

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## EDUCATION AND TRAINING (WELFARE OF CHILDREN) BILL

*Wednesday 14 October 2020*

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Clauses 1 to 3 agreed to.  
Bill to be reported, without amendment.

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**Sunday 18 October 2020**

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**The Committee consisted of the following Members:***Chair:* †JUDITH CUMMINS

† Bailey, Shaun (*West Bromwich West*) (Con)  
 Byrne, Ian (*Liverpool, West Derby*) (Lab)  
 † Daly, James (*Bury North*) (Con)  
 † Foy, Mary Kelly (*City of Durham*) (Lab)  
 † Gullis, Jonathan (*Stoke-on-Trent North*) (Con)  
 † Hopkins, Rachel (*Luton South*) (Lab)  
 † Keegan, Gillian (*Parliamentary Under-Secretary of  
 State for Education*)  
 † Morris, Grahame (*Easington*) (Lab)  
 † Osborne, Kate (*Jarrow*) (Lab)  
 † Owen, Sarah (*Luton North*) (Lab)

† Perkins, Mr Toby (*Chesterfield*) (Lab)  
 Richards, Nicola (*West Bromwich East*) (Con)  
 † Richardson, Angela (*Guildford*) (Con)  
 † Simmonds, David (*Ruislip, Northwood and Pinner*)  
 (Con)  
 † Trott, Laura (*Sevenoaks*) (Con)  
 † Wakeford, Christian (*Bury South*) (Con)  
 † Wood, Mike (*Dudley South*) (Con)

Adam Mellows-Facer, *Committee Clerk*

† **attended the Committee**

## Public Bill Committee

Wednesday 14 October 2020

[JUDITH CUMMINS *in the Chair*]

### Education and Training (Welfare of Children) Bill

2 pm

**The Chair:** Welcome to the Public Bill Committee for the Education and Training (Welfare of Children) Bill. Before we begin, I have a few announcements. You will all understand the need to respect social distancing guidance. If necessary, I will intervene to remind you. Note passing should be done electronically only. The *Hansard* reporters would be eternally grateful if Members emailed any electronic copies of their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). The selection list for today's sitting is available in the room and online. No amendments have been tabled and I intend there to be a single debate on all three clauses.

#### Clause 1

WELFARE OF CHILDREN: 16 TO 19 ACADEMIES AND  
FURTHER EDUCATION

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss the following:

Clause 2 stand part.

Clause 3 stand part.

**Mary Kelly Foy** (City of Durham) (Lab): I look forward to serving under your chairship, Ms Cummins, and I am very grateful to every Member who has agreed to be part of this Committee. I appreciate people's willingness to give up their time, especially given the important debates taking place in the Chamber at the minute.

While the Education and Training (Welfare of Children) Bill might not make the front pages, it is a very important piece of legislation. There is a flaw in the way young people are safeguarded in education: while every child is protected by safeguarding duties, they are not all protected in the same way. That is clearly wrong.

The Committee has the opportunity today to enact the sort of cross-party work that is sometimes needed in Parliament. A clear problem has been identified and a sensible solution provided. Together, we can work to correct a mistake and help to improve the education system by keeping young people safe and giving parents the peace of mind they deserve.

Although technical, the Bill is relatively simple. All providers of post-16 education have safeguarding requirements. Further education colleges, sixth forms and schools have a statutory duty to safeguard and promote the welfare of every child at that institution. However, while 16-to-19 academies, special post-16 institutions and independent learning providers have safeguarding duties as a condition of funding, young

people who attend those institutions are not protected in the same way that they would be at a school or further education college. That was clearly an unintentional oversight and it must therefore be amended.

The Bill has two substantive clauses and it will amend the Education Act 2002 and the Apprenticeships, Skills, Children and Learning Act 2009. It will impose direct safeguarding duties upon 16-to-19 academies and also place an obligation upon the Secretary of State for Education to ensure that compliance with the safeguarding duties is a condition of funding for special post-16 institutions and independent learning providers.

As all providers have safeguarding responsibilities, there should be no extra cost for providers. Instead, the 100 16-to-19 academies and 1,000 independent providers brought into scope by the Bill will benefit from a simplified safeguarding system with greater alignment of duties. The Bill therefore works for education providers, as well as parents and young people.

I want to stress just how necessary the Bill is. It will only become more important as we see the roll-out of T-levels and continued academisation. No matter what our disagreements on how education should be delivered, we can all agree that every young person should be protected in the same way, no matter which organisation delivers the education. That is why it is so important that this anomaly is corrected. By law, providers have safeguarding responsibilities and the vast majority will follow best practice. I believe we need a guarantee of that in law. I hope the Committee will support me in closing the loophole to ensure that every young person is kept safe in education.

**Kate Osborne** (Jarrow) (Lab): It is a pleasure to serve under your chairmanship for the first time, Ms Cummins, and I congratulate my hon. Friend the Member for City of Durham on promoting this private Member's Bill.

The flaws in the way young people are safeguarded in education and the disparities in the system need to be addressed and corrected. It is right and absolutely necessary that apprenticeships training providers meet the minimum standards that already exist for schools, further education colleges and sixth form colleges. Every child and young person needs to be protected, and the Bill helps to do just that.

**Mr Toby Perkins** (Chesterfield) (Lab): I pay tribute to my hon. Friend the Member for City of Durham for introducing the Bill, which is an important piece of legislation. We all feel strongly about the importance of apprenticeships and skills, and we recognise that 16 to 19-year-olds are at a delicate stage in their lives. Anyone who has been the parent of a child of 16 to 19 knows—most Members here are too young—that it is quite a challenge. [*Laughter.*] Joking aside, they are at a vulnerable point in their lives, moving between childhood and adulthood. Also, in many areas, they are moving from the school education space to the workspace, and it is important to have clarity on what their rights are in relation to safeguarding.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): I want to place on the record my congratulations to the hon. Member for City of Durham on securing this important piece of legislation. Having worked in the sector with secondary school kids and as a head of year in pastoral care,

and regularly worrying in some cases about what they were going on to, I want to make sure that Conservative Members add our congratulations to the hon. Lady on this important Bill. I thank the hon. Gentleman for giving way.

**Mr Perkins:** I am glad that the hon. Gentleman took the opportunity to say that. Having read the *Hansard* record of the first debate, I know how many people spoke in it and that the intentions behind the Bill were widely supported across the House.

When young people are in the space that encompasses both their education and their employment, it is important that there is clarity about what the responsibilities are. In the area of T-levels—an educational environment, but with very much a work focus—it is important that everyone understands and that independent learning providers realise that the expectations of them are exactly the same as they are for further education providers.

**James Daly (Bury North) (Con):** I think this is a wonderful Bill. For those of us who have been touched by and blessed with close family members who are on the autistic spectrum, the underlying challenges and social issues that young people face when they go through the school system are still there at 16 to 19. We have to safeguard the interests of children who are special and unique, but who have challenges in their lives. Training has to be adapted, whether with regard to a T-level or a more academic subject. Whatever training is provided, we need to ensure we have a system that safeguards those unique qualities to make sure that everybody can succeed. That is why I think this Bill is so worthwhile, and from the bottom of my heart I congratulate the hon. Member for City of Durham.

**Mr Perkins:** I could not agree more. It is important that children and young people with autism and the particular vulnerabilities that they face are not left out of our discussions. It is absolutely right that they need to be safeguarded. That is one reason that there is such support for the Bill.

While this is a technical change, it is of real importance, because specifying and putting front and centre that safeguarding duty is absolutely crucial. We all know that ignorance of the law is not a defence in law, but making sure that fewer employers are ignorant is one of our responsibilities in this place. I think this Bill will achieve that. I congratulate my hon. Friend the Member for City of Durham on introducing the Bill and I am glad that there seems to be such widespread support for it.

**The Parliamentary Under-Secretary of State for Education (Gillian Keegan):** It is a great pleasure to serve under your first chairmanship, Ms Cummins, and I extend my heartfelt congratulations to the hon. Member for City of Durham on introducing the Bill and progressing it to this stage. I am pleased to work with her on this important issue, and in a collaborative, cross-party way, because, as she rightly points out, we are often at our best in this House when doing so. I thank all hon. Members for their contributions.

It was clear on Second Reading that the Bill had cross-party support, and I am pleased that the same is the case at this stage. I feel confident in recommending the Bill's passage to its remaining stages and I thank the

shadow Minister, the hon. Member for Chesterfield, for his comments. We take seriously our duty to protect young people at each critical stage of their development.

**Jonathan Gullis:** This is a really good opportunity to use the Bill as a way to look at independent training providers. While there are many fine examples, there are also too many duds out there, to be quite frank. I really hope that we can use this opportunity to review the quality of independent training providers, especially for those children who have special educational needs and disabilities.

**Gillian Keegan:** A lot of work has been done on the quality, which my hon. Friend rightly says varies.

Often when putting things in legislation, it is worthwhile taking a moment to think about the impact it has on people. I was struck by the intervention made by my hon. Friend the Member for Bury North on behalf of those with autism. We know that a lot of children at this age struggle to get into employment, and it is our duty to give all the support that we can at that fragile and vulnerable stage, as he said. Actually understanding the difference we can make in this place in highlighting those issues is also important. I know that all hon. Members agree that the safety and welfare of children are of the utmost importance. The Government take these issues extremely seriously, which is why we are pleased to support the Bill.

The post-16 education sector is rich and diverse. It offers A-levels, T-levels, apprenticeships, traineeships and so much more, but that also means that it is a complex landscape with a range of academic, vocational and technical training providers, which sometimes vary in quality. Providers of post-16 education and training that are funded by the Education and Skills Funding Agency already have safeguarding requirements placed on them, but the nature of those requirements varies. Certain providers have statutory safeguarding duties placed on them, and others have safeguarding requirements placed on them as a result of conditions of funding, as the hon. Member for City of Durham laid out. Those are all contractual obligations, and all providers are subject to inspection by Ofsted, which ensures the quality.

The Bill is designed to streamline and simplify the system by making it easier for providers to understand what safeguarding actions they need to take, and it will bring clarity to students, apprentices and their parents on the protections in place to keep children safe at college and at work.

This is a simple Bill. Clause 1 makes the Secretary of State for Education directly accountable for ensuring that the terms of funding provided to post-16 education and training providers include safeguarding duties. It extends safeguarding duties that already apply to schools and colleges to 16-to-19 academies, special post-16 institutions and independent training providers that provide further education. In other words, all providers that are directly funded by the Government for the provision of further education will have a legal duty to make arrangements to safeguard and promote the welfare of children as a condition of funding.

The clause also means that those providers must have regard to guidance issued by the Secretary of State for Education, such as “Keeping Children Safe in Education”.

[Gillian Keegan]

That provides information on how to identify abuse and neglect and what to do when there are concerns that a child has been, or is being, harmed. We agree that having one set of guidance covering all providers will simplify safeguarding and make it far clearer and more transparent.

2.15 pm

Clause 2 ensures that the safeguarding duty is extended to providers funded under the Apprenticeships, Skills, Children and Learning Act 2009 to deliver apprenticeships and technical education or training. That change is necessary to ensure that providers funded under the Act have the same safeguarding duties as those providers listed in clause 1.

In practice, the terms of the clauses mean that all Government-funded providers of post-16 education must make arrangements to promote and safeguard the welfare of children, and to have regard to the same information on how to prevent and spot abuse, neglect or harm. That means that providers have policies and processes in place to ensure that harms can be identified and, if they occur, dealt with. In turn, that means that there is a clear and rigorous process established to investigate and address any issues raised by staff, students or parents, and that it is all up to date and can tackle any new or emerging harm.

**James Daly:** If I may come back to the definition of welfare and safeguarding, one thing about the welfare of children in education is how their needs are protected by the education provider. An autistic child may need one-on-one support or a certain environment that enables them to learn and to address their challenges. May I confirm that the welfare of the child in the educational setting and the requirement that that puts on providers to seek the best way to ensure that such children can succeed are encompassed in the spirit, if not the wording, of the Bill?

**Gillian Keegan:** My hon. Friend makes a very good point. The “Keeping Children Safe in Education” guidance sets out the type of consideration that providers need to show and goes into a great deal of information about special educational needs and disability. The Bill extends

safeguarding duties that already apply to schools and colleges, including special schools and colleges of special educational needs, to new settings. The welfare and needs of the child are at the centre of that.

I am sure that all hon. Members wish to join me in thanking the providers of post-16 education up and down the country who work every day to protect our children. It is vital that parents and students have confidence that their education provider is doing all that they can, and should, to provide a safe, supportive learning environment that protects those students from harm. Providers must clearly understand what is expected of them, and having all the information in one place enables providers to get the help that they need quickly. That is why I strongly believe that the Bill will deliver consistency and simplicity to our diverse further education sector.

I thank all Members present today for their openness and constructive comments. I am confident from our discussions that we have the right foundations on which to progress the Bill. I am grateful to all Members present for taking the time to attend and contribute to this important debate. I pass on my gratitude in particular to the hon. Member for City of Durham for bringing this important issue to light and ensuring that the Bill will be enacted. I thank her very much for her support, and I commend the Bill to the Committee.

**Mary Kelly Foy:** I thank everyone for serving on the Committee, especially given the added challenges of covid. With that in mind, I thank the Clerks, the Chair and every civil servant who has assisted in the preparation of the Bill and the delivery of the Committee stage. The return to physical proceedings has caused incredible damage to the staff who keep this place running, and I am genuinely grateful for everything that they do. I am sure that my colleagues share that sentiment.

**Hon. Members:** Hear, hear!

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clauses 2 and 3 ordered to stand part of the Bill.*

*Bill to be reported, without amendment.*

2.20 pm

*Committee rose.*



