

# Education Bill

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## NINTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

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*The amendments have been marshalled in accordance with the Instruction of 23rd June 2011, as follows—*

Clauses 41 to 48	Clauses 64 and 65
Schedule 12	Schedule 16
Clauses 49 to 53	Clause 66
Schedule 13	Schedule 17
Clauses 54 to 61	Clause 67
Schedule 14	Schedule 18
Clauses 62 and 63	Clauses 68 to 79
Schedule 15	

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

### Clause 41

BARONESS HUGHES OF STRETTFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

**122ZB** Page 37, line 8, at end insert—

- “(1C) Regulations under subsection (1A) must provide for the local authority in which the exempt further education institution is situated to require the Chief Inspector to inspect the exempt institution if the local authority has information that the institution should no longer be classified as an exempt institution.
- (1D) Regulations must also provide for the Chief Inspector to consider complaints about an exempt institution and if appropriate inspect the institution.
- (1E) Notwithstanding subsections (1A) to (1D), the regulations will specify the circumstances in which Ofsted are told to undertake an inspection into an exempt school.”

Amendment  
No.

**After Clause 41**

LORD LOW OF DALSTON

**122ZBA★** Insert the following new Clause—

**“School inspections: designation of teaching school status and special educational needs**

The relevant eligibility criteria employed by the National College to determine teaching school status must include an “outstanding” Ofsted rating for any special educational needs work undertaken by that school.”

**Clause 42**

BARONESS WALMSLEY  
BARONESS BRINTON

*The above-named Lords give notice of their intention to oppose the Question that Clause 42 stand part of the Bill.*

**Clause 43**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

**122ZC** Page 39, line 1, leave out subsection (2)

BARONESS WALMSLEY  
BARONESS JOLLY

**122A** Page 39, line 4, leave out subsection (3)

**After Clause 43**

BARONESS WALMSLEY  
BARONESS JOLLY

**122B** Insert the following new Clause—

**“Academies causing concern: powers of Secretary of State**

Where an Academy is causing concern, the Secretary of State shall terminate the agreement under section 1 of AA 2010, and require the local authority to establish a maintained school in the premises of the closed Academy.”

**Clause 44**

LORD LOW OF DALSTON  
LORD TOUHIG  
BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

*The above-named Lords give notice of their intention to oppose the Question that Clause 44 stand part of the Bill.*

**Amendment  
No.****Clause 47**

BARONESS HUGHES OF STRETTFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 47 stand part of the Bill.*

**Schedule 12**

BARONESS BRINTON  
BARONESS SHARP OF GUILDFORD

**122BZA** Page 90, line 17, leave out paragraph 3

BARONESS SHARP OF GUILDFORD

**122BZB** Page 90, line 18, at end insert—

- “(1) Section 22 (subsequent instruments and articles) is amended as follows.  
(2) Omit subsections (2) and (3).  
(3) In subsection (4) for “Secretary of State” substitute “appropriate body”.  
(4) Omit subsections (5) and (6).”

**122BZC** Page 90, line 18, at end insert—

- “(1) Section 27 (dissolution of further education corporations) is amended as follows.  
(2) In subsection (1) after “the appropriate authority” insert “with the agreement of the members of the corporation”.  
(3) In subsection (2)(a) after “the appropriate authority” insert “and the members of the corporation”. ”

LORD HILL OF OAREFORD

**122BA** Page 90, line 32, at end insert—

- “ In section 33E (principal powers of a sixth form college corporation), in subsection (2), after “subsection (1)” insert “and (in the case of a sixth form college corporation to which section 33J applies) section 33J(1A)”. ”

BARONESS BRINTON  
BARONESS SHARP OF GUILDFORD

**122BAA** Page 90, line 38, leave out paragraph 10

LORD HILL OF OAREFORD

**122BB** Page 90, line 39, at end insert—

- “ (1) Section 33J (special provision for certain institutions) is amended as follows.

**Amendment  
No.**

**Schedule 12—continued**

- (2) After subsection (1) insert—
- “(1A) A sixth form college corporation to which this section applies may (accordingly) conduct the relevant sixth form college in a way that secures that the established character of the sixth form college is preserved and developed (and, in particular, in a way that is in accordance with any trust deed relating to the college).”
- (3) In subsection (3)—
- (a) for “reference in subsection (1)(a) to the established character of a sixth form college is” substitute “references in subsections (1)(a) and (1A) to the established character of a sixth form college are”;
- (b) for “a reference” substitute “references”.
- 122BC** Page 91, line 1, leave out paragraph (b) and insert—
- “(b) for subsection (2) substitute—
- “(2) An order under subsection (1) may not be made unless—
- (a) the Secretary of State has consulted the corporation, and
- (b) in the case of a sixth form college corporation to which section 33J applies, the trustees of the relevant sixth form college have given their consent.”
- 122BD** Page 91, line 5, at end insert—
- “( ) After subsection (1) insert—
- “(1A) In the case of a sixth form college corporation to which section 33J applies, an order under subsection (1) may not be made unless the trustees of the relevant sixth form college have given their consent.”
- 122BE** Page 91, line 8, leave out from “for” to end of line 13 and insert ““it” substitute “the Secretary of State”.”
- 122BF** Page 91, line 14, leave out “, (5)”
- 122BG** Page 91, line 20, at end insert—
- “( ) In subsection (5), omit “, with the consent of the YPLA”.
- ( ) After subsection (5) insert—
- “(5A) A sixth form college corporation may do the things mentioned in subsection (5) only with the consent of—
- (a) the Secretary of State, and
- (b) in the case of a sixth form college corporation to which section 33J applies, the trustees of the relevant sixth form college.”
- 122BH** Page 91, line 30, at end insert—
- “( ) In subsection (1)(b), for “or (6)” substitute “, (6) or (6A)”.
- 122BJ** Page 91, line 45, at end insert—
- “( ) In subsection (4), for “subsection (5)” substitute “subsections (5) and (6A)”.

**Amendment  
No.****Schedule 12—continued**

- 122BK** Page 92, line 1, after “(6)” insert “—
- (a) after “may” insert “(subject to subsection (6A))”;
  - (b) “
- 122BL** Page 92, line 2, at end insert—
- “( ) After subsection (6) insert—
  - “(6A) 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.”
  - ( ) After subsection (7) insert—
  - “(7A) Subsection (7) does not apply where (by virtue of subsection (6A)) the recipient is the trustees of the relevant sixth form college.””

**LORD KNIGHT OF WEYMOUTH**

- 122C** Page 92, line 35, leave out paragraph 22

**LORD HILL OF OAREFORD**

- 122D** Page 93, leave out lines 2 to 11 and insert—
- “(4) Subsections (4A) and (4B) apply to a sixth form college which is specified, or falls within a class specified, in an order under section 33J(2).
  - (4A) Before doing one or more of the things listed in subsection (6), the Secretary of State must consult—
    - (a) the trustees of the sixth form college, and
    - (b) each person or body with power under the college’s instrument of government to appoint or nominate one or more of its foundation governors.
  - (4B) After carrying out a consultation under subsection (4A), the Secretary of State must give the persons and bodies consulted a notice stating—
    - (a) what the Secretary of State has decided to do;
    - (b) the reasons for the decision.””
- 122E** Page 93, line 13, leave out from “for” to end of line 14 and insert ““authority do one or more of those things, the authority” substitute “Secretary of State does one or more of the things listed in subsection (6), the Secretary of State””

**Clause 49**

- 122F** [Withdrawn]

Amendment  
No.

**Clause 49—continued**

BARONESS WALMSLEY  
[In substitution for Amendment 122F]

**122G** Page 41, line 29, at end insert—

“( ) After subsection (3) insert—

“(3A) Notwithstanding subsections (1) to (3), if a pupil registered at a pupil referral unit is also registered at an Academy, the Academy shall pay the local authority which maintains the pupil referral unit the cost of educating the pupil for days when the pupil attends the unit.”.

BARONESS HUGHES OF STRETTFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 49 stand part of the Bill.*

**After Clause 50**

LORD AVEBURY  
BARONESS WHITAKER

**123** Insert the following new Clause—

**“Promotion of education of vulnerable children**

The Secretary of State shall issue guidance on how local authorities can promote and improve the education of vulnerable children in their area.”

**Clause 52**

LORD HILL OF OAREFORD

**123A** Page 42, line 32, leave out “and”

**123B** Page 42, line 34, at end insert “, and

( ) it is not an alternative provision Academy (see section 1C).”

LORD BLACKWELL

**124** Page 42, line 39, at end insert “, and

“(c) it is specially organised to make special educational provision for the needs of pupils with high ability or aptitude for learning; or high ability or aptitude in musical, artistic or other specialist skills approved in guidance issued by the Secretary of State.”

BARONESS HUGHES OF STRETTFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

**124A** Page 43, line 15, after “age” insert “for periods of no longer than six months”

**Amendment  
No.**

**Clause 52—*continued***

LORD HILL OF OAREFORD

- 124AA** Page 43, line 36, at end insert “or without”
- 124AB** Page 43, line 41, after “Academies” insert “or a description of alternative provision Academy”

**After Clause 52**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

- 124B** Insert the following new Clause—

**“School teachers’ qualifications: definition of “school”**

- (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.”

**Clause 53**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

- 124C** Page 44, line 7, leave out subsections (2) and (3)

**After Clause 53**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

- 124D** Insert the following new Clause—

**“Academies: selection**

- (1) Section 6 (effect of Academy order) of AA 2010 is amended as follows.
- (2) Omit subsections (3) and (4).”

**Amendment  
No.**

**Schedule 13**

**LORD HILL OF OAREFORD**

**124E** Page 95, line 14, at end insert—

“ In section 10A (charges at boarding Academies) (inserted by section 59), in subsection (1)(a), for “an Academy” substitute “an Academy school or an alternative provision Academy”.”

**124F** Page 95, line 15, after “land)” insert “(substituted by Schedule 14)”

**124G** Page 95, leave out lines 16 to 35 and insert—

“( ) In paragraph 10 (power of Secretary of State to make direction where Academy order made)—

(a) in sub-paragraph (1)(b), for “Academy” substitute “Academy school”;

(b) in sub-paragraph (3)(c), for “Academy” substitute “Academy school”.

( ) In paragraph 13 (transfer of land and other property on dissolution of governing body), in sub-paragraph (3)(b), for “Academy” substitute “Academy school”.”

**124H** Page 95, line 36, at end insert—

“ (1) The Children Act 1989 is amended as follows.

(2) In section 62 (voluntary organisations providing accommodation: duties of local authorities), in subsection (10), after “1992,” insert “a 16 to 19 Academy”.

(3) In section 80 (inspection of children’s homes etc by persons authorised by Secretary of State)—

(a) in subsection (5), after paragraph (dc) insert—

“(dd) proprietor of a 16 to 19 Academy”;

(b) in subsection (13), in the definition of “college”, after “1992” insert “or a 16 to 19 Academy”;

(c) in subsection (13), at the end insert—

““proprietor” has the same meaning as in the Education Act 1996.”

(4) In section 87 (welfare of children in boarding schools and colleges)—

(a) in subsection (10), in the definition of “college”, after “1992 Act” insert “or a 16 to 19 Academy”;

(b) in subsection (11), after paragraph (c) insert—

“(d) in relation to a 16 to 19 Academy, the proprietor of the Academy.”

In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), after paragraph 10 insert—

“10A A 16 to 19 Academy.”

(1) FHEA 1992 is amended as follows.



**Amendment  
No.****Schedule 13—continued**

- (2) In section 85A (nuisance or disturbance on educational premises)—
  - (a) in subsection (2), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
  - (c) any 16 to 19 Academy.”;
  - (b) in subsection (4), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
  - (c) in relation to premises of a 16 to 19 Academy, the proprietor.”;
  - (c) in subsection (6), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
  - (c) in relation to an offence committed on premises of a 16 to 19 Academy, a person whom the proprietor has authorised to bring such proceedings.”
- (3) In section 85AA (power of members of staff to search students for prohibited items: England)—
  - (a) in subsection (1), after “England” insert “, or a 16 to 19 Academy,”;
  - (b) in subsection (6), in the definition of “member of staff”, after “further education sector” insert “or a 16 to 19 Academy”.
- (4) In section 85AB (power of search under section 85AA: supplementary), in subsection (3), after “England” insert “, or a principal of a 16 to 19 Academy,”.
- (5) In section 85C (power of members of staff to use force)—
  - (a) in subsection (1), after “further education sector” insert “or is a 16 to 19 Academy”;
  - (b) in subsection (5), after “further education sector” insert “or a 16 to 19 Academy”.

**124J** Page 95, line 40, leave out “and (1B)” and insert “to (1C)”

**124K** Page 95, line 42, at end insert—

“(1C) An alternative provision Academy is a school.”

**124L** Page 95, line 42, at end insert—

“( ) In section 11 (Secretary of State’s duty in the case of primary, secondary and further education)—

- (a) in subsection (1)(a), omit the “or” after sub-paragraph (i) and after sub-paragraph (ii) insert “or
- (iii) in 16 to 19 Academies,”;
- (b) in subsection (1)(b), for “or institutions within the further education sector” substitute “, institutions within the further education sector or 16 to 19 Academies”;
- (c) in subsection (2), for “and institutions within the further education sector” substitute “, institutions within the further education sector and 16 to 19 Academies”.

**Amendment  
No.**

**Schedule 13—continued**

- ( ) In section 329A (review or assessment of educational needs at request of responsible body), in subsection (12), after paragraph (d) insert—
  - “(da) an alternative provision Academy that is not an independent school,”.
- ( ) In section 332B (special educational provision: resolution of disputes), in subsection (8)(c), for “or an Academy” substitute “, an Academy school or an alternative provision Academy”.
- ( ) In section 337 (special schools), in paragraph (b), for “Academy” substitute “Academy school”.
- ( ) In section 444 (offence: failure to secure regular attendance at school of registered pupil), in subsection (7A)(a), for sub-paragraph (iii) substitute—
  - “(iii) an Academy school,
  - (iiia) an alternative provision Academy,”.
- ( ) In section 444ZA (application of section 444 to alternative education provision), in subsection (8)—
  - (a) in paragraph (a), for sub-paragraph (iii) substitute—
    - “(iii) an Academy school,
    - (iiia) an alternative provision Academy,”;
  - (b) in paragraph (b), after “(iii),” insert “(iiia),”.
- ( ) In section 444B (penalty notices: supplemental), in subsection (4), in the definition of “relevant school”, for paragraph (c) substitute—
  - “(c) an Academy school,
  - (ca) an alternative provision Academy,”.
- ( ) In section 508A (local authorities in England: duty to promote sustainable modes of travel)—
  - (a) in subsection (5)(b), after “further education sector” insert “, or 16 to 19 Academies,”;
  - (b) in subsection (6)(b), after “further education sector” insert “, or 16 to 19 Academies,”.
- ( ) In section 508C (local authorities in England: travel arrangements etc for children other than eligible children), in subsection (6)(b), after “further education sector” insert “, or 16 to 19 Academy,”.
- ( ) In section 508G (local authorities in England: transport policy statements for young adults subject to learning difficulty assessment), in subsection (1), after paragraph (b) insert—
  - “(ba) proprietors of 16 to 19 Academies in the authority’s area,”.

**Amendment  
No.****Schedule 13—continued**

- ( ) In section 509AA (local authorities in England: provision of transport etc for persons of sixth form age)—
    - (a) in subsection (2), omit the “or” at the end of paragraph (c) and after that paragraph insert—
      - “(ca) at any 16 to 19 Academy, or”;
    - (b) in subsection (2)(d), for “or (c)” substitute “, (c) or (ca)”.
  - ( ) In section 510 (provision of clothing), in subsection (4)(b), after “further education sector” insert “or a 16 to 19 Academy”.
  - ( ) In section 537 (power of Secretary of State to require information from governing bodies etc), in subsection (1)(b), after “every” insert “(i)” and at the end insert “or
    - (ii) alternative provision Academy which is not an independent school,”.
  - ( ) In section 557 (adoption of statutory trusts), in subsection (10), in the definition of “relevant school”, for “Academy,” substitute “Academy school, alternative provision Academy,”.
- 124M** Page 96, line 8, at end insert—
- ( ) in the definition of “proprietor”—
    - (i) after “a school” insert “or a 16 to 19 Academy”;
    - (ii) after “the school” insert “or Academy”.
- 124N** Page 96, line 18, at end insert—
- ( ) In paragraph 15(2) of Schedule 35B (travel arrangements for eligible children: meaning of “qualifying school”), in paragraph (f), for “or an Academy” substitute “, an Academy school or an alternative provision Academy”.
- 124P** Page 96, line 18, at end insert—
- “ (1) SSFA 1998 is amended as follows.
  - (2) In section 77 (control of disposals or changes in use of school playing fields) (as amended by Schedule 14)—
    - (a) in subsection (2B)(c)(ii), for “of Academy” substitute “of Academy school”;
    - (b) in subsection (3), for “Academy” (in both places) substitute “Academy school”;
    - (c) in subsection (4B), for “Academy” substitute “Academy school”.
  - (3) In section 88 (admission authorities and admission arrangements), in subsection (1)(c) (inserted by section 62), for “Academy” (in both places) substitute “Academy school”.
  - (4) In section 88H (reference of objections to adjudicator) (as amended by section 62)—
    - (a) in subsection (1A), for “an Academy” (in both places) substitute “an Academy school”;
    - (b) in subsection (6)(b), for “Academy” substitute “Academy school”.

**Amendment  
No.**

**Schedule 13—continued**

- (5) In section 88I (other functions of adjudicator relating to admission arrangements), in subsection (1)(b) (inserted by section 62), for “Academy” substitute “Academy school”.
- (6) In section 88K (sections 88H and 88I: supplementary) (as amended by section 62)—
  - (a) in subsection (4)(a), for “Academy” substitute “Academy school”;
  - (b) in subsection (5)(b), for “an Academy” substitute “an Academy school”.
- (7) In section 88P (reports by local authorities), in subsection (3)(b), for “Academy” substitute “Academy school”.
- (8) In section 88Q (reports under section 88P: provision of information), in subsection (2)(d)(i), for “Academy” substitute “Academy school”.
- (9) In section 110 (home-school agreements), in subsection (1)(b), for “Academy” substitute “Academy school”.

In section 24 of the Anti-social Behaviour Act 2003 (sections 19 to 22A and 24: interpretation)—

- (a) in the definition of “governing body”, for “Academy” substitute “Academy school, alternative provision Academy”;
- (b) in the definition of “relevant school”, for paragraph (e) substitute—
  - “(e) an Academy school,
  - (ea) an alternative provision Academy,”.

In section 14 of the International Development Act 2002 (functions of the Commonwealth Scholarship Commission etc), in subsection (1)(b)(i), after “higher education sector” insert “, at 16 to 19 Academies”.

- (1) EA 2002 is amended as follows.
- (2) In section 135A (requirement to serve induction period: teachers in England) (inserted by section 9)—
  - (a) in subsection (1)(d), after “prescribed description)” insert “or a 16 to 19 Academy”;
  - (b) in subsection (2)(k), for “or to institutions within the further education sector” substitute “institutions within the further education sector or 16 to 19 Academies”;
  - (c) in subsection (5), after “further education sector” insert “or a 16 to 19 Academy”.
- (3) In section 141A (teacher misconduct: teachers to whom sections 141B to 141E apply) (inserted by section 8), in subsection (1), after paragraph (b) insert—
  - “(ba) a 16 to 19 Academy,”.
- (4) In section 141D (supply of information following dismissal, resignation etc) (inserted by section 8), in subsection (4), in paragraph (c) of the definition of “relevant employer”, after “school” insert “or 16 to 19 Academy”.

Amendment  
No.Schedule 13—*continued*

- (5) In section 203 (further education institutions: hazardous material, etc)—

(a) after subsection (1) insert—

“(1A) The Secretary of State may by regulations require the proprietor of a 16 to 19 Academy to prevent the use in the Academy of specified equipment or specified materials without the approval of the Secretary of State.”;

(b) in subsection (5), at the end insert “and “proprietor” has the same meaning as in the Education Act 1996”.

In section 71 of the Income Tax (Trading and Other Income) Act 2005 (educational establishments for the purposes of section 70), in subsection (1), omit the “or” after paragraph (c) and after paragraph (d) insert “, or

(e) a 16 to 19 Academy.”

- (1) EA 2005 is amended as follows.

- (2) In section 5 (duty to inspect certain schools at prescribed intervals), in subsection (2), for paragraph (d) substitute—

“(d) Academy schools,

(da) alternative provision Academies,”.

- (3) In section 113 (information about the school workforce: introductory), in subsection (2)(c), after “institution” insert “or a 16 to 19 Academy”.

- (1) EIA 2006 is amended as follows.

- (2) In section 7 (invitation for proposals for establishment of new schools), in subsection (2)(b), for “Academy” substitute “Academy school”.

- (3) In section 100 (duty of governing body or proprietor where pupil excluded for fixed period), in subsection (5), in the definition of “governing body”, for “Academy,” substitute “Academy school, an alternative provision Academy,”.

- (4) In section 104 (notice to parent relating to excluded pupil), in subsection (8), in paragraph (c) of the definition of “the appropriate authority”, for “Academy,” substitute “Academy school, an alternative provision Academy,”.

- (5) In section 111 (meaning of “maintained school” and “relevant school” in Chapter 2 of Part 7), in the definition of “relevant school”, for paragraph (b) substitute—

“(b) an Academy school,

(ba) an alternative provision Academy,”.

- (6) In section 123 (inspections: education and training to which Chapter applies), in subsection (1) after paragraph (b) insert—

“(ba) education provided in 16 to 19 Academies;”.

**Amendment  
No.**

**Schedule 13—continued**

- (7) In section 125 (inspection of further education institutions), in subsection (1) (amended by section 41), after “sector” insert “, and all 16 to 19 Academies,”.
- (8) In Schedule 2 (consideration, approval and implementation of proposals for establishment or discontinuance of schools in England), in paragraph 3A(a) (inserted by Schedule 11), for “an Academy” substitute “an Academy school”.
- (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In section 21 (controlled activity relating to children), in subsection (4), after “Education Act 2002” insert “or a 16 to 19 Academy”.
- (3) In section 59 (meaning of “vulnerable adults”), in subsection (3), after paragraph (d) insert—

“(e) a 16 to 19 Academy which provides accommodation for children.”

In section 71 of the Corporation Tax Act 2009 (educational establishments for the purposes of section 70), in subsection (1), omit the “or” after paragraph (c) and after paragraph (d) insert “, or

(e) a 16 to 19 Academy.”

In section 23 of ASCLA 2009 (duty to prepare and submit draft specification of apprenticeship standards: England), in subsection (2)(b), omit the “and” after sub-paragraph (ii), and after that sub-paragraph insert—

“(iia) 16 to 19 Academies, and”.

- (1) The Equality Act 2010 is amended as follows.
- (2) In section 91 (students: admission and treatment, etc)—
  - (a) in subsection (10), after paragraph (c) insert—
 

“(d) a 16 to 19 Academy.”;
  - (b) in subsection (12), after paragraph (a) insert—
 

“(aa) in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);”.
- (3) In Schedule 10 (accessibility for disabled pupils), in paragraph 5(3), for paragraph (b) substitute—
  - “(b) Academy schools;
  - (c) alternative provision Academies.”

**Amendment  
No.**

**Schedule 13—continued**

- (4) In Schedule 17 (disabled pupils: enforcement), in paragraph 13(5)(b), for “Academy” substitute “Academy school or an alternative provision Academy”.

**Before Clause 54**

LORD BLACKWELL  
LORD LEXDEN

- 125** Insert the following new Clause—

**“Academy orders: independent schools**

In section 6(4) of AA 2010 (definition of “selective school”), after paragraph (b) insert—

- “(c) it is an independent school with a selective admissions policy converting to an Academy”.

**Clause 54**

BARONESS MASSEY OF DARWEN  
BARONESS MURPHY  
BARONESS FLATHER

- 126** Page 44, leave out lines 24 and 25

**Clause 55**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

- 126ZZA** Page 45, line 22, leave out “is converted into an Academy” and insert “applies for an Academy Order”

- 126ZZB** Page 45, leave out lines 25 to 27

BARONESS WALMSLEY

- 126ZA** [*Withdrawn*]

- 126ZB** Page 45, leave out lines 32 to 34 and insert—  
“( ) the local authority”

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

- 126ZBA** Page 45, line 38, at end insert “including parents of registered pupils, registered pupils, school staff and the local authority”

Amendment  
No.

### Clause 58

BARONESS WALMSLEY

**126ZC** Page 47, line 28, at end insert—

- “(5) If the proposal for the new school is not one which was put forward as a proposal for the purposes of section 6A(1) of EIA 2006, the local authority must confirm whether the school is required or otherwise to fulfill the local authority’s duty under section 14 of EA 1996 (functions in respect of provision of primary and secondary schools) to secure sufficient schools.”

BARONESS HUGHES OF STRETTFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

**126ZD** Page 47, line 31, leave out “enters” and insert “applies to enter”

**126ZE** Page 47, line 43, at end insert “including parents of registered pupils, registered pupils, school staff and the local authority”

### After Clause 58

LORD LUCAS

**126A** Insert the following new Clause—

#### “Conversion of independent schools to Academies

- (1) An independent school may convert to an Academy, and continue to charge fees to parents, if it operates a needs-blind admissions scheme of a specified form with the consent of the Secretary of State.
- (2) Such a needs-blind admissions scheme—
  - (a) shall not, to the extent that the Secretary of State considers reasonably practicable, result in the decision to offer any pupil a place at the school being affected by the pupil’s parents’ financial status;
  - (b) may, subject to paragraph (a), allow the school to select on the basis of academic potential or interview or both.
- (3) The Secretary of State shall reimburse a school for any fee remission granted to a pupil under a needs-blind admissions scheme, up to a maximum of the amount per pupil which the school would have received had it been a standard Academy.
- (4) The Secretary of State may share with Her Majesty’s Revenue and Customs (HMRC) data provided to him or her by a school relating to the eligibility of pupils for fee remission.
- (5) If, within three years of making a reimbursement to a school in respect of a particular school year, HMRC writes to the Secretary of State stating that in their opinion the Secretary of State has (taking into account the financial circumstances relating to all pupils in respect of whom fee remission has been claimed) made excessive reimbursements in respect of that school year, the Secretary of State may deduct that excess from the next reimbursement that is due to the school.



**Amendment  
No.****After Clause 58—*continued***

- (6) The Secretary of State may at any time terminate or require amendments to be made to a needs-blind admissions scheme, but must continue to reimburse the school on the previously agreed basis in respect of all pupils at the school, or offered places for the following September, prior to the school being informed of such termination or amendment, for their entire time at the school.
- (7) The school may at any time terminate the needs-blind admissions scheme and revert to independent status, but must educate all pupils at the school, or offered places for the September following the public announcement of such termination, on the previously agreed basis for as long as they wish to remain at the school.”

**Clause 60**

BARONESS TURNER OF CAMDEN  
LORD AVEBURY

**127** Page 48, line 28, 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”.

**128** Page 48, line 28, at end insert—

- “( ) In section 60 of SSFA 1998 (staff at foundation or voluntary school with religious character), omit subsection (5).”

**129** Page 48, line 28, at end insert—

- “( ) In section 58 of SSFA 1998 (appointment and dismissal of teachers at schools with a religious character), after subsection (3) insert—
- “(3A) The head teacher of such a school shall not, while holding the post of head teacher of the school, be a reserved teacher.”
- ( ) Section 60 of the SSFA 1998 (staff at foundation or voluntary school with religious character) is amended as follows.
- ( ) In subsection (4) leave out “in a case where the head teacher is not to be a reserved teacher.”
- ( ) In subsection (6) leave out “in Wales”.

**130** Page 48, line 28, at end insert—

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

**Amendment  
No.**

**Clause 60—continued**

( ) 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 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).”

**130A** Page 48, line 31, leave out subsection (2) and insert—

“(2) Omit section 124A (employment of teachers at independent schools having a religious character).”

**131** [Withdrawn]

**132** Page 48, line 36, at end insert—

“( ) an Academy is arranged in accordance with section 1 of the Academies Act 2010 and designated as having a religious character in accordance with section 69 of the School Standards and Framework Act 1998, or”

**132A** Page 48, line 37, after “foundation” insert “, voluntary aided”

BARONESS MASSEY OF DARWEN  
BARONESS MURPHY

**133** Page 49, leave out lines 1 and 2

BARONESS TURNER OF CAMDEN  
LORD AVEBURY

**134** Page 49, line 2, at end insert “, but the Secretary of State 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”

**135** [Withdrawn]

**Amendment  
No.****Clause 60—continued**

BARONESS TURNER OF CAMDEN  
LORD AVEBURY

- 136** Page 49, leave out lines 22 to 32
- 137** Page 49, line 38, at end insert—  
     “( ) Decisions on engagement or termination under this section must be taken in accordance with the requirements of United Kingdom employment laws.”
- 137A** Page 50, line 16, at end insert—  
     “( ) The provisions of section 124AA of SSFA 1998 shall apply for independent schools with a religious character as if they were Academies.”

**After Clause 60**

LORD LUCAS  
BARONESS PERRY OF SOUTHWARK

- 138** Insert the following new Clause—  
     **“Admissions criteria based on religious characteristics**  
     (1) No Academy may select more than 50% of its pupils on criteria based on religious characteristics.  
     (2) Notwithstanding subsection (1), an Academy with a religious character may require all pupils admitted to the school to take a full part in the school’s religious life.”

**After Clause 61**

LORD BLACKWELL

- 139** Insert the following new Clause—  
     **“Admissions arrangements for Academies providing for high ability or aptitude pupils**  
     Where an Academy is specially organised to make special educational provision for the needs of pupils with high ability or aptitude for learning, or high ability or aptitude for musical, artistic or other specialist skills under section 1A(2)(c) of AA 2010, it may operate an admissions process which is designed to select those children most likely to benefit from the specialist provision at that school.”

**Schedule 14**

LORD HILL OF OAREFORD

- 139A★** Page 96, line 35, after “school” insert “or a 16 to 19 Academy”
- 139B★** Page 97, line 2, after “school” insert “or 16 to 19 Academy”
- 139C★** Page 98, line 3, after “school” insert “or 16 to 19 Academy”
- 139D★** Page 98, line 22, after “school” insert “or a 16 to 19 Academy”

**Amendment  
No.**

**Schedule 14—continued**

- 139E★** Page 99, line 34, after “school” insert “or a 16 to 19 Academy”
- 139F★** Page 100, line 14, after “school” insert “or a 16 to 19 Academy”
- 139G★** Page 100, line 17, after “school” insert “or a 16 to 19 Academy”
- 139H★** Page 103, line 9, at end insert—  
     “This is subject to sub-paragraph (1A).  
     (1A) If a leasehold interest in land is held for the purposes of a new Academy, this paragraph does not apply to—  
         (a) that or any other leasehold interest in the land, or  
         (b) a freehold interest in the land.  
     (1B) An Academy is a new Academy for the purposes of sub-paragraph (1A) if, by virtue of section 9(1)(a) (new educational institutions), the duty in section 9(2) (impact on other schools etc) applied when the Secretary of State was deciding whether to enter into Academy arrangements in relation to it.”
- 139K★** Page 103, line 10, after “land” insert “to which this paragraph applies”
- 139L★** Page 103, line 14, after “land” insert “to which this paragraph applies”
- 139M★** Page 103, line 21, after “land” insert “(subject to sub-paragraph (6))”
- 139N★** Page 103, line 24, at end insert—  
     “(6) Where the land is vested in the official custodian for charities in trust for a charity, a notice under sub-paragraph (4) must be served—  
         (a) on the charity, if the charity is a corporate charity;  
         (b) on the persons having the general control and management of the administration of the charity, in any other case.”
- 139P★** Page 103, line 27, leave out from beginning to end of line 30 and insert—  
     “(a) an educational institution ceases to be an Academy, and  
     (b) immediately before it does so, publicly funded land is held by a person for the purposes of the Academy.”
- 139Q★** Page 103, line 31, leave out “(1)(b)” and insert “(1)(a)”
- 139R** Page 113, line 8, at end insert—  
     “Section 482 of EA 1996 (Academies) is repealed.”
- 139S** Page 113, line 38, at end insert—  
     “In section 65 of EA 2002 (Academies), omit subsection (1).”
- 139T★** Page 113, line 38, at end insert—  
     “(1) Section 12 of AA 2010 (charitable status of Academy proprietors etc) is amended as follows.

**Amendment  
No.**

**Schedule 14—continued**

(2) After subsection (1) insert—

“(1A) In the definition of “trust corporation” in the provisions listed in subsection (1B), the reference to a corporation appointed by the court in any particular case to be a trustee includes a reference to a qualifying Academy proprietor.

(1B) The provisions are—

- (a) section 117(1)(xxx) of the Settled Land Act 1925;
- (b) paragraph (18) of section 68(1) of the Trustee Act 1925;
- (c) section 205(1)(xxviii) of the Law of Property Act 1925;
- (d) section 55(1)(xxvi) of the Administration of Estates Act 1925;
- (e) section 128 of the Senior Courts Act 1981.”

(3) In the heading, after “charitable” insert “and trust corporation”.

**After Clause 62**

BARONESS MASSEY OF DARWEN  
BARONESS MURPHY

**140** Insert the following new Clause—

**“Discrimination on grounds of religion or belief**

In section 1(6) of AA 2010 (Academy arrangements) insert “and—

- (e) the admission arrangements for the school make no provision for selection on the basis of religion or belief.”

BARONESS MASSEY OF DARWEN

**141** Insert the following new Clause—

**“Discrimination on grounds of religion or belief (No. 2)**

After subsection 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.”

Amendment  
No.

**After Clause 62—*continued***

LORD LUCAS  
BARONESS PERRY OF SOUTHWARK

**142** Insert the following new Clause—

**“Distance learning at Academies**

- (1) An Academy may admit pupils on the basis that they will receive all or part of their education otherwise than on the premises of the school.
- (2) If an Academy admits such pupils, it may arrange for all or part of their education to be provided through distance learning packages without any teacher present, or by the pupil’s parents or other volunteers similarly.
- (3) The Academy remains in all respects responsible for the educational outcomes of such pupils.”

**Schedule 16**

LORD HILL OF OAREFORD

**142A** Page 115, line 34, at end insert—

*“Value Added Tax Act 1994*

- (4) Group 6 of Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions: education) is amended as follows.
- (5) In item 5A—
  - (a) omit paragraph (a);
  - (b) in paragraph (b), for “that Act” substitute “the Apprenticeships, Skills, Children and Learning Act 2009”.
- (6) After item 5A insert—
 

“5B The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to persons who are—

  - (a) aged under 19,
  - (b) aged 19 or over, in respect of education or training begun by them when they were aged under 19,
  - (c) aged 19 or over but under 25 and subject to learning difficulty assessment, or
  - (d) aged 25 or over, in respect of education or training begun by them when they were within paragraph (c),

to the extent that the consideration payable is ultimately a charge to funds provided by the Secretary of State.”
- (7) In note (5A), for “item 5A” substitute “items 5A and 5B”.
- (8) After note (5A) insert—
 

“(5B) In item 5B, “subject to learning difficulty assessment” has the same meaning as in the Education Act 1996.””

Amendment  
No.

**After Clause 66**

BARONESS WALMSLEY  
THE EARL OF LISTOWEL

**143** Insert the following new Clause—

**“Advisory board**

- (1) The Secretary of State may by order establish an advisory board to advise on matters related to—
  - (a) the education and training of 14 to 19 year olds;
  - (b) financial support available to those of sixth form age.
- (2) The advisory board must include at least one of the following as members—
  - (a) a principal of a further education college;
  - (b) a principal of a sixth form college;
  - (c) a head of a maintained school with a sixth form;
  - (d) a principal of an Academy with a sixth form; and
  - (e) a principal or head of an institution which provides education primarily to persons who are aged over 16 but under 25 and are subject to a learning difficulties assessment.
- (3) The advisory board must include as observers representatives from organisations which represent schools and colleges.”

THE EARL OF LISTOWEL

**144** Insert the following new Clause—

**“Young people’s learning board**

- (1) The Secretary of State shall appoint a board to provide advice on matters relating to young people’s learning.
- (2) In the first instance, the membership of the board shall be the same as that of the board of the Young People’s Learning Agency for England before this Part came into force.”

LORD RAMSBOTHAM  
BARONESS HOWE OF IDLICOTE

**144A** Insert the following new Clause—

**“Young offenders**

Before section 64 comes into force, the Secretary of State shall lay a report before both Houses of Parliament on the implications for young offenders of the abolition of the YPLA.”

Amendment  
No.

### Clause 67

LORD YOUNG OF NORWOOD GREEN

**144AA** Page 53, line 11, at end insert—

“(13) In addition to the above, the Secretary of State will make available the apprenticeship offer and will ensure that progress is made to ensure the offer is available to all qualified persons by 2015.”

**144AB** Page 53, line 11, at end insert—

“( ) With the objective of achieving the apprenticeship offer for all qualified persons by 2015 the Secretary of State will ensure that all Government contracts require a clear commitment to apprenticeships; and the Secretary of State will ensure that all Government departments report regularly on the number of apprentices they employ and how many they intend to employ.”

**144AC** Page 53, line 11, at end insert—

“( ) To gain the Investor in People award companies must demonstrate their commitment to apprenticeships.”

LORD LAYARD  
LORD WAKEHAM  
LORD WILLIS OF KNARESBOROUGH  
LORD SUTHERLAND OF HOUNDWOOD

**144B** Page 53, line 34, at end insert—

“( ) At the end of section 85(1)(a) of ASCLA 2009 insert “and, subject to guidance from the Secretary of State, make all reasonable efforts to ensure that an apprenticeship is offered to those of them who desire one and have at least 5 passes at GCSE”.”

### Clause 68

LORD ADDINGTON

**144C★** Page 54, line 22, at end insert—

“(5) The English certifying authority shall be under a duty to ensure that any person who has demonstrated that they are competent, in terms of skills and experience, to fulfill the requirements of an apprenticeship certificate should not be prevented from being issued with a certificate by any reason connected with a recognised disability.”



**Amendment  
No.**

**After Clause 68**

LORD LUCAS  
BARONESS PERRY OF SOUTHWARK

**145** Insert the following new Clause—

**“Apprenticeship paperwork**

- (1) No requirement to complete forms or other returns in respect of an apprenticeship may be placed on an employer or an educational institution which involves taking more than one hour in total.
- (2) This section shall come into force at the end of one year beginning with the day on which this Act is passed.”

**Clause 71**

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH  
BARONESS CRAWLEY

**145A** Page 55, leave out lines 16 to 34 and insert—

“In section 173 of ESA 2008 (commencement), after subsection (2) insert—

“( ) Part 1 comes into force in relation to England on 1 January 2012.””

BARONESS BRINTON  
BARONESS SHARP OF GUILDFORD

**145B** Page 55, line 27, leave out “10” and insert “, 50 and 60 to 67”

**145C** Page 55, line 31, leave out “10” and insert “, 50 and 60 to 67”

**After Clause 71**

LORD YOUNG OF NORWOOD GREEN

**145D** Insert the following new Clause—

**“Assessment on effect of tuition fees on over 19s seeking to reskill**

Prior to the implementation of increased tuition fees for persons aged 19 or over the Secretary of State will assess the impact on adults seeking to reskill, with special regard to disability and gender.”

BARONESS BRINTON  
BARONESS SHARP OF GUILDFORD

**145E** Insert the following new Clause—

**“Sufficient relevant guided learning**

In section 8(1)(a) of ESA 2008 for “280” substitute “560”.

Amendment  
No.

### Clause 72

LORD STEVENSON OF BALMACARA

145F Page 56, line 4, at end insert—

“( ) not in excess of the average cost of borrowing borne by the Government in the preceding financial year.”

### Clause 73

LORD STEVENSON OF BALMACARA

145G Page 56, line 26, at end insert—

“( ) Notwithstanding the above, student fees for part-time courses must not exceed £1,000 per annum.”

### After Clause 73

LORD LUCAS  
BARONESS PERRY OF SOUTHWARK

146 Insert the following new Clause—

#### “Disclaimer of eligibility for student support

- (1) Any student over the age of 18 (or if under that age, with the consent of the student’s parents or guardian) may disclaim the right to such financial support or arrangements as may from time to time be offered by or on behalf of the Secretary of State to such students.
- (2) Such a student may then apply to be admitted to a university as if he or she were a candidate from outside the European Union, and shall for all purposes be considered to be such a candidate.
- (3) A student who has made such a disclaimer may withdraw it at any time, but not in respect of any course to which he or she has been admitted as if he or she were from outside the European Union.”

LORD LUCAS

147A Insert the following new Clause—

#### “Information as to the use to which student fees are put

In section 24(1) of HEA 2004 (conditions to be imposed by English funding bodies) after paragraph (a) insert—

- “(aa) to secure that, in respect of any qualifying course, prospective students are informed in advance of making an application—
- (i) of the amount, if any, of the fee which they are asked to pay which will be applied to the education of students following other courses; and
  - (ii) of the amount of their fee which is expected to be applied (on the basis of the latest financial information available) to the salaries of teaching staff, to teaching materials, to support staff, to premises costs and to administrative overheads.”

Amendment  
No.

After Clause 73—*continued*

BARONESS BRINTON  
BARONESS SHARP OF GUILDFORD

148 Insert the following new Clause—

**“Interest and repayment of loans for part-time students**

- (1) Part-time student loans shall not incur higher interest rates than those for full-time students.
- (2) No part-time student shall be required to repay their loan until—
  - (a) they have completed their studies, or
  - (b) 4 years and six months has passed since the start of their course, whichever occurs first.”









# Education Bill

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NINTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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*8th September 2011*

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