

Education Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments are tabled in accordance with the Order of 17th October, as follows—

| | |
|-------------------|-------------------|
| Clauses 18 to 21 | Schedule 13 |
| Schedule 7 | Clauses 54 to 61 |
| Clauses 22 to 24 | Schedule 14 |
| Schedule 8 | Clauses 62 and 63 |
| Clause 25 | Schedule 15 |
| Schedule 9 | Clauses 64 and 65 |
| Clauses 26 to 34 | Schedule 16 |
| Schedule 10 | Clause 66 |
| Clauses 35 and 36 | Schedule 17 |
| Schedule 11 | Clause 67 |
| Clauses 37 to 48 | Schedule 18 |
| Schedule 12 | Clauses 68 to 79 |
| Clauses 49 to 53 | |

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 18

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

55 Leave out Clause 18

After Clause 22

LORD HILL OF OAREFORD

56 Insert the following new Clause—

“Enforcement powers

- (1) Part 7 of ASCLA 2009 (the Office of Qualifications and Examinations Regulation) is amended as set out in subsections (2) to (6).

Amendment
No.

After Clause 22—*continued*

- (2) In section 151 (power to give directions), for subsection (1) substitute—
- “(1) Subsection (2) applies if it appears to Ofqual that a recognised body has failed or is likely to fail to comply with a condition to which the recognition is subject.”
- (3) After section 151 insert—

“151A Power to impose monetary penalties

- (1) Subsection (2) applies if it appears to Ofqual that a recognised body has failed to comply with a condition to which the recognition is subject.
- (2) Ofqual may impose a monetary penalty on the recognised body.
- (3) A “monetary penalty” is a requirement to pay to Ofqual a penalty of an amount determined by Ofqual in accordance with section 151B.
- (4) Before imposing a monetary penalty on a recognised body, Ofqual must give notice to the body of its intention to do so.
- (5) The notice must—
- (a) set out Ofqual’s reasons for proposing to impose the penalty, and
 - (b) specify the period during which, and the way in which, the recognised body may make representations about the proposal.
- (6) The period specified under subsection (5)(b) must not be less than 28 days beginning with the date on which the notice is received.
- (7) Ofqual must have regard to any representations made by the recognised body during the period specified in the notice in deciding whether to impose a monetary penalty on the body.
- (8) If Ofqual decides to impose a monetary penalty on the body, it must give the body a notice containing information as to—
- (a) the grounds for imposing the penalty,
 - (b) how payment may be made,
 - (c) the period within which payment is required to be made (which must not be less than 28 days),
 - (d) rights of appeal,
 - (e) the period within which an appeal may be made, and
 - (f) the consequences of non-payment.

151B Monetary penalties: amount

- 41 (1) The amount of a monetary penalty imposed on a recognised body
under section 151A must not exceed 10% of the body’s turnover.
- 42 (2) The turnover of a body for the purposes of subsection (1) is to be
43 determined in accordance with an order made by the Secretary of
State.

**Amendment
No.**

After Clause 22—*continued*

- (3) Subject to subsection (1), the amount may be whatever Ofqual decides is appropriate in all the circumstances of the case.

151C Monetary penalties: appeals

- (1) A recognised body may appeal to the First-tier Tribunal against—
- (a) a decision to impose a monetary penalty on the body under section 151A;
 - (b) a decision as to the amount of the penalty.
- (2) An appeal under this section may be made on the grounds—
- (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (3) The requirement to pay the penalty is suspended pending the determination of an appeal under this section.
- (4) On an appeal under this section the Tribunal may—
- (a) withdraw the requirement to pay the penalty;
 - (b) confirm that requirement;
 - (c) vary that requirement;
 - (d) take such steps as Ofqual could take in relation to the failure to comply giving rise to the decision to impose the requirement;
 - (e) remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision, to Ofqual.

151D Monetary penalties: interest and recovery

- (1) This section applies if all or part of a monetary penalty imposed on a recognised body is unpaid at the end of the period ending on the applicable date.
- (2) The applicable date is—
- (a) the last date on which the recognised body may make an appeal under section 151C in respect of the penalty, if no such appeal is made;
 - (b) if an appeal under section 151C in respect of the penalty is made—
 - (i) the date on which the appeal is determined, or
 - (ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.
- (3) The unpaid amount of the penalty for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).

**Amendment
No.**

After Clause 22—*continued*

- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the penalty.
- (5) Ofqual may recover from the body, as a civil debt due to it, the unpaid amount of the penalty and any unpaid interest.”
- (4) In section 152 (power to withdraw recognition), for subsection (2) substitute—
 - “(2) Ofqual may withdraw recognition from the recognised body in respect of the award or authentication of—
 - (a) a specified qualification or description of qualification in respect of which the body is recognised, or
 - (b) every qualification or description of qualification in respect of which the body is recognised.”
- (5) After section 152 insert—

“152A Costs recovery

- (1) Ofqual may, by notice, require a recognised body on which a sanction has been imposed to pay the costs incurred by Ofqual in relation to imposing the sanction, up to the time it is imposed.
- (2) The references in subsection (1) to imposing a sanction are to—
 - (a) giving a direction under section 151;
 - (b) imposing a monetary penalty under section 151A;
 - (c) withdrawing recognition under section 152.
- (3) “Costs” includes in particular—
 - (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).
- (4) A notice given to a recognised body under subsection (1) must contain information as to—
 - (a) the amount required to be paid,
 - (b) how payment may be made,
 - (c) the period within which payment is required to be made (which must not be less than 28 days),
 - (d) rights of appeal,
 - (e) the period within which an appeal may be made, and
 - (f) the consequences of non-payment.
- (5) The body may require Ofqual to provide a detailed breakdown of the amount specified in the notice.

152B Costs recovery: appeals

- (1) A recognised body may appeal to the First-tier Tribunal against—
 - (a) a decision under section 152A(1) to require the body to pay costs;

**Amendment
No.**

After Clause 22—continued

- (b) a decision as to the amount of those costs.
- (2) An appeal under this section may be made on the grounds—
 - (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (3) The requirement to pay the costs is suspended pending the determination of an appeal under this section.
- (4) On an appeal under this section the Tribunal may—
 - (a) withdraw the requirement to pay the costs;
 - (b) confirm that requirement;
 - (c) vary that requirement;
 - (d) take such steps as Ofqual could take in relation to the failure to comply giving rise to the decision to impose the requirement;
 - (e) remit the decision whether to confirm the requirement to pay the costs, or any matter relating to that decision, to Ofqual.

152C Costs: interest and recovery

- (1) This section applies if all or part of an amount of costs that a recognised body is required to pay under section 152A(1) is unpaid at the end of the period ending on the applicable date.
- (2) The applicable date is—
 - (a) the last date on which the recognised body may make an appeal under section 152B in respect of the costs, if no such appeal is made;
 - (b) if an appeal under section 152B in respect of the costs is made—
 - (i) the date on which the appeal is determined, or
 - (ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.
- (3) The unpaid amount of the costs for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).
- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the costs.
- (5) Ofqual may recover from the body, as a civil debt due to it, the unpaid amount of the costs and any unpaid interest.”
- (6) In section 153 (qualifications regulatory framework), in subsection (8)(e), for “152” substitute “152C”.

**Amendment
No.**

After Clause 22—*continued*

- (7) In section 262(6) of ASCLA 2009 (orders and regulations subject to affirmative resolution procedure), after paragraph (e) insert—
 “(ea) an order under section 151B(2);”.

BARONESS SHARP OF GUILDFORD
 BARONESS BRINTON
 LORD KNIGHT OF WEYMOUTH
 [*Amendments 56A and 56B are amendments to amendment 56*]

- 56A** Line 41, leave out “not exceed 10 per cent of the body’s” and insert “only relate to a body’s relevant”

BARONESS SHARP OF GUILDFORD
 BARONESS BRINTON

- 56B** Line 42, leave out from beginning to “determined” in line 43 and insert ““Relevant turnover”, for the purposes of subsection (1), means turnover derived from the provision of regulated qualifications and is to be further”

LORD HILL OF OAREFORD

- 57** Insert the following new Clause—

“Enforcement powers of Welsh Ministers

- (1) Chapter 2 of Part 5 of EA 1997 (functions of Welsh Ministers: qualifications and the school curriculum) is amended as set out in subsections (2) to (6).
- (2) In section 32A (power to give directions), for subsections (1) and (2) substitute—
- “(1) Subsection (1A) applies if it appears to the Welsh Ministers that a recognised person has failed or is likely to fail to comply with a condition subject to which the recognition has effect.
- (1A) The Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the recognition has effect.
- (2) Subsection (2A) applies if it appears to the Welsh Ministers that a recognised person who awards or authenticates a qualification accredited by them has failed or is likely to fail to comply with a condition subject to which the accreditation has effect.
- (2A) The Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.”
- (3) In section 32A(5), for “32B and” substitute “32AA to”.

Amendment
No.

After Clause 22—*continued*

- (4) After section 32A insert—

“32AA Power of Welsh Ministers to impose monetary penalties

- (1) Subsection (2) applies if it appears to the Welsh Ministers that a recognised person has failed to comply with a condition subject to which the recognition has effect.
- (2) The Welsh Ministers may impose a monetary penalty on the recognised person.
- (3) Subsection (4) applies if it appears to the Welsh Ministers that a recognised person who awards or authenticates a qualification accredited by them has failed to comply with a condition subject to which the accreditation has effect.
- (4) The Welsh Ministers may impose a monetary penalty on the recognised person.
- (5) A “monetary penalty” is a requirement to pay to the Welsh Ministers a penalty of an amount determined by them in accordance with section 32AB.
- (6) Before imposing a monetary penalty on a recognised person, the Welsh Ministers must give notice to the person of their intention to do so.
- (7) The notice must—
 - (a) set out their reasons for proposing to impose the penalty, and
 - (b) specify the period during which, and the way in which, the recognised person may make representations about the proposal.
- (8) The period specified under subsection (7)(b) must not be less than 28 days beginning with the date on which the notice is received.
- (9) The Welsh Ministers must have regard to any representations made by the recognised person during the period specified in the notice in deciding whether to impose a monetary penalty on the person.
- (10) If the Welsh Ministers decide to impose a monetary penalty on the person, they must give the person a notice containing information as to—
 - (a) the grounds for imposing the penalty,
 - (b) how payment may be made,
 - (c) the period within which payment is required to be made (which must not be less than 28 days),
 - (d) rights of appeal,
 - (e) the period within which an appeal may be made, and

Amendment
No.

After Clause 22—*continued*

- (f) the consequences of non-payment.

32AB Monetary penalties: amount

- (1) The amount of a monetary penalty imposed on a recognised person under section 32AA must not exceed 10% of the person's turnover.
- (2) The turnover of a person for the purposes of subsection (1) is to be determined in accordance with an order made by the Welsh Ministers.
- (3) Subject to subsection (1), the amount may be whatever the Welsh Ministers decide is appropriate in all the circumstances of the case.

32AC Monetary penalties: appeals

- (1) A recognised person may appeal to the First-tier Tribunal against—
 - (a) a decision to impose a monetary penalty on the person under section 32AA;
 - (b) a decision as to the amount of the penalty.
- (2) An appeal under this section may be made on the grounds—
 - (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (3) The requirement to pay the penalty is suspended pending the determination of an appeal under this section.
- (4) On an appeal under this section the Tribunal may—
 - (a) withdraw the requirement to pay the penalty;
 - (b) confirm that requirement;
 - (c) vary that requirement;
 - (d) take such steps as the Welsh Ministers could take in relation to the failure to comply giving rise to the decision to impose the requirement;
 - (e) remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision, to the Welsh Ministers.

32AD Monetary penalties: interest and recovery

- (1) This section applies if all or part of a monetary penalty imposed on a recognised person is unpaid at the end of the period ending on the applicable date.
- (2) The applicable date is—
 - (a) the last date on which the recognised person may make an appeal under section 32AC in respect of the penalty, if no such appeal is made;

**Amendment
No.****After Clause 22—*continued***

- (b) if an appeal under section 32AC in respect of the penalty is made—
 - (i) the date on which the appeal is determined, or
 - (ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.
- (3) The unpaid amount of the penalty for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).
- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the penalty.
- (5) The Welsh Ministers may recover from the person, as a civil debt due to them, the unpaid amount of the penalty and any unpaid interest.”
- (5) In section 32B (power to withdraw recognition)—
 - (a) for subsection (2) substitute—

“(2) The Welsh Ministers may withdraw recognition from the recognised person in respect of the award or authentication of—

 - (a) a specified qualification or description of qualification in respect of which the person is recognised, or
 - (b) every qualification or description of qualification in respect of which the person is recognised.”;
 - (b) for subsection (4) substitute—

“(4) The Welsh Ministers may withdraw recognition from the recognised person in respect of the award or authentication of—

 - (a) the qualification or a specified description of qualification in respect of which the person is recognised, or
 - (b) every qualification or description of qualification in respect of which the person is recognised.”
- (6) After section 32B insert—

“32BA Costs recovery

- (1) The Welsh Ministers may, by notice, require a recognised person on whom a sanction has been imposed to pay the costs incurred by the Welsh Ministers in relation to imposing the sanction, up to the time it is imposed.
- (2) The references in subsection (1) to imposing a sanction are to—
 - (a) giving a direction under section 32A;
 - (b) imposing a monetary penalty under section 32AA;
 - (c) withdrawing recognition under section 32B.
- (3) “Costs” includes in particular—
 - (a) investigation costs;

**Amendment
No.**

After Clause 22—*continued*

- (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).
- (4) A notice given to a recognised person under subsection (1) must contain information as to—
- (a) the amount required to be paid,
 - (b) how payment may be made,
 - (c) the period within which payment is required to be made (which must not be less than 28 days),
 - (d) rights of appeal,
 - (e) the period within which an appeal may be made, and
 - (f) the consequences of non-payment.
- (5) The person may require the Welsh Ministers to provide a detailed breakdown of the amount specified in the notice.

32BB Costs recovery: appeals

- (1) A recognised person may appeal to the First-tier Tribunal against—
- (a) a decision under section 32BA(1) to require the person to pay costs;
 - (b) a decision as to the amount of those costs.
- (2) An appeal under this section may be made on the grounds—
- (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (3) The requirement to pay the costs is suspended pending the determination of an appeal under this section.
- (4) On an appeal under this section the Tribunal may—
- (a) withdraw the requirement to pay the costs;
 - (b) confirm that requirement;
 - (c) vary that requirement;
 - (d) take such steps as the Welsh Ministers could take in relation to the failure to comply giving rise to the decision to impose the requirement;
 - (e) remit the decision whether to confirm the requirement to pay the costs, or any matter relating to that decision, to the Welsh Ministers.

32BC Costs: interest and recovery

- (1) This section applies if all or part of an amount of costs that a recognised person is required to pay under section 32BA(1) is unpaid at the end of the period ending on the applicable date.

**Amendment
No.****After Clause 22—continued**

- (2) The applicable date is—
- (a) the last date on which the recognised person may make an appeal under section 32BB in respect of the costs, if no such appeal is made;
 - (b) if an appeal under section 32BB in respect of the costs is made—
 - (i) the date on which the appeal is determined, or
 - (ii) if the appeal is withdrawn before being determined, the date on which the appeal is withdrawn.
- (3) The unpaid amount of the costs for the time being carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).
- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the costs.
- (5) The Welsh Ministers may recover from the person, as a civil debt due to them, the unpaid amount of the costs and any unpaid interest.”
- (7) In section 54 of EA 1997 (orders and regulations)—
- (a) in subsection (2), after “section” insert “32AB(2) or”;
 - (b) after subsection (2) insert—
 - “(2A) A statutory instrument which contains (whether alone or with other provision) an order under section 32AB(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”

Clause 24

57A [Withdrawn]

57B [Withdrawn]

Clause 27

BARONESS HUGHES OF STRETFORD
 BARONESS JONES OF WHITCHURCH
 BARONESS CRAWLEY

57C Page 28, line 8, leave out “during the relevant phase of their education” and insert “from the beginning of the school year in which the majority of pupils in the pupil’s class attain the age of 14”

57CA Page 28, line 8, leave out “during the relevant phase of their education” and insert “that is delivered on a face to face basis by a qualified provider from the beginning of the school year in which the majority of pupils in the pupil’s class attain the age of 14”

57D Page 28, line 23, at end insert—

“() is provided on a personal face to face basis,”

Amendment
No.

Clause 27—continued

BARONESS BRINTON
BARONESS SHARP OF GUILDFORD

- 58 Page 28, line 25, after “apprenticeships,” insert—
“() is provided by a person who attends the premises, and has a relevant qualification in careers guidance who meets such quality assurance standards as the Secretary of State shall require,”
- 59 Page 28, line 27, at end insert “, and
“() is given on a personal face to face basis to those pupils in need of extra assistance including those on free school meals or those with special education needs (or both)”

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

- 59A Page 28, line 27, at end insert “, and
“() is presented by a qualified provider”
- 59B Page 28, line 27, at end insert—
“() For the purposes of this section, the government will issue guidance to schools on the relevant qualifications for providers of independent careers guidance.”
- 59C Page 28, leave out lines 32 to 37
- 59D Page 28, line 32, leave out from “section” to end of line 37 and insert “a provider will be deemed qualified subject to guidance issued by the Secretary of State on the necessary qualifications for providers of independent careers guidance”

BARONESS BRINTON
BARONESS SHARP OF GUILDFORD

- 60 Page 28, line 35, leave out “14” and insert “13”
- 61 Page 28, line 37, leave out “16” and insert “19”

After Clause 29

LORD AVEBURY

- 61A Insert the following new Clause—
- “Collective worship**
- (1) Section 70 of SSFA 1998 (requirements relating to collective worship) is amended as follows.
- (2) For subsection (1) substitute—
“(1) Subject to section 71—
(a) each pupil in attendance at a foundation or voluntary school of a religious character shall on each school day attend an act of collective worship;

**Amendment
No.****After Clause 29—*continued***

(b) community, foundation or voluntary schools which are not of a religious character and Academies that are not religiously designated may hold acts of collective worship at the discretion of the governors.

(1A) Governors should be under an obligation to consider representations made to them by pupils and the parents of pupils as to whether or not schools or Academies hold acts of collective worship under subsection (1)(b)."

(3) In subsection (2) for "community, foundation or voluntary school" substitute "foundation or voluntary school of a religious character".

(4) In subsection (3) for "required" substitute "permitted".

(5) In paragraphs 1 to 4 of Schedule 20 to SSFA 1998 (collective worship) for "required" substitute "permitted".

61B Insert the following new Clause—

"Collective worship (No. 2)

(1) Section 71 of SSFA 1998 (which, in relation to religious education and attendance at religious worship, makes provision for exceptions and special arrangements, and for special schools) is amended as follows.

(2) Omit subsections (1A) and (1B).

(3) In subsection (3) omit the words "or (1A)" and "or from attendance at religious worship".

(4) After subsection (8) insert—

"(8A) Attendance by pupils of acts of collective worship shall be voluntary, but this does not extend to attendance at any non-religious part of assemblies."

61C Insert the following new Clause—

"Collective worship (No. 3)

(1) Section 71 of SSFA 1998 (which, in relation to religious education and attendance at religious worship, makes provision for exceptions and special arrangements, and for special schools) is amended as follows.

(2) In subsections (1A), (1B), (5), (5A) and (7) for "sixth-form pupil" substitute "competent pupil".

(3) In subsection (8) for the words from "section" to the end substitute "a "competent pupil" is any pupil who is over 15 years of age except one who, in the opinion of the headteacher, lacks sufficient maturity and intelligence to decide for themselves to withdraw from collective worship".

(4) After subsection (8) insert—

"(9) Withdrawal from of acts of collective worship does not extend to attendance at any non-religious part of assemblies."

**Amendment
No.**

After Clause 29—*continued*

LORD PUTTNAM
LORD KNIGHT OF WEYMOUTH
LORD WILLIS OF KNARESBOROUGH

61D Insert the following new Clause—

“Technology in schools

- (1) The Secretary of State shall publish a plan detailing the delivery of the use of technology to aid teaching across all subjects in the curriculum, for pupils of all ages, in all maintained schools and Academies.
- (2) The plan must be published and laid before Parliament by July 2012.”

Clause 30

LORD HILL OF OAREFORD
LORD LAMING
BARONESS WALMSLEY
BARONESS HUGHES OF STRETFORD

62 Leave out Clause 30

Clause 31

LORD HILL OF OAREFORD
LORD LAMING
BARONESS WALMSLEY
BARONESS HUGHES OF STRETFORD

63 Leave out Clause 31

Clause 34

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

63A Page 33, line 24, at end insert—

- “() In section 84 (code for school admissions) in subsection (2) after “requirements” insert “which ensure fair access to opportunity for education”.
- () In section 84 (code for school admissions) in subsection (2) after “other matters” insert “which ensure fair access to opportunity for education”.

LORD HILL OF OAREFORD

64 Page 33, line 33, at end insert—

- “() In section 88I (other functions of adjudicator relating to admission arrangements), in subsection (3), omit paragraph (b) (and the “or” preceding it).”

65 Page 33, line 38, leave out sub-paragraph (i)

Amendment
No.Clause 34—*continued*

66 Page 34, line 1, leave out paragraph (c)

After Clause 34

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

66A Insert the following new Clause—

“Duty to promote fair access

- (1) EA 1996 is amended as follows.
- (2) In section 10 (General duty of the Secretary of State), at end insert “and promote fair access to opportunity for education and training”.

Schedule 10

LORD HILL OF OAREFORD

67 Page 85, leave out lines 9 and 10

68 Page 85, line 39, leave out paragraph 5

After Clause 35

LORD HILL OF OAREFORD

69 Insert the following new Clause—

“Objections to admission arrangements

- (1) Section 88H of SSFA 1998 (reference of objections to adjudicator) is amended as set out in subsections (2) to (6).
- (2) In subsection (2)—
 - (a) in paragraph (a), for “an appropriate person” substitute “a body or person”;
 - (b) after “that” insert “body or”.
- (3) Omit subsection (3).
- (4) In subsection (4) omit “or (3)”.
- (5) In subsection (5)—
 - (a) in paragraph (a)(i) omit “or (3)”;
 - (b) in paragraph (a)(ii) for “(3)” substitute “(2)”;
 - (c) in paragraph (c) omit “or (3)”;
 - (d) in paragraph (d) omit “or (3)”.
- (6) Omit subsection (6).
- (7) In section 88K of SSFA 1998 (sections 88H to 88J: supplementary), for subsection (2)(b) substitute—
 - “(b) any other person or body.”

**Amendment
No.**

After Clause 35—*continued*

BARONESS WALMSLEY
BARONESS BRINTON

70 Insert the following new Clause—

“Access to education and training

- (1) The Education Act 1996 is amended as follows.
- (2) In section 10 (general duty of Secretary of State) at the end insert—
 - “() The Secretary of State in England shall ensure fair access to education and training provision as far as is reasonably practicable.”

Clause 36

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

70A Page 34, leave out line 20 and insert—

- “(1) Where a new school is to be established there should be local determination as to the appropriate category of new school, based on a local assessment of need and local consultation, including with parents and the local authority.
- (2) The category of the new school shall not be presumed prior to the assessment of need and consultation with parents in subsection (1).
- (3) The Secretary of State shall not provide a funding incentive which supports one category of school over another.”

After Clause 36

LORD AVEBURY

70B Insert the following new Clause—

“Closing schools

Guidance on closing schools

Guidance on closing schools shall not contain any presumption that the proportion of denominational places in the area shall be reduced or increased.”

Schedule 11

BARONESS WALMSLEY
BARONESS BRINTON

70C Page 86, leave out lines 11 to 39

BARONESS MASSEY OF DARWEN

71 Page 87, leave out line 11

72 Page 87, leave out lines 35 to 38

**Amendment
No.****Schedule 11—continued**

73 Page 87, leave out lines 42 and 43

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

73A★ Leave out Schedule 11

Clause 39

LORD HILL OF OAREFORD

74 Page 35, line 22, leave out “follows” and insert “set out in subsections (2) to (8)”

75 Page 36, line 31, at end insert—

“(9) In section 121 of EA 2005 (parliamentary control of subordinate legislation)—

- (a) in subsection (2)(a), after “subsection” insert “(2A) or”;
- (b) after subsection (2) insert—

“(2A) This subsection applies to regulations under section 5(4A) (power to prescribe schools exempt from inspection), apart from the first regulations to be made under that subsection.

(2B) A statutory instrument which contains (whether alone or with other provisions) regulations to which subsection (2A) applies 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 HUNT OF KINGS HEATH

76 Leave out Clause 39

Clause 40

LORD NORTHBOURNE

76A Page 36, line 39, at end insert—

“() in the case of any school taking in children at compulsory school age, the extent to which such pupils are emotionally, socially and cognitively “school ready” when they join the school;”

BARONESS WALMSLEY
BARONESS BRINTON

77 Page 36, line 40, after “achievement” insert “and well-being”

BARONESS FLATHER

78 Page 36, line 43, at end insert—

“() the contribution made by the school to community cohesion.”

**Amendment
No.**

Clause 40—continued

LORD QUIRK
BARONESS COUSSINS
BARONESS HOOPER

79 Page 37, line 1, after “social” insert “, linguistic”

BARONESS MASSEY OF DARWEN
BARONESS GOULD OF POTTERNEWTON
LORD LAYARD

80 Page 37, line 8, at end insert—

“(5C) In reporting under subsection (5), the Chief Inspector’s report must consider the wellbeing of the children in the school and, in particular, must report on—

- (a) school policies on bullying and healthy eating;
- (b) the delivery of citizenship education;
- (c) the delivery of personal, social and health education, including sex and relationships education; and
- (d) child protection measures.

(5D) In reporting on the matters listed in subsection (5C), the Chief Inspector must take into account the age and stage of development of the pupils.

(5E) The Chief Inspector’s report must also consider—

- (a) how the delivery of the matters listed in subsection (5C) is coordinated across the school curriculum and in pastoral care; and
- (b) how many parents, pupils and members of the wider community are involved in the delivery of the matters listed in subsection (5C).”

Clause 41

LORD HILL OF OAREFORD

81 Page 37, line 13, leave out “follows” and insert “set out in subsections (2) to (10)”

82 Page 38, line 4, at end insert—

“(11) In section 182 of EIA 2006 (parliamentary control of orders and regulations)—

- (a) in subsection (2), after paragraph (a) insert—
“(aa) regulations to which subsection (2A) applies,”;
- (b) after subsection (2) insert—

“(2A) This subsection applies to regulations made under section 125(1A) (power to prescribe institutions exempt from inspection), apart from the first regulations to be made under that subsection.”;

- (c) in subsection (3), after paragraph (a) insert—
“(aa) regulations to which subsection (2A) applies,”.

**Amendment
No.**

Clause 43

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

82A Page 39, line 12, leave out subsection (2) and insert—

“(1) The Secretary of State shall not have the right to direct closure of a maintained school unless that school is eligible for intervention by virtue of section 62 of EIA 2006 (school requiring special measures).”

Schedule 12

LORD HILL OF OAREFORD

82B★ Page 90, line 38, at end insert—

“ After section 16 insert—

“16A Publication of proposals

- (1) The appropriate authority may not make an order under section 16(1) or (3) unless the authority has published a draft of the proposed order, or of an order in substantially the same form, by such time and in such manner as may be prescribed.
- (2) A draft proposal or order in respect of an institution which is maintained by a local authority may not be published without the consent of the governing body and the local authority.
- (3) In this section “the appropriate authority” means—
 - (a) in relation to a proposal or order in respect of an institution in England, the Secretary of State;
 - (b) in relation to a proposal or order in respect of an institution in Wales, the Welsh Ministers.”

82C★ Page 90, line 40, at end insert—

“() In subsection (4)(c), for “27” substitute “27C or 33P”

BARONESS BRINTON
BARONESS SHARP OF GUILDFORD

83 Page 91, line 17, leave out paragraph 3

LORD HILL OF OAREFORD

83A★ Page 91, line 18, at end insert—

“ In section 20 (constitution of further education corporation and conduct of further education institution), for subsection (2) substitute—

- “(2) Instruments of government and articles of government of further education corporations in England—
 - (a) must comply with the requirements of Part 2 of Schedule 4, and
 - (b) subject to that, may make such other provision as may be necessary or desirable.

**Amendment
No.**

Schedule 12—*continued*

- (2A) Instruments of government and articles of government of further education corporations in Wales—
- (a) must comply with the requirements of Part 3 of Schedule 4, and
 - (b) subject to that, may make any provision authorised to be made by that Part of that Schedule and such other provision as may be necessary or desirable.”

For section 22 substitute—

“22 Subsequent instruments and articles: England

A further education corporation in England may modify or replace their instrument of government or articles of government.

22ZA Subsequent instruments and articles: Wales

- (1) Subject to subsections (2) and (3), the Welsh Ministers may—
 - (a) if a further education corporation in Wales submits a draft of an instrument of government to have effect in place of their existing instrument, by order make a new instrument of government in the terms of the draft or in such terms as they think fit, and
 - (b) if such a corporation submits draft modifications of an instrument made under paragraph (a), by order modify the instrument in the terms of the draft or in such terms as they think fit.
- (2) The Welsh Ministers must not make a new instrument otherwise than in the terms of the draft, or modify the instrument otherwise than in the terms of the draft, unless they have consulted the corporation.
- (3) If the institution conducted by a further education corporation mainly serves the population of England, or receives financial support from the Chief Executive of Skills Funding, the Welsh Ministers must consult the Chief Executive of Skills Funding before making an order under subsection (1).
- (4) The Welsh Ministers may by order modify, replace or revoke any instrument of government or articles of government of any further education corporation in Wales.
- (5) An order under subsection (4) may relate to all further education corporations in Wales, to any category of such corporations specified in the order or to any such corporation so specified.
- (6) Before making an order under subsection (4), the Welsh Ministers must consult—
 - (a) the further education corporation or (as the case may be) each further education corporation to which the order relates, and
 - (b) the Chief Executive of Skills Funding, if the institution conducted by the corporation or (as the case may be) any corporation to which the order relates mainly serves the population of England, or receives financial support from the Chief Executive of Skills Funding.
- (7) A further education corporation in Wales may, with the consent of the Welsh Ministers—

Amendment
No.

Schedule 12—continued

- (a) make new articles of government in place of their existing articles, or
 - (b) modify their existing articles.
- (8) The Welsh Ministers may by a direction under this section require further education corporations in Wales, any class of such corporations specified in the direction or any particular further education corporation so specified—
- (a) to modify, replace or revoke their articles of government, or
 - (b) to secure that any rules or bye-laws made in pursuance of their articles of government are modified, replaced or revoked,
- in any manner so specified.
- (9) Before giving a direction under this section, the Welsh Ministers must consult the further education corporation or (as the case may be) each further education corporation to which the direction applies.”

83B★ Page 91, line 19, leave out paragraph 4 and insert—

“ For section 27 substitute—

“27 Proposals for dissolution of further education corporations: England

- (1) This section applies if a further education corporation in England propose that the corporation should be dissolved.
- (2) The corporation must publish details of the proposal, and such other information as may be prescribed, in accordance with regulations.
- (3) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations.

27A Dissolution of further education corporations: England

- (1) This section and section 27B apply if, after complying with section 27, a further education corporation in England resolve that the corporation should be dissolved on a specified date.
- (2) “The dissolution date” means the date specified in a resolution under subsection (1).
- (3) The corporation must notify the Secretary of State of the resolution and the dissolution date as soon as reasonably practicable.
- (4) The corporation are dissolved on the dissolution date.

27B Dissolution of further education corporations: England: transfer of property, rights and liabilities

- (1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed.
- (2) The corporation may do so only with the consent of the person or body concerned.

Amendment
No.

Schedule 12—continued

- (3) A transfer under subsection (1) has effect on the dissolution date.
- (4) Subsection (5) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.
- (5) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.

27C Dissolution of further education corporations: Wales

- (1) Subject to the following provisions of this section, the Welsh Ministers may by order provide for—
 - (a) the dissolution of a further education corporation in Wales, and
 - (b) the transfer to any person mentioned in subsection (2) or (3) of property, rights and liabilities of the corporation.
- (2) Such property, rights and liabilities may, with the consent of the person or body concerned, be transferred to—
 - (a) any person appearing to the Welsh Ministers to be wholly or mainly engaged in the provision of educational facilities or services of any description, or
 - (b) any body corporate established for purposes which include the provision of such facilities or services.
- (3) Such property, rights and liabilities may be transferred to a higher education funding council.
- (4) Where the recipient of a transfer under an order under this section is not a charity established for charitable purposes which are exclusively educational purposes, any property transferred must be transferred on trust to be used for charitable purposes which are exclusively charitable purposes.
- (5) An order under this section may apply section 26 with such modifications as the Welsh Ministers consider necessary or desirable.
- (6) Before making an order under this section in respect of a further education corporation, the Welsh Ministers must consult—
 - (a) the corporation, and
 - (b) the Chief Executive of Skills Funding, if the institution conducted by the corporation mainly serves the population of England, or receives financial support from the Chief Executive of Skills Funding.”

Amendment
No.

Schedule 12—*continued*

83C★ Page 91, line 21, leave out paragraph 5 and insert—

“ For section 29 substitute—

“29 Government and conduct of designated institutions

- (1) This section applies to a designated institution, other than—
 - (a) an institution conducted by a company, or
 - (b) an institution conducted by an unincorporated association, if the order designating the institution provides for its exemption.
- (2) For each designated institution to which this section applies, there is to be—
 - (a) an instrument providing for the constitution of a governing body of the institution (to be known as the instrument of government), and
 - (b) an instrument in accordance with which the institution is to be conducted (to be known as the articles of government).
- (3) In sections 29A to 29C—

“instrument” means an instrument of government or articles of government;

“regulatory instrument”, in relation to an institution, means—

 - (a) an instrument of government or articles of government, or
 - (b) any other instrument relating to or regulating the institution.

29A First post-designation instruments and articles of designated institutions: England and Wales

- (1) The first post-designation instrument and articles of government of a designated institution to which section 29 applies must each comply with subsection (3) and (if the institution is in Wales) subsection (6).
- (2) The “first post-designation instrument and articles of government” of a designated institution are the first instrument of government and articles of government that the institution has after the designation takes effect.
- (3) The instrument must meet one of the following requirements—
 - (a) the instrument was in force when the designation took effect and is approved for the purposes of this section by the appropriate authority;
 - (b) the instrument—
 - (i) is made in pursuance of a power under a regulatory instrument or (where there is no such power) by the governing body of the institution, and

Amendment
No.

Schedule 12—continued

- (ii) (in either case) is approved for the purposes of this section by the appropriate authority;
- (c) the instrument is made by the appropriate authority by order.
- (4) An instrument made by the governing body under subsection (3)(b) or the appropriate authority under subsection (3)(c) may replace wholly or in part an existing regulatory instrument.
- (5) Before making an instrument under subsection (3)(c), the appropriate authority must, so far as it appears practicable to do so, consult—
 - (a) the governing body of the institution, and
 - (b) where there is power under a regulatory instrument to make the instrument, and that power is exercisable by persons other than the governing body of the institution, the persons by whom the power is exercisable.
- (6) If the institution is in Wales, provision made by the instrument in relation to the appointment of members of the governing body must take into account the members who may be appointed by the Welsh Ministers under section 39 of the Learning and Skills Act 2000.
- (7) In this section “the appropriate authority”—
 - (a) in relation to an institution in England, means the Secretary of State;
 - (b) in relation to an institution in Wales, means the Welsh Ministers.

29B Changes to instruments and articles: England

- (1) This section applies to a designated institution in England which is an institution to which section 29 applies.
- (2) The governing body of the institution may modify or replace its instrument of government and articles of government.
- (3) The instrument of government and articles of government (as modified or replaced)—
 - (a) must comply with the requirements of Part 2 of Schedule 4, and
 - (b) subject to that, may make such other provision as may be necessary or desirable.

29C Changes to instruments and articles: Wales

- (1) This section applies to a designated institution in Wales which is an institution to which section 29 applies.
- (2) Subject to subsection (3), the governing body of the institution may modify, replace or revoke its instrument of government and articles of government if —
 - (a) the instrument falls within section 29A(3)(a),

Amendment
No.Schedule 12—*continued*

- (b) the instrument was made by the governing body, or
 - (c) the instrument was made in pursuance of a power under a regulatory instrument, where there is no other power to modify it.
- (3) An instrument approved under section 29A(3)(a) or (b) by the Welsh Ministers may not be modified, replaced or revoked without the consent of the Welsh Ministers.
- (4) The Welsh Ministers may by order modify, replace or revoke the instrument of government or articles of government of the institution.
- (5) Before making an order under subsection (4), the Welsh Ministers must, so far as it appears practicable to do so, consult—
- (a) the governing body of the institution, and
 - (b) where there is power under a regulatory instrument to make the instrument, and that power is exercisable by persons other than the governing body of the institution, the persons by whom the power is exercisable.”
- 83D★** Page 91, line 22, at end insert—
- “ In section 30 (special provision for certain institutions), in subsection (1) for “section 29” substitute “sections 29 to 29C”.
- 83E★** Page 91, line 36, at end insert—
- “() in subsection (6)(e)(ii), for “27” substitute “27C or 33P”.
- BARONESS BRINTON
BARONESS SHARP OF GUILDFORD
- 84** Page 91, line 41, leave out paragraph 11
- LORD HILL OF OAREFORD
- 84ZA★** Page 91, line 42, at end insert—
- “ In section 33I(2) (instrument and articles of government of sixth form college corporations)—
- (a) in paragraph (a), after “requirements of” insert “Part 2 of”;
 - (b) for paragraph (b) substitute—
- “(b) subject to that, may make such other provision as may be necessary or desirable.”
- 84ZB★** Page 92, line 23, leave out paragraphs 14 and 15 and insert—
- “ For section 33L substitute—
- “33L Changes to instruments and articles**
- (1) A sixth form college corporation may modify or replace their instrument of government or articles of government.

Amendment
No.

Schedule 12—continued

- (2) A sixth form college corporation to which section 33J applies may do the things mentioned in subsection (1) only with the consent of the trustees of the relevant sixth form college.”

For section 33N substitute—

“33N Proposals for dissolution of sixth form college corporations

- (1) This section applies if a sixth form college corporation propose that the corporation should be dissolved.
- (2) The corporation must publish details of the proposal, and such other information as may be prescribed, in accordance with regulations.
- (3) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations.

33O Dissolution of sixth form college corporations

- (1) This section and section 33P apply if, after complying with section 33N, a sixth form college corporation resolve that the corporation should be dissolved on a specified date.
- (2) “The dissolution date” means the date specified in a resolution under subsection (1).
- (3) The corporation must notify the Secretary of State of the resolution and the dissolution date as soon as reasonably practicable.
- (4) The corporation are dissolved on the dissolution date.

33P Dissolution of sixth form college corporations: transfer of property, rights and liabilities

- (1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed, subject to subsection (4).
- (2) The corporation may do so only with the consent of the person or body concerned.
- (3) A transfer under subsection (1) has effect on the dissolution date.
- (4) In the case of a sixth form college corporation to which section 33J applies, any property held by the corporation on trust for the purposes of the relevant sixth form college must be transferred to the trustees of the relevant sixth form college.
- (5) Subsection (6) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.
- (6) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.
- (7) Subsection (6) does not apply to property transferred to the person or body by virtue of subsection (4).”

Amendment
No.Schedule 12—*continued*

84ZC★ Page 94, line 13, at end insert—

“ Section 51 (publication of proposals) is repealed.”

84ZD★ Page 94, line 24, at end insert—

“(In subsection (7), after “include” insert “— (a)” and at the end insert—

“(b) a direction requiring a governing body to make a resolution under section 27A(1) for the body to be dissolved on a date specified in the direction.

(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction.”

84ZE★ Page 95, line 26, at end insert—

“() In subsection (7), after “include” insert “— (a)” and at the end insert—

“(b) a direction requiring a governing body to make a resolution under section 33O(1) for the body to be dissolved on a date specified in the direction.

(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given is to be taken for the purposes of section 33O(1) to have complied with section 33N before making the resolution required by the direction.”

84ZF★ Page 96, line 22, at end insert—

“ In section 88 (stamp duty)—

(a) for “27” substitute “27B, 27C”;

(b) for “33N” substitute “33P”.

In section 88A (stamp duty land tax)—

(a) for “27” substitute “27B, 27C”;

(b) for “33N” substitute “33P”.

84ZG★ Page 96, line 23, leave out paragraph 32 and insert—

“ (1) Section 89 (orders, regulations and directions) is amended as follows.

(2) In subsection (2)—

(a) for “22, 29(6) and (8)” substitute “22ZA(1) and (4), 29A(3)(c), 29C(4)”;

(b) after “33A(5)(b)” insert “33J(2), 33K(1),”;

(c) omit “or section 33L”.

(3) In subsection (3), after “subsection (3A)” insert “or (3B)”.

(4) After subsection (3A) insert—

“(3B) An order falls within this subsection if—

(a) it is an order revoking (wholly or in part) an order under section 15 or 16 and is made by virtue of section 27A(4), or

**Amendment
No.**

Schedule 12—continued

- (b) it is an order revoking (wholly or in part) an order under section 33A, 33B or 33C and is made by virtue of section 33O(4).”
- 84ZH★** Page 96, line 24, leave out “33L(3),” and insert—
“(c) omit “or section 33L”.
- 84ZJ★** Page 96, line 26, after “(1)” insert “—
(a) after the definition of “further education” insert—
““further education corporation in England” means a further education corporation established to conduct an institution in England;
“further education corporation in Wales” means a further education corporation established to conduct an institution in Wales;”;
(b) “
- 84ZK★** Page 96, line 29, after “(index)” insert “—
(a) after the entry for “further education corporation” insert—
“further education corporation in England | section 90(1)
further education corporation in Wales | section 90(1)”
(b) “
- 84ZL★** Page 96, line 31, leave out paragraph 35 and insert—
“ For Schedule 4 substitute—

“SCHEDULE 4

INSTRUMENTS AND ARTICLES OF GOVERNMENT

PART 1

GENERAL

- 1 In this Schedule—
“instrument” means an instrument of government or articles of government;
“the institution” means—
(a) in the case of a further education corporation, the institution which the corporation are established to conduct;
(b) in the case of the governing body of a designated institution, the institution;

**Amendment
No.**

Schedule 12—continued

- (c) in the case of a sixth form college corporation, the relevant sixth form college.

PART 2

ENGLAND

- 2 This Part applies in relation to—
- (a) a further education corporation in England;
 - (b) the governing body of a designated institution in England;
 - (c) a sixth form college corporation.
- 3 In this Part “the body” means—
- (a) in the case of a further education corporation or a sixth form college corporation, the corporation;
 - (b) in the case of a governing body, the governing body.
- 4 An instrument must provide for—
- (a) the number of members of the body,
 - (b) the eligibility of persons for membership, and
 - (c) the appointment of members.
- 5 (1) An instrument must make provision about the procedures of the body and the institution.
- (2) In particular, an instrument must specify how the body may resolve for its dissolution and the transfer of its property, rights and liabilities.
- 6 (1) An instrument must make provision for there to be—
- (a) a chief executive of the institution, and
 - (b) a clerk to the body.
- (2) An instrument must make provision about the respective responsibilities of the body, the chief executive and the clerk.
- (3) The responsibilities of the body must include—
- (a) in the case of a sixth form college corporation to which section 33J applies, the preservation and development of the educational character and mission of the institution and the oversight of its activities;
 - (b) in the case of any other sixth form college corporation, a further education corporation or a governing body, the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
 - (c) in any case, the effective and efficient use of resources, the solvency of the institution and the body and the safeguarding of their assets.
- 7 An instrument must require the body to publish arrangements for obtaining the views of staff and students on the matters for which the body are responsible under paragraph 6(3)(a) or (b).

**Amendment
No.**

Schedule 12—*continued*

- 8 An instrument must permit the body to change their name with the approval of the Secretary of State.
- 9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.
- 10 An instrument must prohibit the body from making changes to the instrument of government or articles of government that would result in the body ceasing to be a charity.
- 11 An instrument must provide for—
- (a) a copy of the instrument to be given free of charge to every member of the body,
 - (b) a copy of the instrument to be given free of charge, or at a charge not exceeding the cost of copying, to anyone else who requests it, and
 - (c) a copy of it to be available for inspection at the institution on request, during normal office hours, to every member of staff of, and student at, the institution.
- 12 An instrument must provide for the authentication of the application of the seal of the body.

PART 3

WALES

- 13 This Part applies in relation to further education corporations in Wales.
- 14 Provision made by an instrument in relation to the appointment of members of the corporation must take into account the members who may be appointed by the Welsh Ministers under section 39 of the Learning and Skills Act 2000.
- 15 (1) An instrument must provide for—
- (a) the number of members of the corporation,
 - (b) the eligibility of persons for membership, and
 - (c) the appointment of members.
- (2) An instrument may provide for the nomination of any person for membership by another, including by a body nominated by the Welsh Ministers.
- 16 An instrument must provide for one or more officers to be chosen from among the members.
- 17 An instrument may—
- (a) provide for the corporation to establish committees, and
 - (b) permit such committees to include persons who are not members of the corporation.

Amendment
No.Schedule 12—*continued*

- 18 An instrument may provide for the delegation of functions of the corporation to—
- (a) officers or committees, or
 - (b) the principal of the institution.
- 19 An instrument may provide for the corporation to pay allowances to its members.
- 20 An instrument must provide for the authentication of the seal of the corporation.
- 21 An instrument must require the corporation to—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare in respect of each financial year of the corporation a statement of accounts.
- 22 An instrument must—
- (a) provide for the appointment of a principal of the institution, and
 - (b) determine which functions exercisable in relation to the institution are to be exercised by the corporation, its officers or committees and which by the principal of the institution.
- 23 An instrument must make provision about the procedures of the corporation and the institution.
- 24 An instrument must provide—
- (a) for the appointment, promotion, suspension and dismissal of staff, and
 - (b) for the admission, suspension and expulsion of students.
- 25 An instrument may make provision authorising the corporation to make rules or bye-laws for the government and conduct of the institution, including in particular rules or bye-laws about the conduct of students, staff or both.”

84ZM★ Page 96, line 33, at end insert—

- “
- (1) LSA 2000 is amended as follows.
 - (2) In section 110 (secondary education), in subsection (5), for “51(3A)” substitute “16A(2)”.
 - (3) In section 143 (further education sector: designated institutions), in subsection (6)(b), for “section 29” substitute “any of sections 29 to 29C”.
- ”

Amendment
No.

After Clause 52

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

84A Insert the following new Clause—

“Academies: school teachers’ qualifications

- (1) EA 2002 is amended as follows.
- (2) In section 133 (requirement to be qualified), in subsection (6) (schools to which this section applies), after paragraph (b) insert—
 - “(c) an Academy, including a free school,
 - (d) a city technology college, or
 - (e) a city college for the technology of the arts.”
- (3) At the end of subsection (6) of that Act insert—
 - “(7) Nothing in subsection (6) should prohibit a school’s ability to employ non-qualified individuals to provide educational support in relation to non-‘specified work’ in so far as it would positively contribute to pupils’ educational development”.
- (4) Any individual employed under the terms of subparagraph (3) above shall be supervised in their work by a qualified teacher.”

Clause 55

BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH
BARONESS CRAWLEY

84B Page 45, line 40, leave out from “England” to end of line and insert “applies for an Academy Order, there must be a consultation on the question of whether the conversion should take place.

- (2) The consultation must seek the views of such persons as the person carrying it out thinks appropriate, but must include the views of parents of registered pupils, registered pupils, school staff and the local authority.”

After Clause 56

LORD HILL OF OAREFORD

84C Insert the following new Clause—

“Academy orders: local authority powers

In section 6 of AA 2010 (effect of Academy order), after subsection (2) insert—

- “(2A) Subsection (2) does not prohibit the local authority from providing financial or other assistance in respect of the Academy, including by—
 - (a) making payments in respect of some (but not all) of the expenses of maintaining the Academy,

**Amendment
No.****After Clause 56—*continued***

- (b) providing premises, goods or services for the Academy, or
- (c) making premises, goods or services available to be used for the purposes of the Academy.””

Clause 60

BARONESS TURNER OF CAMDEN

85 Page 49, line 1, at end insert—

“() In section 59(1) of SSFA 1998 (religious opinions etc. of staff), after paragraph (b) insert—

“(c) an Academy that is not religiously designated”.”

86 Page 49, line 1, at end insert—

“() Section 60 of SSFA 1998 (staff at foundation or voluntary school with religious character) is amended as follows.

() For subsection (5) substitute—

“(5) If the school is a voluntary aided school, preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 69(4) but only to the extent that the treatment in question can be justified on the basis that the religion or belief of a teacher in the school constitutes a genuine, legitimate and justified occupational requirement having regard to the school’s religious ethos.

(5A) Regard may be had, in connection with the termination of the employment or engagement of any teacher at the school, to any conduct on his or her part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified; provided that nothing in this section shall be taken to permit discrimination which would be prohibited by the Equality Act 2010 other than in relation to religion or belief.”

() Omit subsection (2)(b) and (c) of section 124A of SSFA 1998 (appointment and dismissal of teachers of religious education).”

87 Page 49, line 18, at end insert “, but he or she shall not make such an order unless there has been consultation with such persons as he or she considers appropriate on the question of whether an order should be made and having regard to the responses given in that consultation”

Amendment
No.

After Clause 60

BARONESS MASSEY OF DARWEN

88 Insert the following new Clause—

“Discrimination on grounds of religion or belief

After section 1(9) of AA 2010 (Academy arrangements) insert—

“(9A) Subsection (9B) applies if the school is a voluntary controlled school which is designated by order under section 69(3) of SSFA 1998 as a school having a particular religious character.

(9B) The Academy agreement must include terms imposed for the purpose of securing that no greater percentage of pupils are selected on the basis of religion or belief after, as compared with before, the conversion date, unless the Secretary of State has by order provided that section 124AA of AA 2010 does not apply to the school.”

Clause 62

LORD HILL OF OAREFORD

89 Page 51, leave out lines 6 to 16

After Clause 73

BARONESS BRINTON
BARONESS SHARP OF GUILDFORD

89ZA★ Insert the following new Clause—

“Repayment of loans for part-time students

No part-time student shall be required to repay their loan until—

- (a) they have completed their studies, or
- (b) four years and six months has passed since the start of their course, whichever occurs first.”

Clause 78

LORD HILL OF OAREFORD

89A Page 58, line 16, at end insert—

“() section (*Academy orders: local authority powers*);”

LORD HILL OF OAREFORD
LORD LAMING
BARONESS WALMSLEY

90 Page 58, line 23, leave out paragraph (c)

Education Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

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