

Education and Adoption Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 26th November 2015, as follows –

Clauses 3 to 6 Clauses 13 to 18 Clauses 1 and 2	Clauses 7 to 12 Title
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[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 6

LORD STOREY
BARONESS PINNOCK

1 Insert the following new Clause –

“Scrutiny of education provision

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) After section 70C insert –

“70D Scrutiny of education provision

- (1) This section applies where more than 10 per cent of schools in a local education authority area are eligible for intervention under section 60B as inserted by section 1 of the Education and Adoption Act 2015 (coasting schools).
- (2) The relevant local authority may establish, under section 21(2) of the Local Government Act 2000 (overview and scrutiny committees), a committee of that authority to review and scrutinise matters relating to the provision of education in such schools in the authority’s area, and to make reports and recommendations on such matters in accordance with regulations under this section.

Amendment
No.

After Clause 6 – continued

- (3) Regulations shall make provision –
- (a) as to the matters relating to the provision of education in such schools in the authority’s area which the committee may review and scrutinise;
 - (b) as to matters relating to the provision of education in such schools in the authority’s area on which the committee may make reports and recommendations to local Academy sponsors;
 - (c) as to information which local Academy sponsors must provide to the committee; and
 - (d) requiring Regional Schools Commissioners to attend the committee to answer questions.””

Clause 13

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

- 2★ Page 8, line 25, after “authorities” insert “and voluntary adoption agencies operating in the area jointly”
- 3★ Page 8, line 35, at end insert “including but not limited to mental health support for children and adolescents prior to the making of a placement order;
- (f) the provision of a mental health assessment prior to the making of a placement order.”

THE EARL OF LISTOWEL
LORD STOREY

- 4 Page 8, line 35, at end insert –
- “(f) the provision of child and adolescent mental health services for children in the adoption system;
 - (g) the assessment of the mental health needs of children in the adoption system”
- 5 Page 8, line 35, at end insert –
- “() In giving directions under subsection (1) regarding the provision of adoption support services, the Secretary of State must take steps to ensure that the quantity and quality of mental health support provided to children in the adoption system will be maintained or improved.”

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

- 6★ Page 8, line 35, at end insert –
- “() A direction given under subsection (1) may relate to functions in relation to a particular group of children including –
 - (a) children aged four or over;
 - (b) sibling groups;
 - (c) children with a disability; and

**Amendment
No.**

Clause 13 – *continued*

- (d) children from Black, Asian and Minority Ethnic (BAME) backgrounds.”

7★ Page 8, line 35, at end insert –

- “() In giving directions under subsection (1) regarding the provision of adoption support services, the Secretary of State must take steps to ensure that decisions made by regional adoption agencies as to whether a particular child should be placed for adoption with a particular prospective adopter are made in such a way as to be blind to whether the adopter was approved by a local authority or a voluntary adoption agency operating as part of the regional adoption agency.”

Clause 17

LORD STOREY
BARONESS PINNOCK

8 Page 9, line 33, at end insert –

- “() A statutory instrument under subsection (2) may not be made until the Secretary of State has laid before Parliament a report on the funding of the costs of conversions under this Act.”

Clause 1

LORD ADDINGTON

9 Page 1, line 12, after “coasting,” insert –

- “(b) have been notified over a three year period that the school has remained within the coasting definition,”

LORD HUNT OF KINGS HEATH
LORD WATSON OF INVERGOWRIE

10 Page 1, line 15, leave out “may” and insert “must”

11 Page 1, line 16, at end insert –

- “() Regulations under subsection (2) must be made by statutory instrument, which may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

12 Page 1, line 16, at end insert –

- “() The governing body must inform the parents of registered pupils that the school has been notified that it is coasting.”

Amendment
No.

Clause 1 – *continued*

13

Page 1, line 16, at end insert –

- “() An Academy may be defined as “coasting” if it comes under the definition made by the Secretary of State by regulations under subsection (2).
- () The Secretary of State will serve a “coasting notice” where the Academy is found to be coasting.
- () A coasting notice must specify –
 - (a) that the Academy Trust must submit a plan to the Secretary of State setting out the actions to be taken to improve the school sufficiently; and
 - (b) the date by which the plan must be submitted.”

THE EARL OF LISTOWEL

14

Page 1, line 16, at end insert –

- “() Regulations made under subsection (2) must specify that schools may not be defined as coasting on the basis of school performance data which include data relating to pupils absent for medical reasons for more than 15 days in any one school year.”

LORD ADDINGTON

15

Page 1, line 16, at end insert –

- “() Regulations under subsection (2) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- () In the event that a school is defined as “coasting” under the definition contained in regulations made under subsection (2), the Regional Schools Commissioner, in assessing whether or not a school has a credible plan to improve sufficiently, must demonstrate that he or she has taken into account the entire activity of the school including, but not limited to –
 - (a) academic achievements;
 - (b) achievements in, and access provided to, sports and arts;
 - (c) provision of access to further training or education; and
 - (d) provision of access to work placements, internships and apprenticeships.”

Amendment
No.

Clause 7

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

16 Leave out Clause 7 and insert the following new Clause –

“Schools with an inadequate Ofsted judgement

- (1) Where, in a report of a school made under section 5 of the Education Act 2005 (duty to inspect certain schools at prescribed intervals), Her Majesty’s Chief Inspector of Education, Children’s Services and Skills states that in his or her opinion –
 - (a) special measures are required to be taken in relation to the school, or
 - (b) the school requires significant improvement, the following actions shall be taken.
- (2) The Regional Schools Commissioner must consult the local authority, any trustees or persons representing foundations associated with the school and, in the case of an Academy school, the person with whom the Secretary of State has made Academy arrangements, about the school’s governance arrangements.
- (3) If the school is a local authority maintained school, then the Regional Schools Commissioner may determine that section 5 of the Academies Act 2010 (consultation on conversion) applies.
- (4) If the school is an Academy school, then the Regional Schools Commissioner may consult the Secretary of State about whether or not to terminate the school’s Academy arrangements –
 - (a) with a view to the school being established as a local authority maintained school, or
 - (b) by the Secretary of State making Academy arrangements with another person.”

After Clause 8

LORD WATSON OF INVERGOWRIE
LORD HUNT OF KINGS HEATH

17 Insert the following new Clause –

“Schools causing concern: involvement of parents

- (1) The Education and Inspectors Act 2006 is amended as follows.
- (2) In section 59 (meaning of “maintained school” and “eligible for intervention”) –
 - (a) in subsection (1) after paragraph (c) insert –

“(d) an Academy school”;
 - (b) after subsection (2) insert –

“(3) In this Part, references to the governing body of an Academy school are to be read as references to the proprietor of an Academy school.

Amendment
No.

After Clause 8 – continued

- (4) If an Academy school is found to be eligible for intervention under this Part, the school is to be treated as a maintained school for the purposes of sections 63 to 69, and the proprietor of the Academy is to be treated as the governing body of the school.
- (5) An intervention under sections 63 to 69 shall take precedence over any provision of the Academy arrangements made between the Secretary of State and the proprietor.”
- (3) After section 59 insert –
- “59A Duties of Secretary of State, local authorities, and proprietors to parents when a school is eligible for intervention**
- When a school is eligible for intervention, the Secretary of State, the local authority, school governing body and proprietor must exercise their functions with a view to involving parents of registered pupils in decisions relating to the school under this Part and the Academies Act 2010.”
- (4) In section 60 (performance standards and safety warning notice), in subsection (6) at the end insert –
- “(e) the parents of registered pupils”.
- (5) In section 60A (teachers’ pay and conditions warning notice), in subsection (6) at the end insert –
- “(d) the parents of registered pupils”.”

After Clause 11

THE LORD BISHOP OF ELY

18★ Insert the following new Clause –

“Protection for schools which have a religious character

- (1) After section 71 of the Education and Inspections Act 2006 insert –

“Schools which have a religious character

71A Protection for schools which have a religious character

Where a school which has a religious character is eligible for intervention (other than by virtue of section 60A), a local authority or the Secretary of State, when exercising a power under this Part (other than the power under section 68 (power of Secretary of State to direct closure of school)), must ensure the protection of that religious character.”

**Amendment
No.**

After Clause 11 – *continued*

(2) After section 4 of the Academies Act 2010 insert –

“4A Protection for schools which have a religious character

In the case of a school which has a religious character, the Secretary of State, when making an Academy order, must ensure the protection of that religious character.””

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