
 Ian Byrne
 Jon Trickett
 Paula Barker

Kate Osborne
 Barry Gardiner
 Rachael Maskell
 Sarah Champion

Mary Kelly Foy
 Marsha De Cordova
 Neil Duncan-Jordan
 Zarah Sultana

Rosie Duffield
 Cat Eccles
 Dr Simon Opher

Clause 22, page 43, line 38, leave out “have regard to” and insert “comply with”

Member's explanatory statement

This amendment would require schools to comply with guidance under section 551D.

Mrs Emma Lewell-Buck

212

Mrs Sharon Hodgson
 Chris Hinchliff
 Ian Byrne
 Jon Trickett
 Paula Barker

Kate Osborne
 Barry Gardiner
 Rachael Maskell
 Sarah Champion

Mary Kelly Foy
 Marsha De Cordova
 Neil Duncan-Jordan
 Zarah Sultana

Rosie Duffield
 Cat Eccles
 Dr Simon Opher

Clause 22, page 44, line 5, at end insert—

“551E Publication of data

The Secretary of State must acquire and regularly publish data on breakfast club provision in schools, including data on—

- (a) the characteristics of those receiving breakfast in schools, including their eligibility for free school meals;
- (b) uptake levels;
- (c) satisfaction levels amongst pupils and parents; and
- (d) any assessment of the impact of provision on attendance, behaviour, health and wellbeing.”

Member's explanatory statement

This amendment would require the Secretary of State to acquire and regularly publish data on breakfast club provision in schools.

Mrs Emma Lewell-Buck

213

Mrs Sharon Hodgson
Chris Hinchliff
Ian Byrne
Jon Trickett
Paula Barker

Kate Osborne
Barry Gardiner
Rachael Maskell
Sarah Champion

Mary Kelly Foy
Marsha De Cordova
Neil Duncan-Jordan
Zarah Sultana

Rosie Duffield
Cat Eccles
Dr Simon Opher

Clause 22, page 44, line 5, at end insert—

“551E Advice and support

- (1) The Secretary of State must provide to any school to which the duty under section 551B applies advice and support services when requested by the appropriate authority of the school.
- (2) Services provided by the Secretary of State in accordance with subsection (1) should include advice and support from individuals with specialist knowledge of the delivery of school breakfast provision.”

Member's explanatory statement

This amendment would require the Secretary of State to make available to schools advice and support services delivered by people with specialist knowledge of the delivery of school breakfast provision.

Secretary Bridget Phillipson

Gov 132

Clause 23, page 44, line 6, at end insert—

“(1) In section 512B of the Education Act 1996 (provision of school lunches: Academies), after subsection (3) insert—

“(4) Subsections (1) and (3) apply to an agreement under section 482 in relation to a city technology college or a city college for the technology of the arts as they apply to Academy arrangements in relation to an Academy school or an alternative provision Academy.””

Member's explanatory statement

This amendment ensures that section 512B of the Education Act 1996 (which imposes requirements relating to the provision of school lunches at Academy schools and alternative provision Academies) also applies to city technology colleges and city colleges for the technology of the arts.

Munira Wilson

1

Gideon Amos

Clause 23, page 44, leave out lines 22 to 29 and insert—

“(1) The appropriate authority of a relevant school may not require a pupil at the school to have to buy branded items of school uniform for use during a school year which cost more in total to purchase than a specified monetary amount, to be reviewed annually.

(1A) The Secretary of State may by regulations specify the monetary amount that may apply to—

- (a) a primary pupil; and
- (b) a secondary pupil.”

Secretary Bridget Phillipson

Gov 133

Clause 23, page 44, line 28, at end insert—

“(4) Subsections (1) and (3) apply to an agreement under section 482 in relation to a city technology college or a city college for the technology of the arts as they apply to Academy arrangements in relation to an Academy school or an alternative provision Academy.”

Member's explanatory statement

This amendment ensures that the provision made by inserted section 512C of the Education Act 1996 (which applies the school food standards to Academy schools and alternative provision Academies) also applies to city technology colleges and city colleges for the technology of the arts.

Laura Trott

191

Neil O'Brien
Patrick Spencer

Clause 24, page 45, line 6, at end insert—

- “(2A) Where the appropriate authority of a relevant school provides second hand items which—
- (a) comply with the school’s uniform requirements,
 - (b) are in an acceptable condition, and
 - (c) can be purchased for significantly less than the cost of buying the item,
- the appropriate authority may require a pupil to have more than three branded items of uniform.
- (2B) Where the appropriate authority provides new items which—
- (a) comply with the school’s uniform requirements,
 - (b) are new, and
 - (c) can be purchased for significantly less than the cost of buying the item non-branded,
- the appropriate authority may require a pupil to have more than three branded items of uniform.”

Member's explanatory statement

This amendment would allow schools to require more than three branded items of uniform if they are making them available, whether new or second hand, at a lower cost than buying non-branded items.

Laura Trott

190

Neil O'Brien
Patrick Spencer

Clause 24, page 45, line 15, after “school” insert “except items of kit required when representing the school in sporting activities”.

Member's explanatory statement

This amendment would exclude items of PE kit required when representing the school in sporting activities from the limit on branded items of school uniform.

Secretary Bridget Phillipson

Gov 134

Clause 24, page 45, line 24, leave out “or a non-maintained special school” and insert “, a non-maintained special school, a city technology college or a city college for the technology of the arts,”

Member's explanatory statement

This amendment is consequential on amendment 135.

Secretary Bridget Phillipson

Gov 135

Clause 24, page 45, line 33, at end insert “, or

- (f) a city technology college or a city college for the technology of the arts,”

Member's explanatory statement

This amendment ensures that the definition of “relevant school” in section 551ZA (inserted into the Education Act 1996 by clause 24) includes a city technology college and a city college for the technology of the arts.

Laura Trott

200

Neil O'Brien
Patrick Spencer

Clause 24, page 47, line 29, at end insert—

“(8A) Where a local authority refuses consent in respect of a child who meets the criteria for Condition A, the local authority must provide the parents or carers of the relevant child with a statement of reasons for the decision.

(8B) A statement of reasons provided under subsection (8A) must include an assessment of the costs and benefits to the child.”

Member's explanatory statement

This amendment would require a local authority to submit a statement of reasons when they do not agree for a child who meets Condition A to be home educated.

Secretary Bridget Phillipson

Gov 20

Clause 25, page 46, line 21, leave out “in England”

Member's explanatory statement

This amendment and the amendments in the name of Secretary Bridget Phillipson to clauses 25 to 29 and Schedule 1 ensure that the provisions in the Bill that relate to children not in school, that previously applied only in England, will also apply in Wales.

Laura Trott

202

Neil O'Brien
Patrick Spencer

Clause 25, page 46, line 22, leave out “condition A”

Laura Trott

201

Neil O'Brien
Patrick Spencer

Clause 25, page 46, leave out lines 23 to 28

Munira Wilson

224

Clause 25, page 46, line 23, leave out subsection (3)

Secretary Bridget Phillipson

Gov 21

Clause 25, page 46, line 24, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 22

Clause 25, page 46, line 25, leave out "337(1)" and insert "337"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 23

Clause 25, page 46, leave out lines 26 to 28 and insert—

- "(b) an independent school within the meaning of section 463 which—
 - (i) in the case of a school in England, is specially organised to make special educational provision for pupils with special educational needs;
 - (ii) in the case of a school in Wales, is wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is maintained."

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 24

Clause 25, page 46, line 29, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Carla Denyer

173

Adrian Ramsay
Ellie Chowns
Siân Berry

Clause 25, page 46, line 32, after “action” insert “, or has previously taken action”

Member's explanatory statement

This amendment would widen the definition of “relevant child” to include children in relation to whom a local authority has previously taken action under section 47 of the Children Act 1989 to safeguard and promote their welfare.

Laura Trott

192

Neil O'Brien
Patrick Spencer

Clause 25, page 46, line 37, at end insert—

- “(c) providing services to the child or their family under section 17 of the Children Act 1989, or
- (d) a local authority which has ever provided services to the child or their family under section 47 of the Children Act 1989.”

Member's explanatory statement

This amendment would ensure local authorities had to consent to withdrawing children from school if there is a child protection plan in place or if a child is a ‘child in need’, or if there has ever been a child protection plan in place, in relation to the relevant child or their family.

Abtisam Mohamed

4

Clause 25, page 47, line 19, at end insert—

- “(6A) For the purposes of subsection (6), “suitable arrangements” in relation to the education of the child otherwise than at school mean arrangements appropriate to the age, ability and aptitude of the child and the existence of any special educational needs.”

Member's explanatory statement

This amendment would clarify the meaning of suitable arrangements for the education of a child outside of school, which the local authority must consider when deciding whether to grant consent for withdrawal from school.

Secretary Bridget Phillipson

Gov 25

Clause 25, page 47, line 44, leave out “the Secretary of State, and” and insert “—

- (i) the Secretary of State, in relation to a local authority in England, and
- (ii) the Welsh Ministers, in relation to a local authority in Wales, and”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 26

Clause 25, page 48, line 1, after “State” insert “or the Welsh Ministers (as the case may be)”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 27

Clause 25, page 48, line 7, leave out “the Secretary of State, and” and insert “—

- (i) the Secretary of State, in relation to a local authority in England, and
- (ii) the Welsh Ministers, in relation to a local authority in Wales, and”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 28

Clause 25, page 48, line 8, after “State” insert “or the Welsh Ministers (as the case may be)”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 29

Clause 25, page 48, line 10, after “considers” insert “, or the Welsh Ministers consider,”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 30

Clause 26, page 48, line 35, leave out “: England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 31

Clause 26, page 48, line 37, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 136

Clause 26, page 49, line 6, after “pupil” insert “or a student registered”

Member's explanatory statement

This amendment is a minor drafting change to ensure that the correct label is used in relation to institutions where the children are referred to as students rather than pupils.

Secretary Bridget Phillipson

Gov 137

Clause 26, page 49, line 15, after “pupil” insert “or a student registered”

Member's explanatory statement

This amendment is a minor drafting change to ensure that the correct label is used in relation to institutions where the children are referred to as students rather than pupils.

Secretary Bridget Phillipson

Gov 138

Clause 26, page 49, leave out lines 28 to 30

Member's explanatory statement

This amendment and amendment 139 ensure that unregistered independent educational institutions do not fall within the definition of “relevant school” for the purposes of determining whether there is a duty to register a child under section 436B of the Education Act 1996, as inserted by clause 26.

Secretary Bridget Phillipson

Gov 32

Clause 26, page 49, line 31, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 139**

Clause 26, page 49, line 35, after "2008" insert ", that is registered under section 95 of that Act (register of independent educational institutions)"

Member's explanatory statement

See the explanatory statement to amendment 138.

Secretary Bridget Phillipson**Gov 33**

Clause 26, page 49, line 35, at end insert—

"(f) a school that is included in the register of independent schools in Wales (kept under section 158 of the Education Act 2002), or"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 140**

Clause 26, page 49, line 35, at end insert—

"(g) a school within the meaning of section 135(1) of the Education (Scotland) Act 1980."

Member's explanatory statement

This ensures that section 436B, inserted into the Education Act 1996 by clause 26, does not require a local authority to register a child who attends a school in Scotland.

Abtisam Mohamed**5**

Clause 26, page 49, line 40, leave out "each" and insert "the"

Member's explanatory statement

This amendment would remove the obligation on parents to provide information on the second parent.

Abtisam Mohamed**6**

Clause 26, page 49, line 41, leave out "each" and insert "any"

Member's explanatory statement

See explanatory statement for Amendment 5.

Laura Trott

193

Neil O'Brien
Patrick Spencer

Clause 26, page 50, leave out lines 1 and 2

Member's explanatory statement

This amendment would remove a requirement for the register of children not in school to include details of how much time a child spends being educated by parents.

Abtisam Mohamed

7

Clause 26, page 50, line 2, leave out "each parent of the child" and insert "a parent"

Member's explanatory statement

See explanatory statement for Amendment 5.

Laura Trott

194

Neil O'Brien
Patrick Spencer

Clause 26, page 50, line 4, after "parent" insert ", in respect of each individual or organisation which provides such education for more than six hours a week"

Member's explanatory statement

This amendment would ensure that information relating to short activities such as those operated by museums, libraries, companies and charities, as well as individual private tutoring activities, would only need to be recorded on the register of children not in school if they are provided for more than six hours a week.

Vikki Slade

175

Munira Wilson
Josh Babarinde
Mr Lee Dillon
Gideon Amos
Caroline Voaden

Clause 26, Page 50, line 17, at end insert—

"(1A) The requirement to provide information under subsection (1)(b) does not apply where a safeguarding concern in respect of either parent has been identified."

Laura Trott

195

Neil O'Brien
Patrick Spencer

Clause 26, page 50, line 17, at end insert—

“(1A) The requirements of subsection (1)(e) do not apply to provision provided on weekends or during school holidays.”

Secretary Bridget Phillipson

Gov 34

Clause 26, page 50, line 24, at beginning insert “in the case of a child who is in the area of a local authority in England,”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 35

Clause 26, page 50, line 26, at end insert—

“(ba) in the case of a child who is in the area of a local authority in Wales, whether the child has any additional learning needs, including whether an individual development plan is maintained for the child;”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 36

Clause 26, page 50, line 39, at end insert—

“(da) whether the child has ever been assessed as having needs for care and support for the purposes of Part 4 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see section 32(1) of that Act) and, if so, any actions that a local authority is taking or has taken in relation to the child under that Part (or Part 4 or 5 of the Children Act 1989) and any services that a local authority is providing or has provided to the child in the exercise of functions conferred on the authority by or under that Part (or Part 4 or 5 of the Children Act 1989);”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 37

Clause 26, page 50, line 41, after “authority” insert “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 38

Clause 26, page 50, line 42, after “1989)” insert “or in Wales (within the meaning of section 74 of the Social Services and Well-being (Wales) Act 2014)”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 39

Clause 26, page 51, line 16, after “considers” insert “, or the Welsh Ministers consider (as the case may be),”

Member's explanatory statement

See the explanatory statement to amendment 20.

Laura Trott

196

Neil O'Brien
Patrick Spencer

Clause 26, page 51, line 18, at end insert—

“(2A) The Secretary of State may only require further information about children to be included on the register by introducing regulations subject to the affirmative procedure.”

Member's explanatory statement

This amendment would require the Secretary of State to introduce regulations, subject to agreement in Parliament, when seeking to require additional information to be included in the register of children not in school.

Secretary Bridget Phillipson

Gov 40

Clause 26, page 52, line 3, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 41

Clause 26, page 52, line 8, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 42

Clause 26, page 52, line 35, after “19” insert “(in England) or section 19A (in Wales)”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 43

Clause 26, page 52, line 38, at beginning insert “where the local authority is a local authority in England,”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 44

Clause 26, page 52, line 40, at end insert—

“(ca) where the local authority is a local authority in Wales, arrangements made by the local authority under section 53 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2) (additional learning provision otherwise than in schools);”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 45

Clause 26, page 53, line 2, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Laura Trott 197
Neil O'Brien
Patrick Spencer

Clause 26, page 53, line 14, after "436B)" insert "but does not include any person or provider that is providing out-of-school education to home-educated children on weekends or during school holidays."

Member's explanatory statement

This amendment would mean that providers of out-of-school education would not be required to provide information to local authorities in respect of education they provide on weekends or during school holidays to home-schooled children.

Laura Trott 198
Neil O'Brien
Patrick Spencer

Clause 26, page 53, line 21, after "way" insert ", but may not refer to an amount of time that is less than or equal to six hours a week."

Member's explanatory statement

This amendment would mean that providers of out-of-school education would not be required to provide information to local authorities where they provide education for fewer than six hours a week.

Vikki Slade 221
Josh Babarinde
Mr Lee Dillon
Caroline Voaden

Clause 26, page 53, line 21, at end insert—

" , but may not refer to an amount of time that is less than or equal to six hours a week."

Secretary Bridget Phillipson Gov 46

Clause 26, page 54, line 5, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 47

Clause 26, page 54, line 17, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 48

Clause 26, page 54, line 17, after "directs" insert "in relation to a local authority in England, or the Welsh Ministers so direct in relation to a local authority in Wales,"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 49

Clause 26, page 54, line 18, after "State" insert "or the Welsh Ministers (as the case may be)"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 50

Clause 26, page 54, line 21, after "State" insert "or the Welsh Ministers"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 51

Clause 26, page 54, line 22, after "considers" insert "or the Welsh Ministers consider (as the case may be)"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 52

Clause 26, page 54, line 27, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 53

Clause 26, page 54, line 35, after “11(1)” insert “or 28(1)”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 54

Clause 26, page 54, line 41, at end insert—

“(c) His Majesty’s Chief Inspector of Education and Training in Wales;
(d) the Welsh Ministers.”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 55

Clause 26, page 55, line 1, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 56

Clause 26, page 55, line 3, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 57

Clause 26, page 55, line 10, leave out “Wales,”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 58

Clause 26, page 55, line 12, after first “England” insert “or Wales”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 59**

Clause 26, page 55, line 12, leave out second "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Laura Trott**199**

Neil O'Brien
Patrick Spencer

Clause 26, page 55, line 22, at end insert—

"(9) The Secretary of State shall publish annually the GCSE results of children listed on the register.

(10) The Secretary of State shall ensure that the GCSE results of children on the register are included for each set of outcome data published by the Government."

Member's explanatory statement

This amendment would require the Secretary of State to record outcome data for children on the register as a subsection of each set of performance data published by the Department for Education.

Secretary Bridget Phillipson**Gov 60**

Clause 26, page 55, line 24, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 61**

Clause 26, page 55, line 38, after "19" insert "or 19A"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 62

Clause 26, page 55, line 41, at end insert “, or

- (d) the local authority is required to secure additional learning provision or other provision for the child under section 14(10) or 19(7) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 63

Clause 26, page 56, line 3, after “regulations” insert “to be made by the Secretary of State”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 64

Clause 26, page 56, line 16, at end insert—

“(3A) In section 569(2B), (2BA) and (2BB) for “the National Assembly for Wales” (in each place that it occurs) substitute “Senedd Cymru”.

(3B) After section 569(2BB) insert—

“(2BC) A statutory instrument which contains any of the following regulations to be made by the Welsh Ministers is subject to annulment in pursuance of a resolution of Senedd Cymru—

(a) regulations under any of the following provisions, other than the first set of such regulations—

- (i) section 436B(6),
- (ii) section 436C(4),
- (iii) section 436E(9),
- (iv) section 436F(1),
- (v) paragraph 5 of Schedule 31A, or

(b) regulations under section 436I(5).

(2BD) A statutory instrument which contains (whether alone or with other provision) any of the following regulations to be made by the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru—

- (a) the first regulations under section 436B(6),
- (b) regulations under section 436C(2),
- (c) the first regulations under section 436C(4),
- (d) regulations under section 436E(1)(a),

- (e) regulations under section 436E(7),
- (f) the first regulations under section 436E(9),
- (g) the first regulations under section 436F(1),
- (h) regulations under section 436F(2), or
- (i) the first regulations under paragraph 5 of Schedule 31A.””

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 65

Clause 26, page 56, line 21, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 66

Clause 27, page 58, line 15, leave out “: England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 67

Clause 27, page 58, line 17, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Abtisam Mohamed

8

Clause 27, page 58, leave out lines 22 to 24

Member's explanatory statement

This amendment, along with Amendments 9, 10, 11 and 12, would mean that preliminary notices would not be served on a child’s parent for not providing certain information.

Secretary Bridget Phillipson

Gov 68

Clause 27, page 58, line 22, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Abtisam Mohamed

9

Clause 27, page 58, line 27, leave out ", C or D"

Member's explanatory statement

This amendment is related to Amendment 8.

Abtisam Mohamed

13

Clause 27, page 58, line 32, at end insert—

“(4A) For the purposes of subsection (4), “suitable education”, in relation to a child, means education appropriate to the age, ability and aptitude of the child and the existence of any special educational needs.”

Member's explanatory statement

This amendment would clarify the meaning of suitable education which the local authority must consider when serving a preliminary notice for a school attendance order.

Abtisam Mohamed

10

Clause 27, page 59, leave out lines 9 to 22

Member's explanatory statement

This amendment is related to Amendment 8.

Abtisam Mohamed

11

Clause 27, page 59, line 24, leave out "to D" and insert "or B"

Member's explanatory statement

This amendment is related to Amendment 8.

Secretary Bridget Phillipson

Gov 69

Clause 27, page 59, line 34, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Abtisam Mohamed

12

Clause 27, page 59, line 41, leave out ", C or D"

Member's explanatory statement

This amendment is related to Amendment 8.

Secretary Bridget Phillipson

Gov 141

Clause 27, page 60, line 5, at end insert—

- “(1A) But a local authority must not serve an order under this section on a child’s parent if—
- (a) either—
 - (i) condition B was the only condition cited in the preliminary notice served under section 436H in relation to the child, or
 - (ii) condition B and another condition were cited in that preliminary notice, but the child’s parent has satisfied the local authority that the child is receiving suitable education,
 - (b) the local authority is no longer conducting enquiries or taking action in respect of the child as mentioned in section 436H(5)(a), and
 - (c) the local authority is not aware of any other enquiries being made under section 47 of the Children Act 1989 or of any other action being taken under section 47(8) of that Act in respect of the child.”

Member's explanatory statement

This amendment ensures that a school attendance order is not to be given where enquiries or action under section 47 of the Children Act 1989 are no longer ongoing (and in a case where there were also other grounds for the preliminary notice, the local authority is satisfied that the child is receiving suitable education).

Abtisam Mohamed

14

Clause 27, page 60, line 5, at end insert—

- “(1A) For the purposes of subsection (1)(b)(i), “suitable education”, in relation to a child, means education appropriate to the age, ability and aptitude of the child and the existence of any special educational needs.”

Member's explanatory statement

This amendment would clarify the meaning of suitable education which the local authority must consider when serving a school attendance order.

Abtisam Mohamed

15

Clause 27, page 60, line 8, leave out from beginning to end of line 9 and insert—

“may consider—

- (i) any of the settings outside the home where the child is being educated,
and
- (ii) where the child lives”

Member's explanatory statement

This amendment would give local authorities the discretion to consider settings where a child is educated when determining whether a school attendance order should be served.

Abtisam Mohamed

16

Clause 27, page 60, line 10, leave out from “consider” to “so” and insert “whether the child is being educated in a way which is appropriate to their age, ability, aptitude and any special educational needs they may have”

Member's explanatory statement

This amendment would require the authority to have regard to section 7 of the Education Act 1996 in respect of parents' duty towards their child's education.

Abtisam Mohamed

17

Clause 27, page 60, line 15, leave out from “visit” to end of line 16 and insert “meet the child”

Member's explanatory statement

This amendment would remove the requirement for the child to be seen in the home.

Abtisam Mohamed

18

Clause 27, page 60, line 17, after “refused” insert “without reasonable grounds”

Member's explanatory statement

This amendment, along with Amendment 19, would, where a request to meet a child has been refused by a parent without reasonable grounds, enable an authority to consider that to be a relevant factor when considering whether to make a school attendance order.

Abtisam Mohamed

19

Clause 27, page 60, line 18, leave out “must” and insert “may”

Secretary Bridget Phillipson

Gov 70

Clause 27, page 61, line 7, at end insert “(England)”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 71

Clause 27, page 61, line 8, after “authority” insert “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 72

Clause 27, page 61, line 25, at end insert—

“(6) Where a school attendance order is in force in respect of a child who subsequently becomes a child for whom the local authority maintain an EHC plan which specifies the name of a school, the local authority must ensure that school is named in the order.”

Member's explanatory statement

This amendment ensures that the provisions on school attendance orders for a child with an EHC plan will also cater for children who already have a school attendance order and then get an EHC plan at a later date.

Secretary Bridget Phillipson

Gov 73

Clause 27, page 61, line 25, at end insert—

“436JA School attendance order for child with individual development plan (Wales)”

- (1) Where a local authority in Wales is required to serve a school attendance order under section 436I in respect of a child for whom an individual development plan is maintained in which a particular school is named, that school must be named in the order.
- (2) Where—
 - (a) a school attendance order is in force in respect of a child for whom an individual development plan is maintained in which a particular school is named, and
 - (b) the name of the school specified in the plan is changed, the local authority must amend the order accordingly.

- (3) Where a school attendance order is in force in respect of a child who subsequently becomes a child for whom an individual development plan is maintained in which a particular school is named, the local authority must ensure that school is named in the order."

Member's explanatory statement

See the explanatory statements to amendments 20 and 72.

Secretary Bridget Phillipson

Gov 74

Clause 27, page 61, line 29, after "plan," insert "or a child for whom an individual development plan is maintained in which a particular school is named,"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 75

Clause 27, page 64, line 24, after "State" insert "in relation to a school in England, or to the Welsh Ministers in relation to a school in Wales,"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 76

Clause 27, page 64, line 40, after "section" insert "in relation to a school in England or the Welsh Ministers give a direction under this section in relation to a school in Wales"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 77

Clause 27, page 65, line 4, at end insert—

- "(8) If a local authority in England serves a notice under subsection (2) specifying a school in Wales and an application for a direction is made to the Welsh Ministers under subsection (4) in relation to that notice, the direction under this section may only—
- (a) confirm that a school specified in the notice under subsection (2) should be specified in the school nomination notice, or
 - (b) refer the question of which school or schools should be specified in the school nomination notice back to the local authority to determine.

- (9) If a local authority in Wales serves a notice under subsection (2) specifying a school in England, and an application for a direction is made to the Secretary of State under subsection (4) in relation to that notice, the direction under this section may only—
- (a) confirm that a school specified in the notice under subsection (2) should be specified in the school nomination notice, or
 - (b) refer the question of which school or schools should be specified in the school nomination notice back to the local authority to determine.”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 78

Clause 27, page 65, line 8, after “plan” insert “or a child for whom an individual development plan is maintained in which a particular school is named”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 142

Clause 27, page 66, line 8, leave out “on request”

Member's explanatory statement

This amendment is consequential on amendment 143.

Secretary Bridget Phillipson

Gov 143

Clause 27, page 66, line 10, at end insert—

“(1A) The local authority must revoke the order if—

- (a) the order was served following a preliminary notice under section 436H in which the only condition cited was condition B,
- (b) the local authority is no longer conducting enquiries or taking action in respect of the child as mentioned in section 436H(5)(a), and
- (c) the local authority is not aware of any other enquiries being made under section 47 of the Children Act 1989 or of any other action being taken under section 47(8) of that Act in respect of the child.”

Member's explanatory statement

This amendment ensures that a local authority must revoke a school attendance order served following a preliminary notice based on enquiries being made or action being taken under section 47 of the Children Act 1989 which are no longer ongoing.

Secretary Bridget Phillipson

Gov 144

Clause 27, page 66, line 15, leave out from “served” to the end of line 17 and insert “—

- (i) as a result of the person failing to satisfy the local authority that the child is receiving suitable education, or
- (ii) as a result of the person failing to satisfy the local authority both that the child is receiving suitable education and that it is in the best interests of the child to receive education otherwise than by regular attendance at school, where subsection (1A)(b) and (c) applies;”

Member's explanatory statement

This amendment ensures that a request for a school attendance order to be revoked can be made where arrangements have been made for the child to receive suitable education in a case where enquiries or action under section 47 of the Children Act 1989 are no longer ongoing and the preliminary notice cited condition B and another condition.

Secretary Bridget Phillipson

Gov 79

Clause 27, page 66, line 27, leave out “the local authority” and insert “a local authority in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 80

Clause 27, page 66, line 31, at end insert—

- “(4A) If a person is aggrieved by a refusal of a local authority in Wales to comply with a request under subsection (2)—
- (a) the person may refer the question to the Welsh Ministers, and
 - (b) the Welsh Ministers must give such direction determining the question as the Welsh Ministers consider appropriate.”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 81

Clause 27, page 66, line 40, at end insert—

- “(6) Where the child is one for whom the local authority maintains an individual development plan—
- (a) if the name of a school or other institution is specified in the plan, subsection (2) does not apply;

- (b) if the name of a school or other institution is not specified in the plan, a direction under subsection (4A)(b) may require the authority to make such amendments in the plan as the Welsh Ministers consider necessary or expedient in consequence of the determination.”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 145

Clause 27, page 67, line 5, leave out “the person proves that arrangements have been made”

Member's explanatory statement

This amendment is consequential on amendment 148.

Secretary Bridget Phillipson

Gov 146

Clause 27, page 67, line 7, at beginning insert “the person proves that arrangements have been made”

Member's explanatory statement

This amendment is consequential on amendment 148.

Secretary Bridget Phillipson

Gov 147

Clause 27, page 67, line 11, at beginning insert “the person proves that arrangements have been made”

Member's explanatory statement

This amendment is consequential on amendment 148.

Secretary Bridget Phillipson

Gov 148

Clause 27, page 67, line 15, at end insert—

- “(c) section 436H(5)(a) is no longer met in respect of the child, where the order was served following a preliminary notice under section 436H which cited only condition B, or
- (d) both—
- (i) the person proves that arrangements have been made for the child to receive suitable education otherwise than at a school, and
 - (ii) section 436H(5)(a) is no longer met in respect of the child,

where the order was served following a preliminary notice under section 436H which cited condition B and another condition”

Member's explanatory statement

This amendment ensures that a criminal offence is not committed where a person fails to comply with a school attendance order served, or served in part, because of enquiries or action under section 47 of the Children Act 1989 which are no longer ongoing, and the person proves that the child is receiving suitable education.

Secretary Bridget Phillipson

Gov 82

Clause 27, page 67, line 21, after “436J” insert “, 436JA”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 149

Clause 27, page 68, line 4, at end insert—

“436R References to “Academy school” and “Academy arrangements”

- (1) In sections 436I and 436K to 436N, a reference to an Academy school includes a reference to a city technology college and a city college for the technology of the arts.
- (2) The reference in section 436L to Academy arrangements includes a reference to an agreement under section 482.”

Member's explanatory statement

This amendment ensures that a reference to an Academy school in the provisions on school attendance orders (inserted into the Education Act 1996 by clause 27) includes a reference to a city technology college or a city college for the technology of the arts.

Secretary Bridget Phillipson

Gov 83

Clause 27, page 68, line 4, at end insert—

“436S References to “regulations” and “prescribed”

- (1) In sections 436B(6), 436C(4) and 436E(7) “regulations” means—
 - (a) regulations made by the Secretary of State in relation to England, and
 - (b) regulations made by the Welsh Ministers in relation to Wales.
- (2) In sections 436C, 436E, section 436F, 436I and paragraph 5 of Schedule 31A “prescribed” means—
 - (a) prescribed by regulations made by the Secretary of State in relation to England, and

- (b) prescribed by regulations made by the Welsh Ministers in relation to Wales.”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 84

Clause 27, page 68, line 7, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 85

Clause 27, page 68, line 9, leave out from “units),” to “—” in line 10 and insert “for paragraph 14 substitute”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 86

Clause 27, page 68, line 11, leave out “13A” and insert “14”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 87

Clause 27, page 68, line 12, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 88

Clause 27, page 68, line 22, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 89

Clause 27, page 68, line 36, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 150

Clause 28, page 69, line 2, leave out “436P” and insert “436S”

Member's explanatory statement

This amendment is consequential on amendments, 73, 149 and 83 which insert new provisions into clause 27.

Secretary Bridget Phillipson

Gov 90

Clause 28, page 69, line 3, leave out “attendance orders in England: data protection” and insert “school attendance orders: processing of information”

Member's explanatory statement

See the explanatory statement to amendment 20. This amendment is also consequential on amendment 151.

Secretary Bridget Phillipson

Gov 151

Clause 28, page 69, leave out lines 4 to 14 and insert—

“436T Processing of information

- (1) This section applies to section 434A, sections 436B to 436P and Schedule 31A, and provisions of regulations made under any of those provisions.
- (2) Except as provided by subsection (3), a disclosure of information authorised or required under any provision to which this section applies does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (3) None of the provisions to which this section applies are to be read as requiring or authorising the processing of information which would contravene the data protection legislation (but in determining whether the processing would do so, take into account the duty imposed or the power conferred by the provision in question).
- (4) In this section, “the data protection legislation” and “processing” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Member's explanatory statement

This amendment ensures that powers to disclose information under the provisions mentioned override any obligations of confidence or restrictions on disclosure other than those imposed by the data protection legislation.

Secretary Bridget Phillipson

Gov 152

Clause 28, page 69, line 16, leave out "436Q" and insert "436T"

Member's explanatory statement

This amendment is consequential on amendments 73, 149 and 83 which insert new provisions into clause 27.

Secretary Bridget Phillipson

Gov 153

Clause 28, page 69, line 19, leave out "436R" and insert "436U"

Member's explanatory statement

This amendment is consequential on amendments 73, 149 and 83 which insert new provisions into clause 27.

Secretary Bridget Phillipson

Gov 91

Clause 29, page 69, line 18, leave out ": England"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 92

Clause 29, page 69, line 21, leave out "any guidance given by the Secretary of State" and insert "—

- (a) in the case of a local authority in England, any guidance given by the Secretary of State;
- (b) in the case of a local authority in Wales, any guidance given by the Welsh Ministers."

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 154

Clause 31, page 69, line 29, leave out from beginning to end of line 20 on page 70 and insert—

- “(1) The following are independent educational institutions for the purposes of this Chapter—
- (a) independent schools in England;
 - (b) institutions in England, other than independent schools and excepted institutions, that provide full-time education for—
 - (i) at least five children of compulsory school age, or
 - (ii) at least one child of compulsory school age who is looked after by a local authority or has special educational needs.
- (2) The following subsections apply for the purposes of subsection (1)(b) (and see section 138(1A) for provision about the meaning of an institution providing education).
- (3) Regulations may—
- (a) specify that an amount of time is or is not to be treated as “full-time” by reference to a number of hours in, or a proportion of, a week or other period, or in any other way;
 - (b) provide that time spent on a specified activity or on an activity of a specified description is or is not to be treated as time during which education is being provided;
 - (c) amend subsection (4) so as to add, remove or amend factors;
 - (d) amend this section so as to add, remove or amend provision about the interpretation of the factors in subsection (4).
- (4) If, or to the extent that, the question of whether an institution provides full-time education for a child is not determined by regulations under subsection (3)(a) or (b), the factors relevant to determining that question include—
- (a) the number of hours per week that—
 - (i) education is provided to children by the institution;
 - (ii) activities incidental to that education (such as breaks and independent study time) are provided;
 - (b) the number of weeks in an academic year that education is provided;
 - (c) the time of day that education is provided.”

Member's explanatory statement

This amendment highlights that all independent schools in England still fall within the definition of “independent educational institution”, revises the power to make regulations to reflect how it is intended to be used and revises the factors to be taken into account to determine whether an institution is providing full-time education.

Secretary Bridget Phillipson

Gov 155

Clause 31, page 71, leave out lines 31 and 32 and insert—

- “(fa) regulations under section 92,”

Member's explanatory statement

This amendment is consequential on amendment 154.

Laura Trott

203

Neil O'Brien
Patrick Spencer

Clause 32, page 72, line 16, at end insert—

“(1B) Powers under subsection (1) may not be exercised in relation to an academy.”

Member's explanatory statement

This amendment specifies that the Secretary of State should rely on the provisions in Funding Agreements as regards to academies.

Secretary Bridget Phillipson

Gov 156

Clause 32, page 83, line 10, at end insert—

“(6A) After section 127 insert—

“127A Determination by Tribunal of whether persons are fit and proper

- (1) This section applies where the question of whether an institution meets, has met or is likely to meet an independent educational institution standard prescribed under section 94(1A)(a)(i) or (b) (fit and proper persons) is relevant to an application or appeal to the Tribunal under this Chapter.
- (2) The Tribunal may determine that question for the purposes of the application or appeal, including by finding that a relevant person is, was or would be a fit and proper person to be involved in the running of an independent educational institution even if the Secretary of State is not of that opinion.
- (3) “Relevant person” means—
 - (a) where the proprietor or proposed proprietor of the institution mentioned in subsection (1) is a body of persons, a person having, or proposed to have, general control and management of, or legal responsibility and accountability for, the proprietor or proposed proprietor;
 - (b) where the proprietor or proposed proprietor of the institution mentioned in subsection (1) is an individual, the individual.””

Member's explanatory statement

Clause 32(2)(a) amends the Education and Skills Act 2008 to allow for independent educational institution standards to be set that relate to whether, in the Secretary of State’s opinion, persons are fit and proper to be involved in the running of institutions. This amendment allows the First-tier Tribunal to make that finding itself where relevant to an application or appeal.

Secretary Bridget Phillipson

Gov 157

Clause 34, page 85, line 32, after “(3)(g)” insert “or section 101(2)(i)”

Member's explanatory statement

This amendment provides for regulations to be made about what constitutes a type of special educational need for the purposes of new provision inserted by clause 34.

Secretary Bridget Phillipson

Gov 158

Clause 34, page 86, line 26, leave out “(as prescribed under section 98(3A))”

Member's explanatory statement

This amendment removes words to reflect that regulations may not necessarily be made under section 98(3A).

Laura Trott

204

Neil O'Brien
Patrick Spencer

Clause 34, page 87, line 5, at end insert—

“(2D) The Secretary of State must issue guidance for relevant institutions on how subsection (2)(g) is to be understood.”

Member's explanatory statement

This amendment to allow independent schools not to have to notify the Secretary of State about change of use for buildings.

Secretary Bridget Phillipson

Gov 159

Clause 34, page 88, line 29, at end insert—

“(11) In section 166 (orders and regulations), in subsection (6)(a), after “circumstances” insert “, purposes”.”

Member's explanatory statement

This amendment allows for regulations to be made for different purposes.

Secretary Bridget Phillipson

Gov 160

Clause 37, page 92, line 1, leave out from “this section” to end of line 3 and insert “—

- (a) authorises the Chief Inspector to exercise the powers of investigation conferred by section 127D(1)(a), and

- (b) may authorise the Chief Inspector to exercise the powers of investigation conferred by section 127D(1)(b) to (k) or particular powers.”

Member's explanatory statement

This amendment and amendment 163 provide for powers of investigation that are always exercisable by the Chief Inspector following an entry without warrant also to be exercisable following an entry under warrant.

Secretary Bridget Phillipson

Gov 161

Clause 37, page 92, line 17, leave out “the Chief Inspector’s entry to the premises or”

Member's explanatory statement

Clause 37 allows for the Chief Inspector’s entry to premises and investigation on premises to be assisted by any person accompanying, or thing brought with, the Chief Inspector. This amendment limits this to assistance with investigations on premises.

Secretary Bridget Phillipson

Gov 162

Clause 37, page 92, line 21, leave out “the Chief Inspector’s entry or”

Member's explanatory statement

This amendment is consequential on amendment 161.

Secretary Bridget Phillipson

Gov 163

Clause 37, page 93, line 22, leave out “subsection (1)” and insert “subsection (1)(b) to (k)”

Member's explanatory statement

See the explanatory statement for amendment 160.

Secretary Bridget Phillipson

Gov 164

Clause 37, page 93, line 25, leave out “subsection (1)(i)” and insert “subsection (1)(e), (h) or (i)”

Member's explanatory statement

This amendment provides for copies of any document or other information taken by the Chief Inspector, in addition to things seized, to be retained for so long as is necessary in the circumstances.

Secretary Bridget Phillipson

Gov 165

Clause 37, page 95, line 32, leave out subsection (5) and insert—

“(5) The Criminal Justice and Police Act 2001 is amended as follows.

- (6) In section 57(1) (retention of seized items), after paragraph (v) insert—
- “(w) section 127D(3) of the Education and Skills Act 2008.”
- (7) In section 65 (meaning of “legal privilege”)—
- (a) after subsection (8C) insert—
- “(8D) An item which is, or is comprised in, property which has been seized in exercise or purported exercise of the power of seizure conferred by section 127D(1)(e), (h) or (i) of the Education and Skills Act 2008 is to be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of section 127D(7) of that Act.”;
- (b) in subsection (9)—
- (i) at the end of paragraph (e) omit “or”;
- (ii) at the end of paragraph (g) insert “, or”;
- (iii) after paragraph (g) insert—
- “(h) section 127D(1)(e), (h) or (i) of the Education and Skills Act 2008.”
- (8) In Part 1 of Schedule 1 (powers of seizure to which section 50 of the Act applies), after paragraph 73W insert—
- “Education and Skills Act 2008*
- 73X Each of the powers of seizure conferred by section 127D(1)(e), (h) and (i) of the Education and Skills Act 2008.””

Member's explanatory statement

This amendment makes further provision consequential on the powers of seizure inserted into the Education and Skills Act 2008 by clause 37.

Secretary Bridget Phillipson

Gov 166

Clause 39, page 96, line 34, at end insert—

- “(1A) Except as provided by subsection (2), a disclosure of information under this section made for the purpose of safeguarding or promoting the welfare of children provided with accommodation by a school or college does not breach—
- (a) any obligation of confidence owed by the Chief Inspector for England, or
- (b) any other restriction on the disclosure of information (however imposed).”

Member's explanatory statement

This amendment provides that, subject to the data protection legislation, disclosures by the Chief Inspector for England to inspectors of schools and colleges do not breach any confidence or restriction if made to protect the welfare of children accommodated by a school or college.

Secretary Bridget Phillipson

Gov 167

Clause 39, page 97, line 15, at end insert—

- “(1A) Except as provided by subsection (2), a disclosure of information under this section made for the purpose of safeguarding or promoting the welfare of students at a registered independent educational institution does not breach—
- (a) any obligation of confidence owed by the Chief Inspector, or
 - (b) any other restriction on the disclosure of information (however imposed).”

Member's explanatory statement

This amendment provides that, subject to the data protection legislation, disclosures by the Chief Inspector to inspectors of independent educational institutions do not breach any confidence or restriction if made to protect the welfare of students at such an institution.

Laura Trott

205

Neil O'Brien
Patrick Spencer

Page 99, line 33, leave out Clause 41

Munira Wilson

222

Clause 41, page 99, line 34, at end insert—

- “(1A) In section 133 (requirement to be qualified), after subsection (5) insert—
- “(5A) Regulations made by the Secretary of State under this section must have regard to—
- (a) the availability of qualified teachers in each school subject, and
 - (b) the necessity or desirability of specific sectoral expertise for teachers in each school subject”

Member's explanatory statement

This amendment would require the Secretary of State to take account of the availability of qualified teachers in each subject, and the desirability of specific sectoral expertise when making regulations under clause 40.

Laura Trott

206

Neil O'Brien
Patrick Spencer

Page 100, line 6, leave out Clause 42

Laura Trott 207
Neil O'Brien
Patrick Spencer

Page 103, line 1, leave out Clause 44

Laura Trott 208
Neil O'Brien
Patrick Spencer

Clause 44, page 103, line 9, leave out from “directions” to the end of line 11 and insert “as are necessary to secure compliance with statutory duties, the requirements of the Funding Agreement, or charity law.”

Member's explanatory statement

This amendment would limit the Secretary of State’s power of direction should an Academy breach, or act unreasonably in respect of, the performance of a relevant duty.

Secretary Bridget Phillipson Gov 168

Clause 44, page 103, line 35, at end insert—

“(7) In this section, a reference to an Academy includes a reference to a city technology college and a city college for the technology of the arts.”

Member's explanatory statement

This amendment expands the meaning of “Academy” in clause 44 to include the remaining institutions established under pre-Academy arrangements that have not become Academies.

Laura Trott 209
Neil O'Brien
Patrick Spencer

Page 103, line 36, leave out Clause 45

Munira Wilson 225

☆ Clause 45, page 104, line 2, at end insert—

“(c) after subsection (1A) insert—

“(1B) Before deciding whether to issue an Academy order in respect of a maintained school, the Secretary of State must issue an invitation for expressions of interest for suitable sponsors.

- (1C) The Secretary of State must make an assessment of whether or not to issue an Academy order based on the established track record of parties who responded to the invitation issued under subsection (1B) with an expression of interest in raising school standards.””

Munira Wilson

223

Gideon Amos

Clause 45, page 104, line 21, at end insert—

- “(10) Before the amendments made by this section come into force, the Secretary of State must lay before Parliament a report detailing—
- (a) the mechanisms, including Academy Orders, by which improvement of school standards can be achieved, and
 - (b) guidance on the appropriate usage of these mechanisms.”

Laura Trott

210

Neil O'Brien
Patrick Spencer

Page 107, line 32, leave out Clause 51

Laura Trott

211

Neil O'Brien
Patrick Spencer

Page 109, line 5, leave out Clause 52

Secretary Bridget Phillipson

Gov 169

Clause 59, page 113, line 5, at end insert—

- “(1A) Subject to subsection (1), sections (*Corporate parenting responsibilities*), (*Cases in which duty under section (Corporate parenting responsibilities)(1) does not apply*), (*Corporate parenting duty: collaborative working*), (*Duty to have regard to guidance*) and (*Reports by Secretary of State*) and Schedule (*Relevant authorities*) extend to England and Wales, Scotland and Northern Ireland.”

Member's explanatory statement

This amendment provides that NC18, NC19, NC20, NC21 and NC22 and NS1 extend to the whole of the United Kingdom.

Secretary Bridget Phillipson

Gov 170

Clause 59, page 113, line 6, leave out “subsection (1)” and insert “subsections (1) and (1A)”

Member's explanatory statement

This amendment is consequential on amendment 169.

Secretary Bridget Phillipson

Gov 93

Clause 60, page 113, line 25, at end insert—

“(2A) Subject to subsection (1), sections 25 to 30 and Schedule 1 come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations made by statutory instrument appoint.”

Member's explanatory statement

This amendment and the amendments in the name of Secretary Bridget Phillipson to clause 60 ensure that the Welsh Ministers have the powers to commence the provisions relating to children not in school, in relation to Wales. See also the explanatory statement to amendment 20.

Jess Asato

3

Rachael Maskell
Neil Duncan-Jordan
Caroline Voaden
Manuela Perteghella
Dr Simon Opher

Pam Cox
Ms Stella Creasy
Helen Hayes
Maya Ellis
Siân Berry

Alison Hume
Mrs Sharon Hodgson
Vikki Slade
Tonia Antoniazzi
Ellie Chowns

Marie Goldman
Emily Darlington
Wera Hobhouse
Carla Denyer
Adrian Ramsay

Clause 60, page 113, line 25, at end insert—

“(2A) Section [*Abolition of common law defence of reasonable punishment*] comes into force at the end of the period of twelve months beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment is consequential on Abolition of common law defence of reasonable punishment.

Secretary Bridget Phillipson

Gov 94

Clause 60, page 113, line 26, leave out “and (2)” and insert “to (2A)”

Member's explanatory statement

See the explanatory statement to amendment 93.

Secretary Bridget Phillipson

Gov 95

Clause 60, page 113, line 29, after “appointed” insert “under subsection (2A) or (3)”

Member's explanatory statement

See the explanatory statement to amendment 93.

Secretary Bridget Phillipson

Gov 96

Clause 60, page 113, line 32, at end insert “, except sections 25 to 30 and Schedule 1 in relation to Wales.”

Member's explanatory statement

See the explanatory statement to amendment 93.

Secretary Bridget Phillipson

Gov 97

Clause 60, page 113, line 32, at end insert—

“(5A) The Welsh Ministers may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of sections 25 to 30 (including Schedule 1) in relation to Wales.”

Member's explanatory statement

See the explanatory statement to amendment 93.

Secretary Bridget Phillipson

Gov 98

Clause 60, page 113, line 33, after “(5)” insert “or (5A) ”

Member's explanatory statement

This amendment is consequential on amendment 97.

Secretary Bridget Phillipson

Gov 99

Schedule 1, page 114, line 6, leave out “after “section” insert “436I or”” and insert “for “437” substitute “436I””

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 100

Schedule 1, page 114, line 8, leave out "after "section" insert "436I or"" and insert "for "437" substitute "436I""

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 101

Schedule 1, page 114, line 10, leave out "after "section" insert "436I or"" and insert "for "437" substitute "436I""

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 102

Schedule 1, page 114, line 13, at end insert—

"(1A) Omit sections 437 to 443 (school attendance orders) and the italic headings before sections 437 and 443."

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 103

Schedule 1, page 114, line 14, leave out sub-paragraphs (2) to (9)

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 104

Schedule 1, page 115, line 25, leave out ", after "under section" insert "436P,"" and insert "and (2)(a), for "443" substitute "436P""

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson

Gov 105

Schedule 1, page 115, line 26, leave out sub-paragraph (13)

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 106**

Schedule 1, page 115, line 36, leave out from "substitute" to the end of line 37 and insert "section 436I."

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 107**

Schedule 1, page 116, line 1, leave out sub-paragraph (16)

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 108**

Schedule 1, page 116, line 13, leave out "after "section" insert "436K(4), 436N(2)," and insert "for "438(4) or 440(2)" substitute "436K(4) or 436N(2)""

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 109**

Schedule 1, page 116, line 17, leave out "or 443"

Member's explanatory statement

See the explanatory statement to amendment 20.

Secretary Bridget Phillipson**Gov 110**

Schedule 1, page 116, line 18, leave out ", 443"

Member's explanatory statement

See the explanatory statement to amendment 20.

REMAINING NEW CLAUSES AND NEW SCHEDULES

Helen Hayes

NC2

Jess Asato
 Caroline Voaden
 Mark Swards
 Mrs Sureena Brackenridge
 Manuela Perteghella

Dr Marie Tidball
 Jodie Gosling
 David Smith

Dr Simon Opher
 Mrs Sharon Hodgson
 Cat Smith

Neil Duncan-Jordan
 Natasha Irons

To move the following Clause—

“Review of the Act

- (1) The Secretary of State must from time to time—
 - (a) carry out a review of the impact of the provisions of this Act; and
 - (b) publish a report setting out the conclusions of the review.
- (2) A first report under subsection (1) must be published within 12 months of the passing of this Act, with subsequent reports published at intervals not exceeding 5 years.
- (3) A report published under this section must, in particular—
 - (a) set out the objectives intended to be achieved by the provisions of this Act;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to conduct regular reviews of the impact of this Act and publish reports.

Order of the House

[8 January 2025]

That the following provisions shall apply to the Children’s Wellbeing and Schools Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 11 February.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Children's Wellbeing and Schools Bill: Programme (No. 2)

Secretary Bridget Phillipson

That the Order of 8 January 2025 (Children's Wellbeing and Schools Bill: Programme) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration—
 - (a) shall be taken on each of those days in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings

Time for conclusion of proceedings

First day

New Clauses and new Schedules relating to the subject matter of, and amendments to, Part 1.

Five hours after the commencement of proceedings on the motion for this Order.

Second day

*Proceedings**Time for conclusion of proceedings*

New Clauses and new Schedules relating to the subject matter of, and amendments to, Part 2 and Part 3; remaining new Clauses and new Schedules; remaining proceedings on Consideration.

Five hours after the commencement of proceedings on Consideration on the second day.

4. Proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on Consideration on the second day.
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Withdrawn Amendments

The following amendments were withdrawn on 05 March 2025:

NC5