Department for Education

Regulating Independent Educational Institutions

Equalities Impact Assessment

May 2022

Summary

This document revises the examination of the protected characteristics listed in the Equality Act 2010, following the close of the consultation and subsequent analysis of the consultation responses. It examines separately each of the three proposals, i.e., amending the definition of independent educational institution, amending the basis on which certain appeals are heard, and altering the material change regime.

Under s.149(1) of the Equality Act 2010 ('the 2010 Act') the decision-maker, must have due regard to the need to:

> *(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
>
> *(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
>
> *(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The department does not believe that the first aim of s.149 is meaningfully engaged by any of these proposals either because some of the changes made will be required by an Act of Parliament or because some will result in the conferral of a new (or the extension of) a statutory power, which will need to be exercised, on a case by case basis, and in a way which does not constitute discrimination, harassment, victimisation or other conduct that is prohibited by or under the 2010 Act.

In addition, whilst it appears that the first and second proposals are likely to particularly impact on people of certain faiths and beliefs and races (see below), in our view any impact is for a legitimate aim and proportionate. The purpose of the two proposals is to ensure that children attending settings that provide all, or substantially all, of their education, have their welfare, health and safety properly protected, get a quality of education that is assured to a minimum standard and become capable of integrating themselves into society. In the case of the first proposal, it is considered proportionate because, for example, parents or carers will still have a right to educate their children after school and at weekends in accordance with their religious convictions or home educate their children to the required standard. In the case of proprietors, they will be free to either continue to provide education but in accordance with the required standards, organise themselves in such a way as to not provide all, or the majority of a child's education, or take up another business. Regarding the second proposal, appeals will only be determined on a judicial review basis in circumstances where the proprietor is well aware of the school's failings and the potential consequences, has had a number of opportunities to put them right but has failed to do so; and has been consulted before enforcement action is taken.

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Part 1

Will the outcome of this decision have a particular impact on any persons who share one or more protected characteristics (yes/no)

Yes

If yes, which protected characteristics and which persons?

Characteristics:

Faith or belief

Race

Persons:

Those persons of Ultra-Orthodox Jewish faith; and less so, persons of the Muslim faith and some variants of the Christian faith.

Those persons of racial groups most likely to adhere to the faiths listed above.

Part 2

Will there be a positive impact on people with the protected characteristics identified above?

Yes, in that the overall intended effect of the proposals will be to place settings which are not currently within a regulatory framework, within one, and improve the quality of the provision made in those settings. The vast majority of the settings affected are likely to be wholly or predominantly attended by children with the same stated characteristics. The affected settings are most likely to be yeshivas serving those of the Jewish faith although some others (e.g. some madrassas for those of Muslim faith) may also be affected if attendance at them is organised in such a way as to require registration when the proposals are taken forward'.

A broad and safe education for the affected children will advance their equality of opportunity because it will bring their educational attainments closer to parity with others living in the UK, and because a narrow education is an inherent disadvantage.

Will there be a be a negative impact on people with the protected characteristics identified above?

Possibly, as the proposals may lead to settings being closed because they cannot meet regulatory standards or are prosecuted for operating when not registered. Such settings are most likely to be attended by children who share the stated characteristics. In consequence such children may end up being educated at home and although there are legal standards relating to that, there can be no certainty that those would be adhered to, and therefore, the children concerned may not get a suitable quality of education.

This would involve disruption to the education of children attending those settings (even if it is ultimately intended to secure them better education), to the families of such children if they need to make alternative arrangements for that education (some possibly involving sending children abroad), and to the owners and staff of such settings, most of whom will share the same faith and race characteristics. For the children concerned, there will still be the opportunity to attend settings that are compliant with the regulatory standards but if they are home educated, if they are provided with a relatively poor standard of education then that would affect their equality of opportunity as it would not be on a par with others living in the UK.

If the settings are not closed but continue to operate by meeting the regulatory standards in whatever form is prescribed, then the children may not be educated in the way their parents would wish if their beliefs do not coincide with the standards in question.

Conclusion and justification of analysis

Even though there are potential negative effects these are likely for most children to be more short-term than the positive effects which are sought. In any event as a matter of public policy it is not acceptable to continue with a situation in which children of compulsory school age are attending full-time settings in which neither the quality of education nor the welfare of children is under any meaningful or regular scrutiny in order to ensure that proper and safe education is provided. Although there are potential negative impacts on parents, owners and staff as well, the interests of the children concerned are more important. In addition, whilst the affected children may end up being home educated, and that home education may not be adequate to prepare the child to share in the opportunities provided for adult life or may put them at the disadvantage of having a poor education, education in an unregulated setting is likely to be worse or similarly no better.

Therefore the proposals should go ahead.

> *(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

Will the outcome of this decision have a particular impact on any persons who share one or more protected characteristics (yes/no)

Yes

If yes, which protected characteristics and which persons?

Characteristics:

Faith or belief

Race

Persons:

Those persons of Ultra-Orthodox Jewish faith; and less so, the Muslim faith and some variants of the Christian faith.

Those persons of racial groups most likely to adhere to the faiths listed above.

<u>Part 2</u>

Will there be a positive impact on people with the protected characteristics identified above?

Yes, in that the overall intended effect of the proposals will be to place settings which are not currently within a regulatory framework, within one, and improve the quality of the provision made in those settings. The vast majority of the settings affected are likely to be wholly or predominantly attended by children with the same stated characteristics. The affected settings are most likely to be yeshivas serving those of the Jewish faith although some others (eg some madrassas for those of Muslim faith) may also be affected if attendance at them is full-time.

The children attending them should receive as a consequence broader education which will enable them to more easily take a proper place in British society rather than be isolated through a narrower education, thus enhancing their relations with others in the UK.

Will there be a be a negative impact on people with the protected characteristics identified above?

Possibly, as the proposals may lead to settings being closed because they cannot meet regulatory standards or are prosecuted for operating when not registered. Such settings are in the vast majority of cases likely to be attended by children with the same stated characteristics.

This would involve disruption to the education of children attending those settings (even if it is ultimately intended to secure them better education), to the families of such children if they need to make alternative arrangements for that education (some possibly involving sending children abroad, or by providing home education), and to the owners and staff of such settings, most of whom will share the same faith and race characteristics. This might, at least in the short term lead to a view amongst those affected that they are being unfairly singled out for their faith and potentially lead to poorer relations with other groups in the UK.

Conclusion and justification of analysis

Even though there are potential negative effects in terms of fostering good relations between persons who share a relevant protected characteristic and those who do not share it, these are likely to be more short-term than the positive effects which are sought. In any event as a matter of public policy it is not acceptable to continue with a situation in which children of compulsory school age are attending full-time settings which isolate them from mainstream society both incidentally and to some extent as a deliberate rejection of that society's values. The longer-term interests of the children concerned are the most significant.

Therefore the proposals should go ahead.

Amending the basis on which certain appeals are heard

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Part 1

Will the outcome of this decision have a particular impact on any persons who share one or more protected characteristics (yes/no)

Yes

If yes, which protected characteristics and which persons?

Characteristics:

Faith or belief

Race

Persons:

Those persons of Ultra-Orthodox Jewish faith, the Muslim faith and some variants of the Christian faith.

Those persons of racial groups most likely to adhere to the faiths listed above.

Part 2

Will there be a positive impact on people with the protected characteristics identified above?

Yes, in that the intended effect of the proposals is that settings which over a significant period consistently fail to meet the regulatory standards should be closed more easily, thus preventing the children attending them from, amongst other things, receiving a poor education for many years. Such settings have, in the past, often been predominantly or entirely attended by children with the same stated characteristics. If the children concerned receive a better education than would otherwise have been the case that is likely to increase the scope and depth of their opportunities in later life relative to other groups, making their position more equal. Furthermore, it would mean that they are less likely to suffer from the disadvantages that arise from a poor education.

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Part 1

Will the outcome of this decision have a particular impact on any persons who share one or more protected characteristics (yes/no)

Yes

If yes, which protected characteristics and which persons?

Characteristics:

Faith or belief

Race

Persons:

Those persons of Ultra-Orthodox Jewish faith, the Muslim faith and some variants of the Christian faith.

Those persons of racial groups most likely to adhere to the faiths listed above.

Part 2

Will there be a positive impact on people with the protected characteristics identified above?

Yes, in that the intended effect of the proposals is that settings which over a significant period consistently fail to meet the regulatory standards should be closed more easily, thus preventing the children attending them from receiving a poor education for many years. Such settings have often in the past been predominately or entirely attended by children with the same stated characteristics. If the children concerned receive a better and broader education than would otherwise have been the case; that is likely to make it easier for them to take a proper place in British society and enjoy good relations with those of other groups in society.

To some extent the proposal should also have a deterrent effect. With the knowledge that there will be a lesser chance of succeeding on an appeal against de-registration, the proprietors should be encouraged to make more effort sooner and consistently to improve and meet the standards. That would have the same ultimate positive effect.

Post-consultation Review

The majority of respondents did not complete or stated ‘no’ in response to whether they had any comments on the Equalities log, UNCRC, or Family Test.

Key messages that were favourable towards the proposals suggested the changes were appropriate because:

- The rights and needs of children should be prioritised, for example, to a broad education rather than perceived narrow religious education and that settings should abide by the same rules in children’s interests.
- The balance of positives outweighs the negatives.
- The positive impact will be that children will receive a broad education, within a safe and secure environment. They will understand about their rights as children and as adults. Religious parents may perceive this to be a negative consequence, but this is mitigated by the fact that they can still teach their child about religion at home or elsewhere outside of the education setting.

Conversely, key messages that were unfavourable towards the conclusions related to:

- Potential adverse effects on pupils, not just those from a faith background.
- Families being able to choose where and when their children are educated, that this may mean some of society’s values are rejected but this should be a permissible freedom, and the effects on children will not necessarily be negative.

Other points related to:

- The perception that it was unfairly focused on people of Jewish faith and the need to work with the people of a Strictly Orthodox Jewish faith rather than against it.
- Ofsted losing trust with faith groups.
- Changes may cause more parents to home educate and stretch their capacity.
- Support will need to be provided to ensure that parents understand the range of education options available to them and to ensure that they are able to make an informed decision about how to continue to educate their children whilst exercising their right to do so in accordance with their religious and philosophical beliefs.

Throughout this examination above we have articulated why any impact on those who share one or more of the protected characteristics is outweighed by the benefits children will receive to education, and importantly having oversight of safeguarding that comes with registration.

As the proposals are taken forward the department will continue to work with people of faith to support departmental ambitions with children’s rights and religous freedoms.

UNCRC assessment: Regulating Independent Educational Institutions

Following analysis of the consultation responses, this assessment examines separately where necessary each of the three proposals, i.e. amending the definition of independent educational institutions, amending the basis on which certain appeals are heard, and altering the material change regime to provide more flexibility.

1. What likely impact will the policy/measure have on children and young people or their families/carers?

Amending the definition of independent educational institutions: the most likely outcome will be to bring under a regulatory system more settings providing all, or substantially all, of a child's education, which currently will be predominantly settings providing faith-based education, and to set clear parameters for which institutions need registering, making it more difficult to evade regulation. This should be to the benefit of children attending the affected settings because there will be powers available to ensure a broad education of a minimum standard and to ensure the proper safeguarding of the children attending, and that is also a benefit to the parents and carers of such children. However, the proposals may also result in the closure of such settings, leading to the children having disrupted education as they move to other, already regulated settings or are instead home educated, and even in some cases being sent abroad to be educated. They may also result in children attending settings where in order to meet the standards prescribed, teaching is not wholly in accord with the beliefs of children or their parents/carers.

Basis on which certain appeals are heard: the most likely outcome is the increased likelihood of a small number of institutions being closed. This will be those that do not maintain compliance with all of the regulatory standards. There has historically been a greater likelihood that such institutions will be ones serving particular faith groups. There would be short-term disruption to the education of the children involved, as they move to new settings and/or are educated at home, and consequent stress on their families or carers; but the proposals are based on a view that such changes would be to the ultimate benefit of the children's education because it is better for them to be instead in institutions which are meeting minimum standards relating to their education and their health, safety, and welfare. Alternatively, if the proposals have a deterrent effect on proprietors so that they are more ready to meet the standards on a consistent basis, that will lessen the chances that the schools will close and have the same ultimate benefit for children.

Material change: being measures which provide for more appropriate controls over when institutions cater for pupils with special educational needs and which permit for more proportionate sanctions to be imposed on settings where unapproved material changes occur, the impact on family members' ability to play a full role in family life ought to be positive, or at worse neutral in most cases as it would tend to reduce disruption or increase parental choice of schools and thus make family functioning easier to manage.

because of the fact that the proposals for the registration requirement and how appeals are determined may result in a situation where children cannot be educated at a full-time setting fully in accordance with their religion or beliefs (or indeed, fully in accordance with the religion or beliefs of their parents, even though parents would have the choice to educate the child at home and/or part-time settings). However, in the government's view the ultimate effect on the children of disrupting and closing the settings in question, or in ensuring that those settings which remain open meet certain minimum standards, would be beneficial to the children concerned because it would ensure their eventual education is better. The proposals promote certain rights under the UNCRC, and the UNCRC does not prohibit the government from regulating independent settings that provide education to children.

We think that the material change proposals remain neutral as regards the above two articles.

3. Are some children and young people more likely to be affected than others?

Yes. For the redefinition of independent educational institution the main impact will fall on a small number of settings serving fewer than 10,000 children, most of them from particular faith groups and/or BAME backgrounds especially those who attend Yeshivas serving people of Charedi Jewish faith. That may also be the case for the settings most likely to be affected by the appeal hearing basis proposals although that is now somewhat less likely following publication of the department's enforcement policy statement but that will depend on failings at each school. However, the proposals are designed to improve the overall education and/or welfare of children even if there is also disruption to their current education.

The material change regime amendments may affect any independent school and thus the children attending those schools. However, as a measure which gives more flexibility to deal with material change approval requests from schools, the impact on such children should overall be positive.

4. Do you need to engage with children and young people and/or their advocates and other stakeholders to seek their views?

Not directly. However, the consultation was public and anyone could respond, including the children and parents of children attending settings most likely to be affected and groups representing their interests. The analysis of responses revealed 87% of responses were from an individual perspective. Of those, 30% were in capacity as a parent or carer

Regulating Independent Educational Institutions

Government consultation response

May 2022

Main findings from the consultation

Summary

- There was strong support for widening the registration requirement for full-time settings, regardless of the subject matter taught (91%, n=459).
- The proposal to base threshold hours on attendance was also largely supported (66%, n=280).
- The majority of respondents supported the proposal to move to judicial review compared to a full-merits review (82%, n=358).
- The majority of respondents agreed with the changes proposed for approval of material changes relating to provisions for pupils with SEN (75%, n=152).
- The majority of respondents also agreed that the Secretary of State should be able to impose a relevant restriction for an unapproved material change (81%, n=223).

Proposal 1: Widening the registration requirement

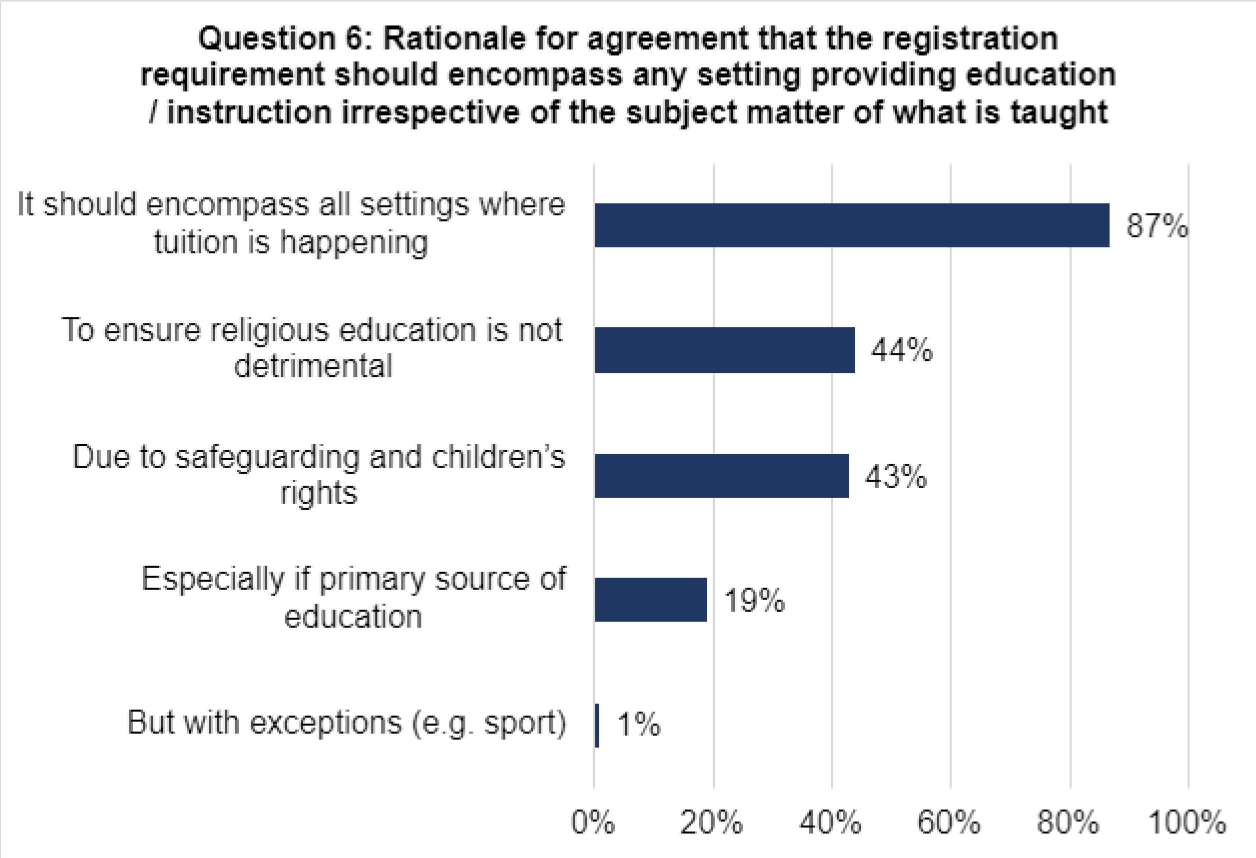
Overall, there was strong support for widening the registration requirement for full-time settings (91% of 459 responding to this question), regardless of the subject matter taught. The main reasons were:

- respondents thought settings ought to be regulated, primarily to ensure a broad and balanced education was provided (with concerns expressed about a narrow religious education potentially being provided in place of this),
- and that children's rights to such an education were protected,
- and to close loopholes, which create space for registration avoidance, and would help alleviate concerns around the safeguarding of children's welfare, protection and rights.

A small number considered such a change was not needed, for example, because it would be an infringement of civil rights.

The need for appropriate definitions was broadly supported, primarily in order to mitigate system abuse by settings that sought to operate outside of any definition of registration requirements through exploiting loopholes. For example, there were concerns that full-time threshold hours set at 18 hours attendance would be easily circumvented, with around one-third of respondents commenting that there should either be no threshold hours, or all settings should be regulated to mitigate such moves. If threshold hours were to be set, the majority of respondents proposed a lower number of hours in order to capture more settings.

Figure 4: Rationale for agreement to Question 6.



Source Regulating IEI consultation (base 233)

A very small proportion agreed but identified exceptions, such as, sports tuition and religious instruction (n=2).

There were some concerns expressed about what might be identified as a setting within such definitions and that unintended consequences in terms of the scope of such definitions needed to be guarded against, for example, implications for:

- Elective home education.
- Children receiving EOTAS as part of an Education, Health and Care Plan (EHCP).
- Settings at which parents were present.
- Sports tuition.
- Infringement of parental rights.

A few commented on the adverse implications of such regulation for settings, such as, the perception that it would result in closure for a number of settings, particularly those unregistered settings which may fail for not meeting standards, for instance standards linked to teaching about protected characteristics or RSE.

Whilst we accept the concerns expressed, it remains our intention not to capture those settings which are clearly part-time, or otherwise not providing all, or substantially all of a child's education. This is because we do not believe the current regulatory framework for independent schools is suitable to register part-time settings. Therefore, any proposal to regulate part-time settings would need to be considered separately alongside wider questions about the regulatory framework. This consultation response therefore confirms our overall approach, to legislate to widen the registration requirement to bring into scope all those settings that provide education to children of compulsory school age and which operate full time and at least partially during the usual school day.

Q7. Which settings do you think should be expressly excluded on the face of any legislation from the scope of the revised registration requirement for independent educational institutions?

Of those who commented (base of n=370), the majority of respondents considered that no settings should be excluded from registration requirements (69%, n=257). This relates to previous questions where substantial proportions of respondents were in favour of increased registration and regulation, for example, for safeguarding reasons or to mitigate against religious instruction which was considered potentially detrimental.

In providing exclusions, comments were made that these carried with them for potential system abuse with the creation of loopholes. Expressly excluding certain settings may provide loopholes (e.g. by recategorising the setting) for those settings that wish to remain unregistered.

Others considered that certain categories should be excluded. The overall emphasis in their comments was that such settings should be excluded where their provision was supplementary to children's main education. Where these typically fell outside of school hours, such as at weekends and school holidays, some views were expressed that they did not adversely affect children's rights of access to a broad and balanced education.

Typically, there was more of an emphasis on weekends and holidays in this respect than out of school hours more generally (i.e., after-school hours). However, some comments identified that these would still need to fall under some type of jurisdiction, largely in terms of safeguarding and health and safety, such as, for sports tuition.

There was however, what might be seen as a lack of equality in the interpretation of which single subjects were deserving of exclusion from registration. In some responses, concerns were expressed about religious instruction being potentially excluded from registration (largely due to concerns over potential indoctrination) although it is a single subject. By contrast, there was greater acceptance that exclusion could apply to other single-subject tuition (e.g., in sports, language and music) as these did not carry the same perceived threat.

As shown below, the majority of free text comments (base n=105) on definitions that needed flexibility referenced, 'full-time' and 'part-time' (87%, n=91) and 'Independent educational institution' (77%, n=81). However, these were likely from those from members/affiliates of the same organisation.

Table 2: Suggested definitions which should be included within powers to make subsequent changes to definitions through secondary legislation? (Question 8)

Definitions	Number	Per cent
Full-time and part-time	91	87%
Independent educational institution	81	77%
School hours / normal school hours	15	14%
Type of institution	10	10%
Hours of attendance	8	8%
Operating in holiday periods / weekends	7	7%
Educational setting	7	7%
Attendance	6	6%
Excluded settings	5	5%
Timings, locations, and logistics	4	4%

Source Regulating IEI consultation (base 105)

Government response

Taking forward the proposal will ensure that settings which provide, or could be expected to provide, all, or a majority of a child's education are captured by the regulatory regime, be that: in broadness of curriculum; or where the curriculum is narrow and the provision is delivered in a manner that precludes attendance at other settings.

By agreeing to take forward this proposal, the link between the definition of an independent educational institution and the definition of a school would be dispensed with. This is because the department does not intend to regulate institutions that do not provide education at all. Simply, by outlining that education (as some form of knowledge imparted through teaching or instruction) is provided at the institution, and not specifying further something about the nature or extent of the education, the link between the definition of an independent educational institution and the definition of a school is dispensed with. This measure will require a number of settings which pupils attend full time to register, and as a consequence, would be subject to the same regulatory regime as independent schools are currently subject to. Provided they comply with the regulatory regime, the proposals do not prevent the operation of settings serving people of particular faith groups making full time provision for children (such as Yeshiva's providing a religious education to people with ultra-orthodox Jewish faith) or indeed any non-religious settings that operate on the same basis. The proposals would bring them under regulation so that we can ensure children attending receive a broad education and that the settings comply with safeguarding requirements. However, under the regulatory regime, failure to comply with the standards could have consequences on the operation of a setting, such is the case for already registered settings.

Regarding the use of 18 hours as the only definition of full time, having regard to the responses to the consultation on this point, in particular that of Ofsted drawn from their experience in investigating unregistered schools which expressed significant concerns, that settings will set their hours just under the threshold to avoid registration, we think we should use a more nuanced definition of full time. Having considered this and other consultation responses, the Government has decided not to proceed with the proposal to adopt a specific number of hours of attendance or education at a setting as a criteria for requiring registration. Instead we propose to adopt an approach which draws from part of the current registration guidance on Independent School Registration. The existing guidance states that we would consider an institution to be providing full-time education if it is intended to provide, or does provide, all, or substantially all, of a child's education taking into account:

a) the number of hours per week that is provided - including breaks and independent study time;

b) the number of weeks in the academic term/year the education is provided; and

c) the time of day it is provided.

This approach has worked well in the prosecution cases that have been brought to date, and the way it is framed avoids the problem of schools avoiding registration by setting their operating hours at, for example, 17.5 hours per week. We therefore intend to incorporate factors based on this approach in the definition of a full-time setting.

The majority of respondents disagreed that a school should only be required to register if their provision takes place at least partially in school hours as it was seen as an insufficient measure to capture the range of settings that might offer significant provision outside of these. This, however, misunderstands the nature of the proposition. Our proposal is to capture those settings that preclude a child from attending school, and not to capture those settings that provide education or training "out of hours". Consequently, we have decided that the factors set out (e.g. the time of day the setting is open) should allow that registration is only required where at least some of the provision we are seeking to capture normally takes place during usual school hours.

In response to the proposition that 'usual school hours' should mean Monday to Friday, 9am to 3pm. Some respondents made the argument for not stipulating in legislation what usual school hours are make it harder for a setting to circumvent registration by claiming to operate outside any definition of usual school hours.

Other respondents proposed a wider interpretation of Monday to Friday, 8am-4pm which is consistent with considering time spent in attendance and capture a range of other activities provided by many education settings, including breakfast clubs, and post-school activity clubs that are part of a setting's provision where the setting is also responsible for providing a child's main education. It is also time that should be taken into consideration of whether it prevents a child from receiving education elsewhere. In taking forward this part of the proposal, we would consider Monday to Friday, 8am-4pm to be 'usual school hours' as part of determining whether settings are providing education on a full-time basis.

We will also ensure that certain settings are excluded from the registration requirement. We think it remains important to ensure that certain settings, such as holiday clubs and outward-bound centres, are not caught by new requirements as they provide specialist curricula and could not be expected to meet the full range of the independent school standards.

A number of respondents suggested that elective home education and settings exclusively offering EOTAS provision should be excluded. Comments on the former included the need for home education groups to be excluded and that their inclusion within regulation would likely mean such groups would otherwise need to cease operation. Similarly, there were some comments advocating the exclusion of settings where parents/carers were present. We do not intend to exclude these settings at this stage as allowing them to take the characteristics of a school and remain unregistered could, by itself, lead to system abuse. Such settings can continue to operate without registration where they provide education for limited hours or outside the school day.

In summary, we will take the proposal forward for implementation by:

- Widening the registration requirements by amending the provisions of the Education and Skills Act 2008 that set out which independent educational institutions are required to be registered
- Retaining the existing criteria that settings only have to register if they are providing full time education for 5 or more children of compulsory school age (or for 1 child if the child has an EHCP or is looked after etc)
- Requiring all settings to register that provide all, or a majority, of a child's education for at least some of the time during usual school hours (to be considered as Monday-Friday 8am to 4pm)
- Stipulating in any legislation that in determining whether education is full-time, the factors referred to above from our guidance should be taken into account;
- Excluding certain settings from the requirement to register, such as holiday clubs

- The need to prioritise the rights and needs of children, for example, to a broad and balanced education rather than perceived narrow religious education (n=36) and that all settings should abide by the same rules in children's interests (n=6).
- The balance of positives in favour of taking forward the proposals outweighs the negatives (n=22).

Conversely, key messages that were unfavourable towards the conclusions related to:

- Potential adverse effects on pupils, not just those from a faith background (n=4).
- Families should be able to choose where and when their children are educated (n=3), that this may mean some of society's values are rejected but this should be a permissible freedom (n=1), and the effects on children will not necessarily be negative (n=1).

Other points related to:

- The need for proper consultation, such as, with local authorities and settings (n=1).
- That evidence should be presented about home education as it is portrayed negatively (n=1).
- That the conclusions should be represented in inspection criteria (n=1).
- The perception that it was unfairly focused on the people of Jewish faith (n=1) and the need to work with the people of a strictly Orthodox Jewish faith rather than against it (n=1).
- Ofsted losing trust with people from faith groups (n=1).
- Changes may cause more parents to home educate and stretch their capacity (n=2).

We recognise that settings serving people of particular faiths, which provide a substantial component of religious education as part of their curriculum can provide a desirable option for parents of that faith. Such settings do not need to prevent children receiving an education that is broad and safe, as demonstrated by many registered independent schools that meet the current independent school standards while also providing a substantial religious education. We have outlined through the Equalities Impact Assessments, which are published alongside this consultation response, that although certain faith groups, such as people of Charedi Jewish faith, may be disproportionately affected by the proposals, the benefit it brings to children's quality of education, and in providing oversight of safeguarding through the regulated activity is of greater importance. Further details on this are set out in the impact assessments.

Annex A: List of organisations that responded to the consultation

- Association of Muslim School UK (AMSUK)
- Ateres High School
- Ateres High School
- Board of Deputies of British Jews
- British Humanist
- CARE (Christian Action Research and Education)
- Chinuch UK
- Christian Concern
- Christian Legal Centre
- Church of England Education Office
- Disability Matters Global
- Family Education Trust
- Harrow Local Authority
- HumanistsUK
- Independent Schools Inspectorate
- Home Education Advisory Service
- Keys Group
- Leicester City Council
- London Borough of Hackney
- Muslim Council of Britain
- Nahamu (www.nahumu.org)
- National Secular Society
- NSPCC
- Our Kids Charity
- Outcomes First Group
- Sandwell LA
- Spectrum Space Education, Training and Consultancy
- The Catholic Education Service.

- The Christian Institute
- The Gateshad Jewish Boarding School
- The Outdoors Group td
- Tiferes High School
- Torah Education Committee

Schools Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Education, have been ordered to be published as HL Bill 1—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Barran has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Schools Bill [HL] are compatible with the Convention rights.

4 Academies: guidance

The proprietor of an Academy must have regard to any guidance issued from time to time by the Secretary of State which relates to—

(a) the Academy standards;

(b) the proprietor's functions under any enactment;

(c) the proprietor's obligations under an Academy agreement or master agreement or under its articles of association.

Academy proprietors: Secretary of State's intervention powers

5 Power to give compliance directions

(1) The Secretary of State may give the proprietor of an Academy a compliance direction if satisfied—

(a) that the proprietor has breached, or is likely to breach, a duty under—

(i) any enactment prescribed for the purposes of this paragraph, or

(ii) an Academy agreement or master agreement, or

(b) that the proprietor has acted or is proposing to act unreasonably with respect to the performance of such a duty.

(2) A "compliance direction" is a written direction—

(a) specifying the duty in question, and

(b) requiring the proprietor to take specified action by a specified time for the purpose of ensuring that the breach or unreasonable action is remedied or avoided.

(3) The Secretary of State may—

(a) revise a compliance direction;

(b) withdraw a compliance direction;

(c) publish a compliance direction.

(4) Where the Secretary of State has published a compliance direction and the direction is subsequently revised or withdrawn, the Secretary of State must publish, in the same manner as the earlier publication, the revised direction or confirmation that the direction has been withdrawn.

(5) Where—

(a) regulations under section 19 or 20 are prescribed under subsection (1)(a)(i), and

(b) the Secretary of State proposes to—

(i) give a compliance direction to a person who is the proprietor of one or more Academy schools with a religious character in connection with a duty under those regulations, or

(ii) withdraw a compliance direction given to such a person in connection with such a duty,

(b) was converted from a foundation or voluntary controlled school with a religious character and has been redesignated,

(c) was converted from a school which did not have a religious character, or

(d) was not converted from a previous school.

(4) The provision that is required by this section is provision securing that—

(a) a majority of the directors of the relevant Academy proprietor are persons appointed for the purposes of securing so far as practicable that—

(i) the character of each relevant Academy school in the proprietor's care reflects the tenets of its designated religion or religious denomination, and

(ii) each relevant Academy school in the proprietor's care is conducted in accordance with any trust deed relating to the school, and

(b) a majority of members of the proprietor are persons appointed by, or representing the interests of—

(i) in a case referred to in subsection (2)(a), the relevant religious body for the relevant Academy school in the proprietor's care,

(ii) in a case referred to in subsection (2)(b) where the relevant Academy schools in the proprietor's care have the same relevant religious body, that body, or

(iii) in any other case referred to in subsection (2)(b), the relevant religious bodies for the relevant Academy schools in the proprietor's care taken together.

20 Power to make regulations about governance

(1) The Secretary of State may make regulations in accordance with this section specifying provision that must be contained in—

(a) the articles of association of a relevant Academy proprietor, or

(b) a scheme of delegation made by a relevant Academy proprietor.

(2) In this section "relevant Academy proprietor" means a company limited by guarantee which is the proprietor of one or more Academy schools with a religious character.

(3) The provision that may be specified in regulations under subsection (1)(a) includes, for example, provision as to—

(a) the powers of a relevant Academy proprietor;

(b) the objects of a relevant Academy proprietor and the giving of undertakings to uphold those objects;

(c) the membership of a relevant Academy proprietor, including—

(i) the minimum number or proportion of members appointed by, or to represent the interests of, the relevant religious body for an Academy school with a religious character in the proprietor's care, but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.

(2) Section 436L(4) does not apply in relation to a pupil referral unit.

(3) A local authority in England—

(a) must, before deciding to specify a particular pupil referral unit in a school nomination notice under section 436L where another local authority are responsible for the admission of pupils to the unit, consult that authority, and

(b) if they decide to specify the unit in the notice, must serve notice in writing of their decision on that authority.

(4) Section 436N(3) to (6) apply where notice is served on a local authority under sub-paragraph (3) above as they apply where notice is served under section 436N(2).

(5) The parent of a child in respect of whom a school attendance order under section 436J is in force may not under section 436O request the local authority to amend the order by substituting a pupil referral unit for the school named in the order.

(6) Where a child is a registered pupil at both a pupil referral unit in England and at a school other than such a unit, the references in section 444 to the school at which the child is a registered pupil are to be read as references to the unit."

50 Failure to comply with school attendance order

(1) The Education Act 1996 is amended as follows.

(2) After section 436P (as inserted by section 49) insert—

"**436Q Offence of failure to comply with school attendance order**

(1) If a person on whom a school attendance order under section 436J is served fails to comply with the requirements of the order, the person is guilty of an offence.

(2) Subsection (1) does not apply if the person proves—

(a) that they are causing the child to receive suitable education otherwise than at a school, or

(b) that they are not a parent of the child.

(3) The reference in subsection (1) to failure to comply with the requirements of a school attendance order includes causing a child to cease to be registered at the school named in the school attendance order.

(4) Subsection (3) does not apply in circumstances where—

(a) the school has, pursuant to section 436K or 436O, ceased to be the school named in the school attendance order, or

(b) the school attendance order has been revoked pursuant to section 436P.

(5) A person who—

(a) fails to comply with the requirements of a school attendance order under section 436J by not causing a child to become a registered pupil at the school named in the order, and

(b) is convicted of an offence under this section in respect of the failure,

may be found guilty of an offence under this section again if the failure continues.

(6) If, in proceedings for an offence under this section, the person is acquitted, the court may direct that the school attendance order cease to be in force.

(7) A direction under subsection (6) does not affect the duty of the local authority to take further action under section 436J if at any time the authority are of the opinion that, having regard to any change of circumstances, it is expedient to do so.

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to a term of imprisonment not exceeding 51 weeks, or to both.

(9) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (8) to 51 weeks is to be read as a reference to three months."

51 School attendance orders: consequential amendments

Schedule 4 contains consequential amendments relating to sections 49 and 50.

Attendance by registered pupils

52 School attendance: general duties on local authorities

In Chapter 2 of Part 6 of the Education Act 1996 (school attendance), after section 443 insert—

"School attendance: registered pupils, offences etc

443A School attendance: general duties on local authorities in England

(1) A local authority in England must exercise their functions with a view to—

(a) promoting regular attendance by registered pupils at schools in the local authority's area, and

(b) reducing the number and duration of absences of registered pupils from schools in that area.

(ii) at least one child of compulsory school age who is looked after by a local authority or who has special educational needs, and

(b) it is not an excepted institution.

(1A) For the purposes of this section, an institution provides full-time education for a child if the child could be expected to receive all or a majority of their education at the institution.

(1B) In determining that matter, the following factors are to be taken into account—

(a) the number of hours per week for which children at the institution are expected to attend;

(b) the number of weeks in an academic year for which children are expected to attend;

(c) the time of day at which children are expected to attend.

(1C) Regulations may—

(a) amend subsection (1B) so as to add or remove factors;

(b) make provision about how the factors mentioned there are to be taken into account in determining whether a child could be expected to receive all or a majority of their education at an institution."

(3) Omit subsections (2) and (3).

(4) Before subsection (4) insert—

"(3A) For the purposes of this section, education is provided at an institution—

(a) where the institution provides instruction or guidance on any matter, and

(b) regardless of whether or by whom the children are supervised when attending the institution."

(5) In subsection (4)—

(a) after the definition of "an academic year" insert—

""excepted institution": the following are excepted institutions—

(a) an institution that provides only early years provision;

(b) a school maintained by a local authority;

(c) a school approved under section 342 of the Education Act 1996 (approval of non-maintained special schools);

(d) a hospital (within the meaning of section 275 of the National Health Service Act 2006) that is not an independent school;

(e) a 16 to 19 Academy;

(f) an institution that is within the further education sector or the wider higher education sector;

(a) where the institution provides instruction or guidance on any matter, and

(b) regardless of whether or by whom the students are supervised when attending the institution.”

(6) In section 166 (orders and regulations), in subsection (2) (instruments subject to affirmative procedure), after paragraph (e) insert—

“(ea) regulations under section 92(1C),

(eb) regulations under paragraph (h) of the definition of “excepted institution” in section 92(4),”.

58 Application of provisions applying to schools to independent educational institutions

(1) The Education and Skills Act 2008 is amended as follows.

(2) After section 137 insert—

“137A Application of provisions applying to schools to independent educational institutions

(1) Regulations may provide for any relevant enactment to apply in relation to an independent educational institution (or an independent educational institution of a prescribed description) which is not an independent school as it applies in England in relation to an independent school, subject to such modifications as may be prescribed.

(2) In subsection (1) “relevant enactment” means an enactment made before this Act or later in the same session of Parliament as this Act.”

(3) In section 166 (orders and regulations), in subsection (2)—

(a) omit the “or” at the end of paragraph (g), and

(b) after that paragraph insert—

“(ga) regulations under section 137A, or”.

Independent educational institution standards

59 Independent educational institution standards

(1) Section 94 of the Education and Skills Act 2008 is amended as follows.

(2) In subsection (1)(c), after “of” insert “, and attendance by,”.

(3) After subsection (1) insert—

“(1A) A standard within subsection (1)(d) (suitability of proprietors of independent educational institutions) may be prescribed by reference—

(a) in the case of a proprietor which is a body of persons—

(i) to whether persons having general control and management of, or legal responsibility and accountability for, the proprietor are, in the opinion of the Secretary of State, fit and proper persons to be involved in the running of an independent educational institution;

(ii) to whether the Secretary of State is notified before a new person becomes involved in the general control and management of, or assumes legal responsibility and accountability for, the proprietor;

(b) in the case of a proprietor which is an individual, to whether that individual is, in the opinion of the Secretary of State, a fit and proper person to be involved in the running of an independent educational institution.”

(4) After subsection (3) insert—

“(3A) A standard may be prescribed by reference to whether or not the proprietor of an independent educational institution has regard to guidance issued, or a document published, by the Secretary of State from time to time.”

60 Failure to meet standards: suspension of registration

(1) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent educational institutions in England) is amended as follows.

(2) After section 118 insert—

“118A Suspension of registration

(1) The Secretary of State may suspend the registration of an independent educational institution if, having taken into account relevant evidence—

(a) the Secretary of State is satisfied that one or more of the independent educational institution standards is or are not being met in relation to the institution, and

(b) the Secretary of State has reasonable cause to believe that, as a result, one or more students at the institution will or may be exposed to the risk of harm (within the meaning of section 31 of the Children Act 1989).

(2) In subsection (1) “relevant evidence” means—

(a) the report of an inspection carried out by the Chief Inspector or an independent inspectorate, or

(b) any other evidence in respect of the institution.

(3) Before suspending the registration of an institution, the Secretary of State must serve the proprietor of the institution with a warning notice—

(a) stating that the Secretary of State is proposing to suspend the registration of the institution and explaining the effect of a suspension,

(7) Where the Secretary of State decides not to extend the suspension, the Secretary of State must serve the proprietor of the institution with a notice informing the proprietor of the decision.

(8) Where the Secretary of State decides to extend the suspension, the Secretary of State must serve the proprietor with a notice informing the proprietor of the decision and—

(a) specifying the date on which the extension ends, which must be no more than 12 weeks after the extension starts, and

(b) explaining the right of appeal conferred by section 125.

(9) Subsections (5) to (8) do not apply where the Secretary of State considers that, in order to protect one or more students at the institution, it is necessary to extend the suspension of an institution's registration without first seeking representations.

(10) In such a case, before extending the suspension of an institution's registration, the Secretary of State must serve the proprietor with a notice—

(a) stating that the Secretary of State has decided to extend the suspension,

(b) identifying the standard or standards that are not being met, which the Secretary of State believes may result in one or more students being exposed to the risk of harm (which need not be the same standards mentioned in the notice for the previous period of suspension),

(c) setting out the grounds for the Secretary of State's belief that a student will or may be exposed to the risk of harm (which need not be the same grounds mentioned in the notice for the previous period of suspension),

(d) specifying the date on which the extension ends, which must be no more than 12 weeks after the extension starts, and

(e) explaining the right of appeal conferred by section 125.

(11) Where the Secretary of State extends the suspension of an institution's registration, the suspension lasts until the date specified in the notice under subsection (8)(a) or (10)(d), unless it is lifted under subsection (2) or (3) or extended again under subsection (4).

118C Offence of conducting institution when its registration is suspended

(1) The proprietor of an independent educational institution that provides education to one or more students while its registration is suspended is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine (or to both).

118F Offence of providing boarding accommodation in breach of stop boarding requirement

(1) The proprietor of a boarding institution that provides boarding accommodation to a student in breach of a stop boarding requirement is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine (or to both).

(3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, for "51 weeks" in subsection (2), substitute "six months"."

(3) In section 125 (appeal by proprietor against other decisions of Secretary of State)—

(a) in subsection (1)—

(i) omit the "or" at the end of paragraph (c), and

(ii) at the end insert—

"(e) section 118A(1) (suspension of registration),

(f) section 118B(4) (extension of suspension),

(g) section 118D(1) or 118E(4)(b) (imposition of stop boarding requirement), or

(h) section 118E(4)(a) (extension of stop boarding requirement).";

(b) at the end insert—

"(8) On an appeal under subsection (1)(e) or (f), the Tribunal may—

(a) confirm the suspension, or

(b) direct that the suspension is to cease to have effect.

(9) On an appeal under subsection (1)(g) or (h), the Tribunal may—

(a) confirm the requirement, or

(b) direct that the requirement is to cease to have effect.

(10) Tribunal Procedure Rules may make provision for the suspension by the Tribunal of a decision under any of the following provisions, whether or not the decision has already taken effect—

(a) section 118A(1) (suspension of registration),

(b) section 118B(4) (extension of suspension),

(c) section 118D(1) or 118E(4)(b) (imposition of stop boarding requirement), or

(d) section 118E(4)(a) (extension of stop boarding requirement)."

Material change

62 Material changes to registered details

Schedule 5 makes amendments to the provisions in Chapter 1 of Part 4 of the Education and Skills Act 2008 that relate to material changes to the registered details of independent educational institutions.

Powers of Chief Inspector etc

63 Powers of entry and investigation etc

(1) Chapter 1 of Part 4 of the Education and Skills Act 2008 (independent educational institutions) is amended as follows.

(2) Omit section 97 (unregistered independent educational institutions: inspection).

(3) After section 127 insert—

“*Powers of entry and investigation etc*

127A Powers of entry

(1) The Chief Inspector may enter any premises if there is reasonable cause to believe—

(a) that a relevant offence is being or has been committed on the premises, or

(b) that evidence of the commission of a relevant offence may be found on the premises.

(2) But the Chief Inspector may only enter premises used as a dwelling if a justice of the peace has issued a warrant authorising the Chief Inspector to enter those premises.

(3) A justice of the peace may issue a warrant under this section only if satisfied, on an application by the Chief Inspector, that the requirement in subsection (1) (reasonable cause for belief) is met, and that—

(a) the Chief Inspector has sought consent to enter and consent has been refused,

(b) consent to enter is unlikely to be given unless a warrant is produced,

(c) it is not practicable to communicate with any person entitled to grant entry, or

(d) seeking consent to enter may frustrate or seriously prejudice the purpose of entering.

(4) A warrant under this section may authorise the Chief Inspector to enter—

(a) one or more sets of premises specified in the application, or

(b) any premises occupied or controlled by a person specified in the application.

(5) Before exercising a power of entry under this section, the Chief Inspector must—

(a) produce evidence of their identity, and

(b) outline the purpose for which the power is exercised,

if asked to do so by a person on the premises.

(6) When entering premises under a warrant, the Chief Inspector must—

(a) provide a copy of the warrant to the occupier or to any other person appearing to be in charge of the premises, or

(b) if neither the occupier nor any such person is present, leave a copy of the warrant in a prominent place on the premises.

(7) A power of entry under this section must be exercised at a reasonable hour unless the Chief Inspector considers that the purpose of entry may be frustrated by entry at a reasonable hour.

(8) The following provisions of the Police and Criminal Evidence Act 1984 apply to a warrant under this section as though references there to a constable were to the Chief Inspector—

(a) subsections (2) to (8) of section 15 (search warrants: safeguards);

(b) subsections (3), (9), and (10) to (12) of section 16 (execution of warrants).

(9) In this section and section 127B, "relevant offence" means an offence under—

(a) section 96 (conducting an unregistered independent educational institution),

(b) section 118 (failure to comply with relevant restriction imposed by Secretary of State),

(c) section 118C (providing education at institution when registration is suspended),

(d) section 118F (providing boarding accommodation in breach of stop boarding requirement),

(e) section 121 (failure to comply with relevant restriction imposed by justice of the peace), or

(f) section 127 (failure to comply with relevant restriction imposed by Tribunal).

127B Powers of investigation

(1) On entering any premises under section 127A, the Chief Inspector may—

(a) search the premises;

(b) take measurements of the premises or anything found on the premises;

(c) take photographs and make audio and video recordings on the premises;

(d) require any person on the premises to produce any document (in whatever form it is held) that is in the person's possession or control;

(e) require any person on the premises to produce any information which is stored in electronic form and is accessible from the premises in a form in which it can be taken away and in which it is visible and legible (or from which it can readily be produced in a visible and legible form);

(f) inspect or access any computer or other electronic device found on the premises which the Chief Inspector reasonably believes may be or contain evidence of the commission of a relevant offence;

(g) inspect and take copies of any document found on the premises (in whatever form it is held) which the Chief Inspector reasonably believes may be or contain evidence of the commission of a relevant offence;

(h) seize anything found on the premises which the Chief Inspector reasonably believes may be or contain evidence of the commission of a relevant offence;

(i) interview any person on the premises where there is reasonable cause to believe that the person can provide information relating to a relevant offence, and require the person to provide any such information;

(j) require any person on the premises to provide the Chief Inspector with whatever facilities and assistance within the person's control are necessary to enable the Chief Inspector to exercise the powers conferred by this section.

(2) Anything seized under subsection (1)(h) may be retained for so long as is necessary in all the circumstances.

(3) Where the Chief Inspector exercises the power in subsection (1)(i) to interview a person—

(a) if the person is aged under 18, they may not be interviewed alone without the consent of a parent;

(b) in any other case, they may be interviewed either alone or in the presence of one or more other persons;

(c) no answer which the person gives during the interview is admissible in evidence against the person, or the person's spouse or civil partner, in any proceedings.

(4) This section does not confer power to inspect, seize or take copies of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (legally privileged material etc).

(5) In this section "document" means anything in which information of any description is recorded.

127C Power of constable to assist in exercise of powers of entry

(1) The Chief Inspector may apply to a justice of the peace for a warrant authorising a constable to assist the Chief Inspector, using reasonable force if necessary, in the exercise of a power conferred by section 127A or 127B on premises mentioned in subsection (2).

(2) The premises are—
 (a) one or more sets of premises specified in the application, or
 (b) any premises occupied or controlled by a person specified in the application.

(3) The justice may issue a warrant only if satisfied that the requirement in section 127A(1) (reasonable cause for belief) is met, and that—
 (a) the Chief Inspector has attempted to exercise a power conferred by section 127A or 127B but has been prevented from doing so,
 (b) the Chief Inspector reasonably expects to be prevented from exercising any such power if an attempt to do so is made, or
 (c) the purpose of exercising any such power may be frustrated unless the Chief Inspector, on arriving at the premises, can exercise the power immediately.

(4) A warrant under this section must be issued to and executed by a constable.

(5) Section 15 of the Police and Criminal Evidence Act 1984 (search warrants: safeguards) applies in relation to a warrant under this section as though references in subsections (2) and (4) to a constable were to the Chief Inspector.

127D Offences: obstruction etc

(1) A person commits an offence if they intentionally obstruct another person in the exercise of any power under section 127A or 127B.

(2) A person commits an offence if they intentionally fail to produce any document required under section 127B(1)(d).

(3) A person commits an offence if they intentionally fail to produce any information required under paragraph (e) of section 127B(1) in the form required under that paragraph.

(4) A person commits an offence if they—
 (a) refuse to be interviewed under paragraph (i) of section 127B(1), or
 (b) intentionally fail to provide any information required during the course of an interview under that paragraph.

(5) A person commits an offence if they intentionally fail to comply with a requirement reasonably imposed under section 127B(1)(j) (power to require assistance).

(6) In proceedings for an offence under any of subsections (2) to (5), it is a defence to show that the person had a reasonable excuse—

(a) in the case of an offence under subsection (2), for failing to produce the document;

(b) in the case of an offence under subsection (3), for failing to produce the information in the form required;

(c) in the case of an offence under subsection (4)(a), for refusing to be interviewed;

(d) in the case of an offence under subsection (4)(b), for failing to provide the information;

(e) in the case of an offence under subsection (5), for failing to comply with the requirement.

(7) A person is taken to have shown a fact mentioned in subsection (6) if—

(a) sufficient evidence is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(8) A person who commits an offence under this section is liable on summary conviction to a fine."

(4) In section 134 (proceedings for offences)—

(a) the existing text becomes subsection (1);

(b) after that subsection insert—

"(2) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 (limitation of time), an information or a written charge relating to an offence under this Chapter may be tried by a magistrates' court if it is laid or issued at any time within twelve months from the time when the offence was committed."

64 Independent inspectorates: reports and information sharing

(1) In section 107 of the Education and Skills Act 2008 Act (quality assurance of independent inspectorates), in subsection (1), for "at intervals of no more than a year" substitute "on request".

(2) After that section insert—

"107A Information sharing between the Chief Inspector and independent inspectorates

(1) The Chief Inspector may disclose information to an independent inspectorate for the purpose of enabling or facilitating the inspection by the inspectorate of registered independent educational institutions.

(2) Nothing in subsection (1) authorises a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account).

Schools Bill [HL]

[AS INTRODUCED]

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B I L L

TO

Make provision for the regulation of Academies; about school and local education funding; about the attendance of children at school; about the regulation of independent educational institutions; about teacher misconduct; and for connected purposes.

Baroness Barran

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