

Children's Wellbeing and Schools Bill — List of Government Amendments Tabled 10 March 2025

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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

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 [OPC246] and [OPC245].

Secretary Bridget Phillipson

Gov

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

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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

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

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

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

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

Member's explanatory statement

This amendment and amendments [OPC179], [OPC180], [OPC69], [OPC70], [OPC71], [OPC192], [OPC72] and [OPC73] 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

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

Member's explanatory statement

See the explanatory statement to amendment [OPC68].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC68].

Secretary Bridget Phillipson

Gov

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 [OPC68].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC68].

Secretary Bridget Phillipson

Gov

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 [OPC68].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC68].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC68].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC68].

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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 [OPC50].

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

Clause 25, page 46, line 24, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

Clause 26, page 48, line 35, leave out ": England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

Clause 26, page 48, line 37, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

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

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

Member's explanatory statement

This amendment and amendment [OPC224] 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

Clause 26, page 49, line 31, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC221].

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

Clause 26, page 53, line 2, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

Clause 26, page 54, line 27, leave out “in England”

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

<hr/> <p>Secretary Bridget Phillipson</p> <p>Clause 26, page 55, line 3, leave out “in England”</p> <p>Member's explanatory statement</p> <p>See the explanatory statement to amendment [OPC78].</p>	<p>Gov</p>
<hr/> <p>Secretary Bridget Phillipson</p> <p>Clause 26, page 55, line 10, leave out “Wales,”</p> <p>Member's explanatory statement</p> <p>See the explanatory statement to amendment [OPC78].</p>	<p>Gov</p>
<hr/> <p>Secretary Bridget Phillipson</p> <p>Clause 26, page 55, line 12, leave out second “in England”</p> <p>Member's explanatory statement</p> <p>See the explanatory statement to amendment [OPC78].</p>	<p>Gov</p>
<hr/> <p>Secretary Bridget Phillipson</p> <p>Clause 26, page 55, line 12, after first “England” insert “or Wales”</p> <p>Member's explanatory statement</p> <p>See the explanatory statement to amendment [OPC78].</p>	<p>Gov</p>
<hr/> <p>Secretary Bridget Phillipson</p> <p>Clause 26, page 55, line 24, leave out “in England”</p> <p>Member's explanatory statement</p> <p>See the explanatory statement to amendment [OPC78].</p>	<p>Gov</p>
<hr/> <p>Secretary Bridget Phillipson</p> <p>Clause 26, page 55, line 38, after “19” insert “or 19A”</p> <p>Member's explanatory statement</p> <p>See the explanatory statement to amendment [OPC78].</p>	<p>Gov</p>

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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).

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

This amendment is consequential on amendment [OPC196].

Secretary Bridget Phillipson

Gov

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

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

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC200].

Secretary Bridget Phillipson

Gov

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 [OPC200].

Secretary Bridget Phillipson

Gov

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 [OPC200].

Secretary Bridget Phillipson

Gov

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

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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

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 [OPC78].

Secretary Bridget Phillipson

Gov

Clause 27, page 68, line 7, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

Clause 27, page 68, line 12, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

Clause 27, page 68, line 22, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

Clause 27, page 68, line 36, leave out "in England"

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78] and [OPC225].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

This amendment is consequential on amendments [OPC144], [OPC15] and [OPC240] which insert new provisions into clause 27.

Secretary Bridget Phillipson

Gov

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 [OPC78]. This amendment is also consequential on amendment [OPC75].

Secretary Bridget Phillipson

Gov

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

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

Member's explanatory statement

This amendment is consequential on amendments [OPC144], [OPC15] and [OPC240] which insert new provisions into clause 27.

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

This amendment is consequential on amendments [OPC144], [OPC15] and [OPC240] which insert new provisions into clause 27.

Secretary Bridget Phillipson

Gov

Clause 29, page 69, line 18, leave out “: England”

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

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 [OPC35].

Secretary Bridget Phillipson

Gov

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

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

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).

Secretary Bridget Phillipson

Gov

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

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 [OPC184] 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

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

Clause 37, page 92, line 21, leave out "the Chief Inspector's entry or"

Member's explanatory statement

This amendment is consequential on amendment [OPC9].

Secretary Bridget Phillipson

Gov

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 [OPC183].

Secretary Bridget Phillipson

Gov

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

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

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

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.

Secretary Bridget Phillipson

Gov

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.

Secretary Bridget Phillipson

Gov

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 [OPC78]

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC230].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC230].

Secretary Bridget Phillipson

Gov

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 [OPC230].

Secretary Bridget Phillipson

Gov

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 [OPC230].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

This amendment is consequential on amendment [OPC233].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

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

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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 [OPC78].

Secretary Bridget Phillipson

Gov

Schedule 1, page 116, line 17, leave out “or 443”

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

Schedule 1, page 116, line 18, leave out “, 443”

Member's explanatory statement

See the explanatory statement to amendment [OPC78].

Secretary Bridget Phillipson

Gov

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”).

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 new Clause [OPC18] 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.

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 new Clause [OPC18] (for relevant authorities) and the duty under section 1(1) of the Children and Social Work Act 2017 (for local authorities).

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 new Clause [OPC18]. It also requires the Secretary of State to consult before giving any such guidance.

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 new Clause [OPC18].

Secretary Bridget Phillipson

Gov

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 new Clauses [OPC18], [OPC40], [OPC30], [OPC41] and [OPC29] and new Schedule [OPC34] extend to the whole of the United Kingdom.

Secretary Bridget Phillipson

Gov

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 [OPC42].

Secretary Bridget Phillipson

Gov

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 new clause [OPC18]. It also contains a power for the Secretary of State to amend the list of relevant authorities by regulations.