



Department
for Education

Equalities impact assessment

Children's Wellbeing and Schools Bill

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The Public Sector Equality Duty

This document records the analysis undertaken by the Department for Education to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

The PSED requires the Minister to have due regard to the need to:

- Limb 1: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Limb 2: advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Limb 3: foster good relations between people who share a protected characteristic and those who do not.

These aims are known as the three limbs of the PSED. This document sets out a summary of the impact of each measure on these limbs. The protected characteristics in question are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Children's Wellbeing and Schools Bill

This government's opportunity mission will break the link between young peoples' background and their future success in life. The mission plots a lifelong journey of opportunity that takes us through early childhood development, into excellence in education settings, and then from apprenticeships, colleges and universities into the world of work.

The Children's Wellbeing and Schools Bill looks to break the link at the very beginning of a child's lifelong journey. It will ensure our children's social care and education systems transform life chances for millions of children and young people in England by putting children and their wellbeing at the centre. It will deliver on manifesto commitments which will break down barriers to opportunity and drive high and rising standards for every child, no matter their background.

List of measures covered by this document

Children's Social care measures

- 1- Family group decision-making
- 2- Strengthening the role of education in safeguarding (inclusion of childcare and education agencies in local safeguarding arrangements)
- 3- Multi-Agency Child Protection Teams
- 4- Information-sharing and consistent identifiers for children
- 5- Employment of children
- 6- Kinship Local Offer Requirement
- 7- Virtual School Heads (VSH)
- 8- Staying Close (provision of advice and other support for care leavers)
- 9- Local offer for care leavers
- 10- Use of accommodation for depriving a child of their liberty
- 11- Ofsted powers for breaches of the Care Standards Act 2000
- 12- Children's social care agency workers
- 13- Protection for children aged 16 and 17 from ill-treatment or wilful neglect
- 14- Provider Oversight Regime
- 15- Regional Care Cooperatives (RCCs -regional co-operation arrangements)
- 16- Financial Oversight Scheme

17- Future children's social care profit cap

Schools measures

18- Breakfast Clubs

19- School Uniform

20- Children Not In School and associated safeguarding measures

21- Independent schools: suspension powers

22- Independent schools: material change approvals

23- Independent schools: appeals against de-registration

24- Independent schools: suitability of proprietors

25- Independent schools: Inspectorate (Ofsted) powers

26- Independent schools: registration of full-time settings

27- Independent schools: Ofsted Information Sharing

28- Strengthening the Teacher Misconduct Regime

29- School teachers' qualifications and induction

30- National Curriculum

31- Academy schools: educational provision for improving behaviour

32- Academy Intervention

33- Academy Orders

34- Teacher Pay and Conditions

35- School Admissions: Duties to co-operate regarding admissions and place planning

36- School Admissions: Local authority direction powers

37- School Admissions: Functions of the Adjudicator in relation to admission numbers

38- Establishment of new schools

Bill level summary

1. The Children's Wellbeing and Schools Bill will have positive impacts across the protected characteristics of the PSED, covering the three limbs of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations. In the small number of cases where our analysis shows a potentially negative impact, we believe our mitigations are sufficient to counteract any impacts.
2. The Bill will put children and their wellbeing at the centre of the education and children's social care systems. The Bill will ensure every child, no matter their background, has a fulfilling childhood enabling them to achieve and thrive. The Bill is a key step towards delivering the Opportunity Mission to break the link between young people's background and their future success, and deliver on core manifesto commitments.
3. This Bill includes a range of measures designed to keep families together and children safe, through mandating 'family group decision making', strengthening the role of education in safeguarding, improving information sharing across and within agencies, requiring safeguarding partners to establish multi-agency child protection teams, and updating the legislation that ensures children are employed safely. Family group decision making is assessed to have a positive impact by improving the consideration of the individual needs of children in care. Strengthening the role of education in safeguarding will have a positive impact across characteristics, through creating better join-up in safeguarding arrangements. Multi-agency child protection teams will better meet the needs of the individual child including across protected characteristics. Any disproportionate impacts on groups with specific protected characteristics from the information sharing and consistent identifier measure will likely be positive and serve to balance a currently disproportionate negative impact on these groups due to the impact of poor information-sharing practices.
4. This Bill will support children with care experience to thrive, by requiring local authorities to publish their local offer for children in kinship care, which will positively impact protected characteristics overrepresented in the care system. The Bill also sets out provisions to extend the Virtual School Head role; to strengthen our offer of support for care leavers through requiring local authorities to provide 'Staying Close' support to eligible care leavers where their welfare requires it; and requiring local authorities to publish arrangements in place to support and assist care leavers in their transition to adulthood and independent living. These provisions are assessed to have a positive impact by improving the consideration of the individual needs of children in care.
5. This Bill will make the children's social care system child-centred by providing a legislative statutory mechanism to authorise the deprivation of liberty of children with complex needs, where required to keep them safe, in provision which has the primary purpose of care and treatment and where restrictions on liberty can be

imposed, expanding Ofsted's power to issue monetary penalties, overseeing the use of agency workers and closing a legal gap on low level abuse for 16 and 17 year olds. The deprivation of liberty measure will have a positive impact across multiple protected characteristics by providing greater safeguards of rights, and ensuring placements are better suited to the individual. The measure on low level abuse for 16 and 17 year olds will positively impact those protected characteristics which are over-represented in the care system. We have set out a range of mitigations to counter the potential negative impact of a measure to cap the number of costly agency workers that local authorities can use. The new provider oversight regime seeks to hold groups to account for poor quality provision, and where they are not acting in the interests of children. This should broadly have a positive impact on groups in care.

6. This Bill will also improve the children's social care placement market and tackle profiteering in the children's social care placements market. It will create changes at a local authority level by harnessing collective buying power through regional co-operation arrangements (Regional Care Co-operatives), which will better meet the needs of children in care. The new financial oversight scheme will positively impact across characteristics by giving local authorities more time to arrange care, support and accommodation that best meets the needs of the child where there is provider financial failure and cessation of service. If profit cap implementation is deemed necessary in the future, it may have positive impacts on advancing equality of opportunity as providers may reinvest profit to increase the quality of their provision. They may also reduce the placement costs they charge local authorities potentially freeing up local authority budgets to invest in services to reduce the number of children needing to come into care in the first place.
7. The Bill will introduce a range of measures aiming to remove barriers to opportunity. Measures on expanding free breakfast club provision and introducing a limit on the number of branded uniform items will break down barriers to opportunity for thousands of children and parents, with a notable positive impact across the majority of protected characteristics. The breakfast clubs measure will reduce the burden childcare places on household finances and will enable more parents to work. It will reduce the number of primary school pupils starting the school day hungry, thus enabling more children to start the school day ready to achieve and thrive. It will ensure all children have access to the benefits that breakfast clubs offer through a soft and supportive start to the school day, with benefits demonstrated in attendance, behaviour, attainment, and wellbeing. The limit on branded uniform items will reduce financial pressure on parents, and will allow for more flexibility in materials and design which will benefit those making choices on health or religious grounds.
8. The Bill will create a safer, higher quality education system for children by introducing Children Not in School (CNIS) registers and requiring parents to obtain local authority consent before certain vulnerable children can be removed from school to be home educated, by introducing regulations on independent

educational institutions, and improving teacher misconduct regulation. The CNIS registers and home education safeguarding measures will enable local authorities to take action where children are identified as not receiving a suitable home education and/or where there are wider safeguarding concerns. The measures relating to the regulation of independent education institutions should lead to more children attending registered settings which meet the relevant regulatory standards. We believe this benefit outweighs any risk of disruption to pupils where settings fail to meet these standards. The existing teacher misconduct process includes the requirement for employers to comply with the law on equality, guarding against those with protected characteristics being disproportionately subject to prohibition as a result of the teacher misconduct measure.

9. Finally, the Bill takes action to make sure that parents, wherever they live, will have a good local school for their child, and can be confident they will achieve and thrive, by introducing measures that deliver manifesto commitments on school admissions, qualified teacher status (QTS), and the national curriculum. Alongside these, further measures will contribute to driving high and rising standards in schools. While these measures have positive impacts across the protected characteristics, where there are negative impacts we have set out clear mitigations. For the QTS measure, we have set out a broad range of mitigations to counter the potential negative impact on groups including unqualified female returners. On the teacher pay measure, the Secretary of State will have a new power to set minimum pay levels in secondary legislation. Academy schools and alternative provision academies will be required to have regard to the rest of the STPCD. We have set out a range of positive impacts for teachers as a result of this measure and will continue to consider our PSED duty as we make these changes.

Children's Social Care measures

Keeping families together and children safe

Family Group Decision Making (FGDM)

Policy context

10. This measure will ensure families are offered a Family Group Decision Making (FGDM) meeting at pre-proceedings and, where the offer is accepted, local authorities must take action to facilitate it. Every family, unless there are exceptional circumstances, will have the right to access this intervention before a court application is initiated. Family Group Conferencing (FGC) is a specific practice model of FGDM.

Equalities impact analysis

11. This measure has a positive impact for the protected characteristics of **age** (limb 2), **disability** (limb 2), **pregnancy and maternity** (limb 1), **race** (limb 2) and **sex** (limb 2). There are also negative impacts for the protected characteristics of **race** (limb 3) and **sex** (limb 2). FGDM gives the opportunity for the whole family network to come together and create a plan for the child. FGDM includes key processes to ensure equitable discussion and equal contribution to the support plan. For example, in FGCs, the coordinator will speak to family network members individually before the meeting then seek individual agreement from each member of the family network on the support plan. The coordinator may also facilitate mediation between family network members to promote better relations and communication ahead of the meeting.
12. **Age:** Mandating an offer of FGDM will provide more support for children to stay with their birth parents (or wider family network if they cannot stay with their birth parents), resulting in children being diverted from care. This will have a positive impact on children of all ages. We have also identified an overall positive impact on family networks supporting the child. Most children (59%) in kinship care live with a grandparent, and therefore increased support from the family network will help with the burden of care.
13. **Disability:** FGDM could support children with a disability when FGDM leads to kinship care. Of all children living in kinship care, 11.9% were disabled under the Equality Act 2010, compared with 6.6% of children living with at least one parent. FGDM could also lead to more support for kinship carers from the wider family network. Research shows that 70% of kinship carers have a long-standing disability. If there is a greater expectation of family networks in legislation and statutory guidance, a wider family network for the child could lift the burden of care and prevent that burden from impacting the kinship carer's disability.

14. **Pregnancy and Maternity:** FGDM provides an opportunity for pregnant people to receive support from the wider family network to provide the best care for the child and stay close to the child.
15. **Race:** Children from ethnic minority groups are over-represented in the number of children looked after. Participating in FGDM may have a positive impact for Black children and families with negative perceptions and lived experiences of structural racism in the care system, allowing them to avoid interacting with formal institutions such as the courts and empowering them to find their own solutions. However, whilst the family group conference model is designed to be culturally sensitive and it is the mainstream practice model of FGDM, not all local authorities are currently providing the family group conference model as it is not mandated in legislation. There may also be a lack of consistency in its interpretation and implementation, which means that the experience of FGDM may not be equally positive for all minoritised ethnic groups. Moreover, since the alternative to FGDM is care proceedings, there may be a **negative** impact under the protected characteristic of **race** where families feel obliged to interact with a system they do not trust and of which they may have previous negative experience through FGDM. Therefore, we understand that not everyone from minority backgrounds engaging with FGDM will experience the potential positive impacts described above. We will mitigate this potential negative impact by encouraging consistency across national practice.
16. **Sex:** FGDM will disproportionately benefit young boys as males account for 57% of children looked after so they are slightly over-represented.

Strengthening the role of education in safeguarding (inclusion of childcare and education agencies in local safeguarding arrangements)

Policy context

17. This measure aims to enhance the role of education in multi-agency safeguarding arrangements (MASAs) to better protect children from abuse, neglect, and exploitation. It needs to ensure consistent and effective join-up between education and children's social care, police, and health services. We aim to build on existing legislation and recognise that the current system needs to change to ensure education is adequately represented both operationally and strategically. The aim of our legislative change is two-fold, to ensure that:
 - Safeguarding partners automatically include all education and childcare settings in their multi-agency safeguarding arrangements.
 - These arrangements enable education and childcare settings to have representation at both the operational and strategic decision-making levels.

Equalities impact analysis

18. This policy has a positive impact for the protected characteristics of **age**, **disability** (both limbs 1-2), **gender reassignment**, **race**, **religion or belief**, **sex** and **sexual orientation** (all limbs 1-3).
19. **Age:** This policy does not directly discriminate on the basis of age and all age groups of children in the education and childcare settings listed in the Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018¹ would be included. We understand that some settings are less well involved in multi-agency safeguarding arrangements (MASAs) so the proposed measure will help to bring harder to reach education settings into safeguarding arrangements.
20. **Disability:** There is evidence to show that strengthening the role of education in MASAs will have a positive impact on the protected characteristic of disability under limbs 1 and 2 by improving multi-agency working. Recent reviews including the Child Safeguarding Practice Review Panel's review into safeguarding children with disabilities and complex needs in residential settings has highlighted the need to improve multi-agency working which includes the strategic integration of children's social care with the SEND, health, police and education system.²³
21. **Race:** There is evidence to show the proposal could have a positive impact on the protected characteristic of race under limbs 1 and 3. There is research to show that Black and Mixed-heritage boys are less likely than their peers to have been referred to early help services when they were younger.⁴ This proposal aims to bring education closer to multi-agency safeguarding arrangements so that children receive the right support at the right time.
22. **Religion or Belief:** This policy does not discriminate on the basis of religion or belief, and there is evidence to suggest that the proposal may have a positive impact on the protected characteristic of religion or belief under all three limbs. Increasing the role of education settings in multi-agency safeguarding arrangements would naturally increase the profile, awareness and effectiveness of existing safeguarding issues and policies in schools. It would have a positive impact on religious and belief based safeguarding issues through enabling closer alignment of deterrence strategies such as Prevent. with safeguarding partnerships.
23. **Sex, Sexual Orientation, and Gender Assignment:** The proposal may have a positive impact on the protected characteristics of sex, sexual orientation and gender reassignment under limbs 1, 2 and 3. There is evidence to suggest that

¹ [The Child Safeguarding Practice Review and Relevant Agency \(England\) Regulations 2018](#)

² [Safeguarding children with disabilities in residential settings - GOV.UK](#)

³ [Safeguarding children with disabilities and complex health needs in residential settings: government response \(publishing.service.gov.uk\)](#)

⁴ [The experiences of black and mixed heritage boys in the youth justice system \(justiceinspectorates.gov.uk\)](#)

there is a safeguarding gap when it comes to the issue of sex, sexual orientation and gender.⁵ According to joint targeted area inspection reports, there is evidence to suggest that multi-agency working involving schools has an impact on hate crime based on sex.⁶

Multi-agency child protection teams (for English local authority areas)

Policy context

24. This measure requires safeguarding partners (local authorities, police forces and integrated care boards) to establish multi-agency child protection teams (MACPT) to support the local authority in the discharge of its child protection duties; and require relevant agencies to enter memorandums to set out how they will facilitate the operation of the MACPT.
25. The MACPT will be an integrated team of child protection experts delivering specific child protection functions. These teams will offer expert advice and expertise to local services in relation to the need to protect children from significant harm and monitor and evaluate the effectiveness of multi-agency child protection activity.

Equalities impact analysis

26. This policy has a positive impact across the protected characteristics of **age, disability, race, sex** (all limbs 1-3), **gender reassignment**, and **religion or belief** (all limbs 2-3).
27. **Age:** Data consistently shows the highest risk groups are babies in the home and teenagers outside the home. The 2019 Children's Commissioner stability index indicates that teenagers are more likely to be at risk of extra familial harm.⁷ Furthermore, Children under the age of 1 account for 4% of the Child in Need (CIN) population and make up more than 30% of Serious Incident Notifications (SINs). Legislating for MACPTs provides a holistic, joined up approach across agencies, so that support is formed around the child to ensure child protection activity addresses all harm types, for all children. It will ensure access to a range of specialist expertise in relation to child protection concerns and therefore ensure that all babies, children and young people are appropriately protected, regardless of their age.
28. **Disability:** Improved multi-agency working through MACPTs will provide better join up and collaboration between services, which will ensure disabled children and their families receive more tailored support if there are concerns a child is at risk of likely or actual significant harm. Previous consultation for "Working together

⁵ [Asleep-at-the-Wheel.pdf](#)

⁶ [Social care commentary: multi-agency safeguarding arrangements - GOV.UK \(www.gov.uk\)](#)

⁷ [Stability Index 2019 | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

to safeguard children” statutory guidance highlighted how important it is for practitioners to understand disability, to be able to provide the right support for both the child and the family. MACPTs will include nominated health practitioners with experience of working with children. We expect that these practitioners will help the MACPT navigate the health system and bring expertise to child protection activity for disabled children.

29. **Pregnancy and maternity:** Mothers with severe postpartum psychiatric diagnoses are more likely to have children’s social care involvement with their infants. Research conducted by the Foundations (What Works Centre for Children and Families) showed findings that suggest that mothers with children’s social care involvement in the context of an acute post-partum psychiatric diagnosis may have high levels of support needs, but that services may struggle to meet their needs fully.⁸ By legislating for MACPTs, practitioners are expected to build positive, trusting and co-operative relationships with parents, approach them with empathy and adapt their response to meet their diverse needs whilst responding to the child protection needs of the baby. Practitioners are expected to ensure they understand families’ and their complexities and potential barriers these create in seeking and accessing help and support.
30. **Race:** We will work closely with stakeholders to develop the operational detail of MACPTs to ensure all agencies work together to ensure a child centred, welfare focused approach to child protection. MACPTs will be expected to respond to all harm types, embedding a child protection system that ensures that children at risk of or experiencing significant harm are protected, including those in the criminal justice system. Data shows that children who are cautioned/sentenced with serious violence offences are disproportionately from ethnic minority groups⁹. MACPTs should offer a joint approach to the way agencies protect children and young people and ensure the needs of all families are met in the wider system, regardless of their ethnic or cultural background. As a result, we expect to see a reduction in the disparities of experiences for children from different ethnic backgrounds in the child protection system as a result.
31. **Sex:** There is some evidence that legislating for MACPTs will have a positive impact on the protected characteristic of sex. We have identified potential impacts under limbs 1, 2 and 3. We know that there are slightly more boys than girls in the children’s social care system. Just over half of Children in Need and Children Looked After are male (54% and 56% in 2022) compared to 51% of the overall child population. We also know that males are over-represented in relation to certain harms (such as child criminal exploitation) and females over-represented in others (such as child sexual exploitation). It is important to note, however, that children of both sexes can experience all types of extra-familial harm. We expect

⁸ [What are the characteristics and needs of mothers who access acute postpartum psychiatric care and have children's social care involvement? - What Works for Children's Social Care](#)

⁹ Education, children's social care and offending

the joint working across agencies to improve understanding and work with children experiencing these harms.

32. **Religion or belief:** We have not identified potential impacts under limbs 1, 2 and 3. However, MACPTs will be expected to take proactive steps to understand a child's identity, including culture and religion and ensure that the protective and support services provided have this in mind. We therefore expect the policy to have a positive impact although this will require effective monitoring and assessment.

Information-sharing and consistent identifiers for children

Policy context

33. These measures will introduce a broad duty for certain agencies to share information for the purposes of safeguarding and promoting the welfare of children, providing a clear legal basis for sharing information whilst aligning with existing data protection legislation. Further, the Secretary of State will be given a power to specify a Single Unique Identifier (known as a consistent identifier in legislation) and designate the agencies required to use it for the purposes of safeguarding and promoting the welfare of children.

Equalities impact analysis

34. This measure has positive impacts for **age, disability, race, religion or belief**, and **sex** under limb 2. The measure has a neutral impact across protected characteristics for limb 1 (eliminating unlawful discrimination) and limb 3 (fostering good relations). The new policy position would apply equally across all children, with no evidence of negative impacts identified. Any disproportionate impacts on those groups with specific protected characteristics will likely be positive and serve to balance a currently disproportionate negative impact on these groups due to the impact of poor information sharing practices.
35. **Age:** There is some evidence that the needs of certain age groups, particularly under 1s, are more frequently missed and so the proposed changes may help to close the gap between these groups.
36. **Disability, race, religion or belief and sex:** Any disproportionate impacts will likely be positive in the context of limb 2 by serving to reduce a currently disproportionate negative impact on individuals within this group due to the impact of currently poor information sharing practices.

Employment of children

Policy context

37. Part III of the Children and Young Persons Act 1933 ("the CYPA 1933") sets out age limits and restrictions on the hours that children can work and the type of work

which they can be employed to do. It also makes provision for local authorities to make byelaws in connection with child employment, including in relation to child employment permits.

38. Local authorities currently have the power to make byelaws under s18(2) of the CYPA 1933. Local authority byelaws may, to a limited extent, relax some restrictions in s18(1), prohibit the employment of a child in any specified occupation and make provision in relation to child employment permits.
39. We are looking to amend the CYPA 1933, in England only, to:
 - a. Prohibit the employment for a child otherwise than in accordance with a permit. (This is already included in most, if not all, local authority byelaws.)
 - b. Permit a child to work until 8pm. (This is rather than 7pm, but still in line with international obligations.)
 - c. Remove the restriction on children only being allowed to work for two hours on a Sunday. (The overall number of hours a child can work in a week will however remain unchanged.)
 - d. Permit a child to work for an hour before school. (This is already allowed under most local authority byelaws.)
 - e. Replace the power for English local authorities to make byelaws in relation to child employment with a power for the Secretary of State to make regulations in relation to child employment in England. Regulations under this power may authorise the employment of 13-year-old children, make provision in relation to child employment permits (including the application process, what must be contained on a permit, revoking permits, or setting conditions and rights of appeal), and record keeping.

Equalities impact analysis

40. This measure will have a positive impact for the protected characteristic of **age** under limb 2. The positive impacts will come from the approach to child employment being standardised across England and across local authority boundaries. It will ensure that children and young people have the same opportunities to take up paid employment regardless of their local authority and where they live. The measure will therefore have a positive impact on the protected characteristic of age. It will also have a positive impact on fostering good relations between employees of different ages, the greater the exposure to others points of views will foster a greater understanding.

Supporting children with care experience to thrive

Kinship Local Offer Requirement (Information: children in kinship care and their carers)

Policy context

41. This measure will put into legislation the requirement for local authorities to publish a kinship local offer. This offer will detail the support available to kinship carers, and children living in kinship care arrangements. This measure aims to provide clarity and ensure that kinship families are aware of and can access the support they need.

Equalities impact analysis

42. This measure will have positive impacts on the protected characteristics of **age** (limb 2), **disability** (limb 2) and **sex** (limb 2).
43. **Age:** We have identified positive impacts for children and young people as well as for carers who tend to be older than parents (median age of kinship carers who responded to Kinship's 2023 household survey was 55-59, with nearly half (44%) of respondents aged 60 or over) and the 2021 census data found that most children living in kinship care (59.2%) lived with at least one grandparent, so the characteristics of potential kinship carers reflect that it is an older population. The legislation is likely to positively impact on kinship carers across various age groups, particularly older carers (such as grandparents). Providing them with information on financial support, respite care, and legal advice can alleviate the unique pressures they face, such as health concerns or retirement-related financial strains.
44. **Disability:** We have identified positive impacts for children affected, who are more likely to have a disability than children in parental households, and a positive impact for carers who are more likely to be deprived in the health/disability dimension than parents. Of all children living in kinship care, 11.9% were disabled under the Equality Act, compared with 6.6% of children living with at least one parent. Carers with disabilities will benefit from clearer information about the support available, including access to physical aids, adapted housing, and respite services tailored to their needs. Children with disabilities in kinship arrangements will benefit from clear and accessible information for their kinship carer to understand what support is available to them. The key consideration for the implementation of this duty will be to ensure that kinship local offers are accessible to people with disabilities, including accessible venues for in-person services, easy-read formats, and online information compatible with screen readers or other assistive technologies.

45. **Sex:** Children living in kinship care were very slightly more likely to be female than children living with parent(s) (50% vs 49%). Kinship's 2023 survey showed that 89% of respondents were female. Legislation is likely to have a positive impact by ensuring that women, who are often more likely to be a primary caregiver, know what support is available to them, including financial assistance and respite care.

Virtual School Heads (VSH) (promoting educational achievement)

Policy context

46. This measure will place a statutory duty on local authorities to promote the educational achievement of children who are on child in need plans, child protection plans and all children in kinship arrangements. For children with a social worker this will give Virtual School Heads (VSH) strategic oversight of the cohort, whilst for kinship children this will include both a strategic role whilst also a duty to provide information and advice, upon request, to parents, guardians, teachers, social workers and others. Making these roles statutory will ensure a consistency of the role nationally, ensuring these cohorts of children and young people will receive consistent support no matter where they live or are educated.

Equalities impact analysis

47. This measure has a positive impact across the protected characteristics of **age, disability, marriage and civil partnership, race** and **sex**, under all three limbs of the PSED.

48. **Age:** It is anticipated that the extension of the VSH role will create a more equitable environment for children with a social worker and children in kinship care, regardless of their age, by supporting education establishments to better understand the cohorts of these children, enabling more targeted support that considers their unique needs at different stages of their development.

49. **Disability:** The measure will help to advance the equality of opportunity between those who have an identified SEN and those who do not, for example through raised awareness of needs, delivery of training, and targeted interventions by education establishments. The extended role for kinship children will also include the provision of information and advice to support their educational attainment.

50. **Marriage or civil partnership:** Given the early intervention that the role allows for children with a social worker, and the evidence of impact through the provision of information and advice, it is anticipated that the measure will have a positive impact against the three limbs of the PSED test with regards to the protected characteristic of marriage or civil partnership. The extended role to kinship children mirrors the VSH role for previously looked-after children, which has been statutory since 2018. We have good evidence of the positive impact this has had for adoptive parents, through regular engagement with stakeholders including the

National Association of Virtual School Heads, Adoption UK and the Adoption and Special Guardianship Leadership Board.

51. **Race:** The extended VSH role may have the impact of addressing disparities, promoting cultural sensitivities and awareness, and reducing bias and discrimination on the basis of race.
52. **Sex:** Extending the VSH role may have positive impacts on the protected characteristic of sex by addressing gender disparities in educational outcomes among children with a social worker and kinship children, and promoting gender equality by encouraging practices that challenge stereotypes and create a more inclusive and supportive environment for all students. Given that there are over 9% more male children with a social worker than female, and as boys generally have poorer education outcomes than girls, especially in terms of literacy, it is anticipated that the extended role may facilitate improved support in this space.

Staying Close (provision of advice and other support)

Policy context

53. This measure will require local authorities to assess whether all former relevant children (young people who have previously been in care and meet the definition of former relevant child in section 23C of the Children Act 1989) (up to age 25) require the provision of Staying Close support (if it is in the interests of that young person's welfare). Staying close support is support provided for the purposes of finding and keeping suitable accommodation, and to access services relating to health and wellbeing, relationships, education and training, employment and participating in society. This support will be in the form of giving advice or information, or the making of representations.

Equalities impact analysis

54. This measure has a mostly neutral impact, but has a positive impact on **age** and **race** (limb 1). These duties will allow bespoke support to be delivered in ways that will allow better understanding of the needs of care leavers. This means support should be tailored to their specific needs – local authorities are subject to their own equalities duties which they must consider when complying with these new staying close duties. A dedicated programme of care will reduce them experiencing stigma or discrimination from a number of areas, for example, discrimination when attempting to rent accommodation. As with the local offer for care leavers, this legislation will help care-experienced young people access services provided by the local authority and its relevant partners and make best use of them.
55. **Age:** As of 31 March 2023, 26% of Children Looked After were aged 16+ with care leavers often saying that turning 18 is a 'cliff edge' with support significantly reducing at that point. We expect former relevant children up to the age of 25 to receive, as their assessed needs require it, support through a Staying Close

provision so there is better support for transition to adulthood, with improved outcomes in accommodation stability, wellbeing, education, employment or training outcomes, stronger relationships and support networks and independent living skills.

56. **Race:** Children from Black, Mixed and Other ethnic groups were over-represented in the numbers of Children Looked After. As 43% of care leavers have the protected characteristics of race, any additional support for this cohort provided by Staying Close should have a positive impact.

Local offer for care leavers

Policy context

57. This clause will require each local authority to publish its internal processes and procedures to ensure, as far as possible, a planned and supportive transition between care and independent living for all care leavers (as defined in section 2(7) of the Children and Social Work Act 2017).

Equalities impact analysis

58. This measure has a positive impact for the protected characteristics of **age** (limb 1) and **race** (limb 1).
59. The independent review of children's social care identified that many looked after children and care leavers felt they had experienced stigma and discrimination because of having been in care. Ensuring that local authorities have communicated across teams to create and publish information will allow better understanding of the needs of care leavers and may lead to more training for the professionals supporting them. A dedicated approach to their care will reduce experiences of stigma or discrimination from a number of areas, for example, discrimination when attempting to rent accommodation. It will improve their life chances through personalised support and increased accommodation stability.
60. **Age:** Care leavers often say turning 18 is a 'cliff edge' with support significantly reducing. A young person who is turning 18 and leaving a residential placement will have a clear idea of what support and options are open to them.
61. **Race:** Children from Black, Mixed and Other ethnic groups were over-represented in the numbers of Children Looked After. As 43% of care leavers have the protected characteristics of race, they are likely to benefit when leaving a placement to have better information to support their pathway planning and access to services.

Making the care system child-centred

Use of accommodation for depriving a child of their liberty

Policy context

62. This measure will provide a statutory framework to authorise the deprivation of liberty for children, where required to keep them safe, in provision which will provide treatment and care as its primary purpose. Currently the only way to deprive a child of their liberty (outside of other specific frameworks such as in relation to mental health) is through a Deprivation of Liberty Order (DOLO) via the High Court (often in unsuitable, unregistered placements) or alternatively be deprived of their liberty through a placement in a secure children's home that is designed for the purpose of depriving liberty. We plan to amend section 25 of the Children Act 1989 to ensure there is a statutory mechanism for court-authorized deprivation of liberty of a child within provision that is designed for the purpose of treatment and care and that is capable of depriving a child of their liberty if needed to keep them safe and in connection with their care and treatment. This change will ensure that children benefit from the safeguards and protections afforded by a statutory scheme and underpin the growth of the type of provision they need. We believe that without this change we will continue to fail to keep this vulnerable cohort safe or support them to get on well in life.

Equalities impact analysis

63. This measure has a positive impact across all three limbs of the PSED for the protected characteristics of **age, disability, gender reassignment, sex, and race**.
64. **Age:** There will be a positive impact particularly on teenagers 13-18 years old, which is the age group most likely to be placed in a secure children's home or under a DOLO. Children impacted by the policy will benefit from better outcomes and better integration with public life, advancing their equality in relation to others.
65. **Disability:** Mental health, emotional dysregulation and neurodevelopmental disorders are highly prevalent in children receiving DOLOs and so our policy will impact the cohort of children with multiple, complex needs. In bringing a deprivation of liberty for placements within this new provision into a statutory scheme, these children will have clearer safeguards for their rights, mandatory review points and parity in access to legal aid to those placed in secure children's homes. The policy also aims to increase the number of placements available for this cohort, with a wider policy aim of creating better long-term pathway planning for children with complex needs. The outcome of this will be that children are placed in homes that better meets their needs, and there will be a better understanding of the needs of children within this cohort, which includes a higher-than-average number of children with mental health or neurodevelopmental disorders.

66. **Gender reassignment, Sex, Race:** The policy will deliver treatment and care that will benefit these people compared to the current system. The positive impacts would be a) greater safeguards of their rights, b) placement in homes which better meet their needs and offer therapeutic input advancing their equality of opportunity and c) with a wider policy aim of creating better long-term pathway planning for children with complex needs. The outcome of this should be a better understanding of the needs of children.

Ofsted powers to issue monetary penalties

Policy context

67. This measure will expand Ofsted powers to issue monetary penalties for acts or omissions that constitute offences by or under the Care Standards Act 2000 – including non-compliance of the registration requirements (where the only current enforcement power is prosecution). Without registration, Ofsted cannot be assured of children's safety, wellbeing, suitability of staff or safeguarding practices as they have no ability to inspect against regulations which seek to ensure those practices. Ofsted would issue a monetary penalty following an investigation of those services, and Ofsted would need to be satisfied beyond reasonable doubt that the relevant act or omission has occurred. This would be an alternative to prosecution, which could still be pursued instead of the monetary penalty or for further breaches. We feel additional enforcement powers would mean Ofsted could publicly be seen to act against more illegal settings, and at greater pace than current powers allow.

Equalities impact analysis

68. This measure has a broadly neutral impact across the limbs and protected characteristics of the PSED. There are positive impacts under the 'eliminating unlawful discrimination' limb for **age, disability, race** and **sexual orientation**.
69. This change would provide the assurance these settings or providers adhere to current standards and regulations. Those regulations are designed to provide protections to these children, including dealing with harassment or victimisation.
70. **Age, race and sexual orientation:** Through better assurance mechanisms, the scrutiny of practices via inspection of registered providers will add protection against unlawful bullying and harassment.
71. **Disability:** As a high proportion of looked after children have disabilities or long-term health issues, this policy will increase assurance they are placed in accountable settings.

Children's social care agency workers

Policy context

72. This measure will create a regulation making power enabling the Secretary of State to introduce regulations to strengthen the existing regulatory framework on use of agency workers in local authority children's social care services. The intention is that the regulations may apply similar provisions to the current statutory guidance on the use of agency social workers in local authority children's social care services but to a broader cohort of workers within children's social care. Our analysis focuses on the equalities impacts for social workers, as the group to which the regulatory framework (set out in statutory guidance published in October 2024) currently applies. We will carry out further equalities analysis for other groups as regulations are developed and consulted on. Provisions are likely to include:

- Governance arrangements for supply of workers via a project team or packaged model to ensure that Local authorities retain oversight and clear accountability over the children's social care practice of workers not in direct employment of the local authority;
- Minimum notice periods to reduce instability caused by abrupt departures;
- Minimum post-qualifying experience e.g. current guidance stipulates all agency social workers should have at least three years post-qualified experience (PQE) working in direct employment of a local authority practising in children's social care in England; and
- Requirement to both seek and provide references for children's social care staff.

73. We will consult on draft regulations and make amendments to the existing statutory guidance as needed. The changes create a legally binding regulatory framework that will reduce costs to local authorities and promote consistent quality relationships between children and the professionals working with them.

Equalities impact analysis

74. There are two main cohorts affected by the measure – individuals working in local authorities' children's social care services in England, particularly those currently on agency assignments, and 'service users' – members of the public in receipt of support from local authority children's services in England via a child and family social worker.

75. This measure has neutral impacts for both cohorts under **gender reassignment, religion or belief, pregnancy and maternity** and **sexual orientation**.

76. There is a positive impact for service users under **age**. Local authority children's social care services support vulnerable children and families. The children's social care population includes children in need of support or protection, children in care

and care leavers. With the exception of care leavers, the population is entirely under 18. Introducing regulation on agency use will strengthen the quality of the social work workforce and reduce workforce instability which will lead to better outcomes for children. This will have a positive impact on children of all ages in this cohort.

77. While we have limited data on the protected characteristics of agency social workers in local authority children's services, we have identified negative impacts for individuals working in local authority children's social care services relating to **age** and **race** under limbs 1 and 2, and relating to **disability** and **sex** under limb 2 only. However, we consider this to be justifiable in the context of the mitigations we have set out.
78. **Age:** Regulating minimum experience requirements will have a greater impact on newly qualified workers who are more likely to be younger. Removing or restricting access to agency assignments for newly qualified workers that will remain available to older, more experienced workers, may limit their earning potential and ability to access flexible working conditions compared with more experienced peers.
79. **Race:** Statutory guidance currently defines minimum qualifying experience as three years in direct employment of one or more local authorities in England, practising in a child and family context while registered as a social worker with a UK regulator. This may mean that workers from outside of England are prevented from accessing agency assignments in English local authorities even though they may have equal or more experience under a different legal framework. As this cohort is more likely to be from an ethnic minority background, the minimum experience requirement is potentially discriminatory to those who have trained abroad and/or have experience outside work in English local authorities.
80. **Disability:** We do not have data on the prevalence of disability within child and family social workers. However, we do have data on the prevalence of disability in the wider social worker workforce. As of 30 November 2022, 9.5% of social workers on the Social Work England register declared a disability. 83.9% answered that they did not have a disability, 5% preferred not to say and 1.6% opted out.¹⁰ Responses to the consultation on introducing statutory guidance have indicated that primary factors causing social workers with disabilities or health conditions to leave permanent local authority employment and move to agencies are better work-life balance and increased flexibility. Reducing access to agency assignments in local authority children's social care services may therefore disproportionately impact this group.
81. **Sex:** The overwhelming majority of child and family social workers are female, therefore there may be an over-representation of females in the agency workforce.

¹⁰ [Social Work in England: State of the nation 2023](#), p. 57.

In 2023 nearly 9 in 10, or 87.7%, of child and family social workers were female. This is higher than the 76% seen in the teaching profession (in state-funded schools) and the 46% seen in professional occupations (including managers, directors and senior officials).¹¹¹² The consultation on introducing statutory guidance highlighted equality concerns for social workers who have a need for increased flexibility in relation to caring responsibilities.¹³ Therefore, there is a potential impact due to the prevalence of caring responsibilities in the female workforce and the rules potentially restrict equality of opportunity by reducing the usage of agency work as an alternative to local authority employment.

82. We will begin collecting data on agency use on a quarterly basis at local authority and regional levels from Spring 2025. By gathering regular and detailed information we can monitor the implementation of the current statutory guidance and the associated impacts. We will continue to use existing communication channels with the sector to identify any emerging equalities issues. We also plan to link the agency data collection to the annual workforce census which will give us further insight into protected characteristics from 2026. In addition, we will be working with local government so that social workers, including those with protected characteristics, currently supplied by recruitment businesses and working in local authorities can be offered the opportunity to transition to direct employment where they wish to do so. We will review the efficacy and impact of the statutory guidance brought into effect October 2024 as part of framing regulations made under this power.
83. There are mitigations on retention where we have worked with the sector to improve working conditions and create environments that embrace diversity and inclusion, so that all social workers are happy at work and are able to thrive. In January 2023 we launched the National Workload Action Group to identify workload drivers and develop solutions to reduce unnecessary workload so that social workers can spend more time in direct practice with children and families.
84. In addition, we have provided funding to the Local Government Association to deliver this year's Employer Standards Health Check which is designed to better understand the experience of social workers, occupational therapists, and non-registered social care professionals. The health check provides local authorities with information on the experiences of social workers with protected characteristics in their own authorities which they can also compare against published health check data that includes this information aggregated at regional

¹¹ In the teaching profession is from the 2022 Department for Education Statistics release '[School Workforce in England](#)

¹² In professional occupations (including managers, directors and senior officials) is based on figures, as defined under the [2020 Standard Occupational Classification](#), from the [2021 Census](#).

¹³ [Child and family social worker workforce: government response](https://assets.publishing.service.gov.uk/media/65364e940b53920013a92b5e/Child_and_family_social_worker_workforce_consultation_response_2023.pdf)
https://assets.publishing.service.gov.uk/media/65364e940b53920013a92b5e/Child_and_family_social_worker_workforce_consultation_response_2023.pdf

and national level. The health check went live in February 2024 and is a key part of our retention strategy.

85. In October 2024, we published resources that support local authorities in improving retention through the lens of the employer standards. This will include resources on flexible working, wellbeing and diversity and inclusion, as well as producing materials that support local authorities to procure and manage agency workers effectively and collaboratively. We know more needs to be done to create working conditions in local authorities that allow all social workers, regardless of their protected characteristics, to thrive. We are working with the sector to further develop and build on activity taking place to address this.
86. The regulatory framework aims to reduce costs to local authorities and improve stability and quality in the agency workforce, allowing local authorities the opportunity to re-invest costs saved in increasing recruitment and enhancing the offer to permanent employees will benefit the workforce. The improvement in the quality and stability of the agency workforce will have a positive impact on children and families in receipt of support from children's services. Therefore overall, we believe the impact of introducing statutory guidance and strengthening the regulatory framework on agency use is justifiable.

Protection for children aged 16 and 17 from ill-treatment or wilful neglect

Policy context

87. There is currently a gap in the legal framework meaning that it is not possible to prosecute individuals for the low level abuse (ill treatment or wilful neglect) of children aged 16 or 17 in regulated children's social care establishments.
88. This Bill closes a gap in existing legislation by ensuring the offences against low level abuse in the 2015 Act apply to children aged 16 and 17.

Equalities impact analysis

89. This measure has a positive impact for the protected characteristics of **age**, **disability**, **race** and **sex under all three limbs**, with a neutral impact on the remaining characteristics.
90. **Age:** There is currently a gap in protection for children aged 16 or 17 from low level abuse (ill treatment or wilful neglect in regulated children's social care establishments). This change will mean that individuals can be prosecuted for the low level abuse of children aged 16 or 17, as is already the case for those under 16 and over 18.
91. **Disability:** A child in care is three times more likely to have Special Educational Needs and Disabilities. Closing the legislative gap for children aged 16 or 17 to

protect them from low level abuse will have a positive impact on these young people, and outcomes for this group should be improved as a result of the revised policy.

92. **Race:** Children from Mixed ethnic groups were over-represented and children from Asian ethnic groups were under-represented in the numbers of looked after children.¹⁴ Children of White ethnicity account for 71% of looked after children, 10% were Mixed or Multiple ethnic groups, 7% Black, African, Caribbean or Black British, 5% were Asian or Asian British, 5% other ethnicities, and ethnicity was not known or not yet recorded for 1%. Overall, we expect this policy to have a positive impact on these young people, and outcomes for this group should be improved as a result of the policy.
93. **Sex:** This policy change does not directly discriminate on the basis of sex as it will apply to all children aged 16 or 17 in care in England and they will therefore benefit equally. However, given that males are slightly over-represented in the CLA population at 57% (compared to 51% in the overall child population), there may be a disproportionate positive impact on this group.

Provider Oversight Regime

Policy Context

94. This measure will strengthen Ofsted's regulatory powers to hold provider groups to account when there are quality issues in multiple children's social care settings they own. Provider oversight will allow Ofsted to issue a fine and/or refuse further registrations from the provider group if it does not implement the improvement changes that are required.

Equalities impact analysis

95. This measure has a positive impact across the protected characteristics of **disability, gender reassignment, race, religion or belief, sex and age**, across all three limbs. This is because the measure seeks to hold groups to account if there is poor quality and they are not acting in the interests of children, including where groups are not sufficiently adhering to action plans that could positively impact protected characteristics. This is the reason we can expect the proposed measure to impact the protected characteristics which are over-represented in the care system.
96. **Disability:** Generally, children in care are more likely to have disabilities compared to the general population and will therefore disproportionately benefit from the measure. At 31st March 2024, 54,510 CIN (13.6%) had a disability

¹⁴ [Ethnic group by age and sex in England and Wales - Office for National Statistics](#)

recorded¹⁵. At 31st March 2023, 58.1% of CLA pupils had Special Educational Needs (SEN)¹⁶, this is compared to 17% of all pupils.

97. **Gender reassignment:** Looked-after children, including those in foster care, are over-represented in gender identity services and will therefore disproportionately benefit from the measure. Many of these children also have other mental health needs or neurodiversity. New guidance emphasises the importance of involving parents in decisions about gender questioning and reassignment, and care providers are encouraged to ensure that any social transition is handled with care and in the best interests of the child.¹⁷
98. **Race:** White British children are the most represented group in children's homes. Black Caribbean children are significantly over-represented, being 20 times more likely to be in care compared to Asian Indian children, and will therefore disproportionately benefit from the measure. Asian children are almost three times less likely to be in care than White children and almost four times less likely than Black children.¹⁸
99. **Religion or belief:** The majority of children in care identify as Christian. A significant number of children are Muslim. There are also children who identify with other religions, including Hinduism, Sikhism, Buddhism, and Judaism. An increasing number of children identify as non-religious or secular.¹⁹
100. **Sex:** Boys are slightly more represented compared to girls, and for **sexual orientation** a significant number of children in care identify as LGBTQ+.
101. **Age:** The age range of children continues to be broad, typically from very young children (2 years old) up to 18 years old. The average age of children entering care for the first time is around 14 years.²⁰

¹⁵ Children in need, Reporting year 2024 - Explore education statistics - GOV.UK

¹⁶ Outcomes for children in need, including children looked after by local authorities in England, Reporting year 2023 - Explore education statistics - GOV.UK

¹⁷ <https://www.gov.uk/government/news/parent-first-approach-at-the-core-of-new-guidance-on-gender-questioning-children>

¹⁸ [Disparity and disproportionality Children Looked After COP NIROMP \(southeastclinicalnetworks.nhs.uk\)](https://www.togetherscotland.org.uk/news-and-events/news/2024/08/joint-letter-calls-for-children-s-right-to-opt-out-from-religious-observance-in-schools/)

¹⁹ <https://www.togetherscotland.org.uk/news-and-events/news/2024/08/joint-letter-calls-for-children-s-right-to-opt-out-from-religious-observance-in-schools/>

²⁰ <https://www.gov.uk/government/statistics/childrens-social-care-in-england-2024/main-findings-childrens-social-care-in-england-2024> <https://www.gov.uk/government/statistics/2024-child-health-profiles/child-health-profiles-2024-statistical-commentary>, Introduction to children's homes - GOV.UK (www.gov.uk)

Improve the children's social care placement market and tackle profiteering

Regional Care Co-operatives (RCCs) (regional co-operation arrangements)

Policy context

102. The government will support local authorities to work together to develop regional co-operation arrangements that are known as Regional Care Cooperatives (RCCs). RCCs will analyse the local and regional need for accommodation for looked after children and develop sufficiency strategies to address these needs. The government expects RCCs to work in partnership with health and youth justice services when carrying out strategic planning for looked after children's accommodation. RCCs will commission places for children in care, developing regional provision and working with local and regional providers to shape the children's care market. Through operating on a larger scale than individual local authorities and having specialist staff, RCCs will be able to develop a wider range of places for children to live. Our aim is that more children should live in a home that better meets their needs, ensuring greater stability (fewer changes of care placements and/or schools) and continuity of care (including health care).
103. The government is working with Greater Manchester and the South East regions to set up the first two RCCs. Its policy intention is to work with local authorities and partners to set up further RCCs on a voluntary basis. However, the problems in the children's social care market are significant and RCCs are one of the steps the government is taking to address them. Therefore, as a last resort, this measure would give the Secretary of State the power to direct local authorities to establish regional co-operation arrangements.

Equalities impact analysis

104. This measure will have a positive impact on the protected characteristics of **age**, **disability**, **religion and belief**, **sex**, and **sexual orientation** (all under limbs 2-3) and **race** (limbs 1-3).
105. **Disability:** A key aim for RCCs is to ensure more accommodation is available that better meets children's needs, including where children have particular health needs or disabilities.
106. **Race:** The RCC programme will support local authorities to meet their statutory duties to accommodate looked after children and ensure sufficient accommodation

for looked after children.^{21,22} Due consideration should be taken of the particular needs of the child, for example in relation to racial origin, cultural and linguistic background. This will help ensure children and young people aged 0-18 in the care system have a safe and stable home in the form of children's homes or fostering placements, enhancing their equality of opportunity (limb 2). The role of RCCs to support local authorities to meet their duties to looked after children will also have a positive impact on the protected characteristics of **age, religion and belief, sex, and sexual orientation**.

Financial Oversight Scheme

Policy context

107. To help ensure that placements are stable, we will introduce a new financial oversight scheme for children's social care. The scheme will increase financial and corporate transparency among the most 'difficult to replace' providers, allow for an accurate, real-time assessment of financial risk, and provide advance warning to local authorities if there is a real possibility that establishments or agencies may cease to be carried on because of any risks to their financial sustainability, so they can take swift action and minimise disruption to children.

Equalities impact analysis

108. This measure will have a positive impact across all protected characteristics across limb 2 and 3, apart from **pregnancy and maternity** where it will have a neutral impact.

109. **Age:** The scheme will promote an orderly process of exits that keeps disruptions to care and stability of children and young people's placements to a minimum. If a large or 'difficult to replace' children's social care provider unexpectedly failed financially, it could lead to them closing their provision suddenly, causing huge disruption to Looked After Children (LAC) who could lose their home and local authorities having to find new placements at very short notice which might not be the best fit for their needs. The financial oversight scheme seeks to guard against this risk and protect the placement stability of LAC. This will promote a more stable lifestyle for children and young people aged 0-18 in the care system and therefore advance their equality of opportunity (limb 2). An increased likelihood of placement stability will have a positive impact on promoting positive, stable, and long-term relations between LAC (age 10-18) and adults responsible for their care (limb 3).

²¹ Section 22A of the Children Act 1989 states that when a child is in the care of a local authority, it is their duty to provide the child with accommodation.

²² Section 22G of the Children Act 1989 places a general duty on local authorities to ensure there is enough accommodation in the local area to meet the needs of children that it looks after.

110. **Disability:** This policy will support local authorities to fulfil their statutory duties to provide sufficient placements for LAC, including placements that meet the needs of LAC with disabilities. Furthermore, the scheme will include dual registered residential special schools where providers or their owners meet the entry criteria.
111. **Gender reassignment:** In the event that financial failure of providers or their parent companies is a real possibility, the scheme will support local authorities to meet their existing statutory duties to ensure there is sufficient provision in their area to meet the needs of children in their care, as well as find placements to meet the child's needs. This should consider the identity of a child, including those who have reassigned gender. We expect the scheme to promote stable placements for LAC with reassigned gender which will support equality of opportunity and the maintaining of trusting and stable relationships between LAC who have reassigned gender and those who care for them (social workers, foster carers, care providers).
112. **Race:** We expect that the scheme will support local authorities by giving them more warning of financial failure, which will enable them to find suitable placements whereby children can remain close to their cultural communities. As such, there will be a positive impact on limb 2 and 3 for LAC who are of a minority ethnic background. We also expect the scheme to guard against the negative impacts of placement instability for Unaccompanied Asylum Seeking Children.
113. **Religion or belief:** The scheme will support local authorities to meet their duties to looked after children, which includes making placements that consider the identity of a child. LAC from particular religions may have specific needs such as specific dietary requirements, or proximity to place of worship.
114. **Sex:** The scheme will guard against the negative impacts associated with financial failure of 'difficult to replace' providers on both males and females in the care system – but as there are slightly more LAC who are male, this demographic will benefit disproportionately. This will have a positive impact on both promoting equality of opportunity (limb 2) and fostering positive relations (limb 3).
115. **Sexual orientation:** The scheme will support local authorities to meet their duties to LAC, which includes making placements that considers the identity of a child. This will help to ensure children have their needs met regardless of sexual orientation and are placed in provision that respects identity and sexual orientation of the child in care. Therefore, there is a positive impact on limbs 2 and 3 of the PSED.

Future children's social care profit cap

Policy context

116. In some instances, there is a lack of transparency in the prices charged to local authorities for children's social care placements, and it is often unclear the extent to which these prices accurately reflect the quality of provision. High and

increasing costs and regulatory gaps in the market cannot be allowed to continue. We want to ensure a placements market that works at a local, regional and national level, delivering high quality care that is affordable for local authorities so that they can meet the needs of the children in their care. We also want the market to function effectively to ensure providers are not making excessive profits off the back of our most vulnerable children. We are therefore taking the power to cap the profits of children's social care providers in future, if our wider package of interventions in the looked after children's placement market do not work.

Equalities impact analysis

117. This measure will have a positive impact on limb 2 (advancing equality of opportunity). The profit cap, if implemented in the future, would limit profit-making in the children's social care placements market. As a result, providers may choose to invest to increase the quality of their provision, for example by providing higher wages and better training to staff, or by improving the services and facilities they provide. They may also lower the placement costs they charge to local authorities and reduce their profits that way. The money saved by local authorities could potentially be invested in other services, potentially decreasing the likelihood that children will need to come into care in the first place. This therefore may have a positive impact on the protected characteristics of **age** (limbs 1-3), disability (limbs 2-3), **race** (limbs 2-3), **gender reassignment** (limbs 2-3), **religion and belief** (limbs 2-3) **sex** (limbs 2-3), and **sexual orientation** (limbs 2-3) through its impact on looked after children.

Schools measures

Removing barriers to opportunity in schools

Breakfast Clubs

Policy context

118. This measure means every state-funded school in England with primary aged provision will be under a duty to, as a minimum, secure a club that is at least 30 minutes in duration, includes food, and is free and open to all pupils in Reception to Year 6 on roll at the school. The minimum breakfast club requirements will be set out in law, providing certainty for parents on the offer. School absence has doubled since the pandemic, teachers are reporting an increase in disruptive behaviour by pupils, and pupils' self-reported sense of belonging at school has decreased. At the same time, rising food insecurity and the high cost of before-school childcare are putting significant pressure on families and impacting children's ability to achieve at school. In 2022/23, 17% children in England lived in food-insecure households, increasing from 12% the previous year. Parents are also struggling to find affordable childcare that meets their needs.
119. In addition, this measure seeks to extend the statutory duty to comply with the school food standards, to ensure the Requirements for School Food Regulations 2014 apply in their entirety, to all Academies (primary and secondary) and mirror the regulatory framework for maintained schools. It is a long-standing policy position that all academies should follow the regulations in full and this amendment seeks to formalise this position.

Equalities impact analysis

120. Breakfast club measures have a positive impacts across the protected characteristics of **sex, disability, race, and religion or belief** under limb 2.
121. **Sex:** We know that many women who do not work full time have cited childcare as a barrier to rejoining the workforce, therefore we expect single parents, the majority of whom are women will be the primary beneficiaries of this policy. The policy is likely to have a positive impact on equality of opportunity, as ensuring there is an adequate supply of childcare places is a factor in mothers having choice over their next steps after maternity leave. This may reduce the traditional caregiving burden on women, allowing them to participate more fully in the workforce. Although this may also have a negative impact as the workforce is predominately women therefore creating an additional burden.
122. As with parents, this measure will have a positive impact on members of the workforce as they will benefit from an increased childcare offer, enabling them to increase their hours where appropriate. As wraparound in schools is

predominantly staffed by support staff (including teaching assistants, kitchen staff and lunchtime supervisors) which are predominantly female, we expect this is likely to increase opportunities to increase working hours primarily for women or single parents.

123. We also anticipate this programme having a positive impact on mothers in the workforce where childcare is a barrier for increasing hours.

124. **Disability:** We consider that there will be a positive impact for children with Special Educational Needs and Disabilities (SEND), as these children are more likely to benefit from the socialisation of breakfast clubs. There may be accessibility issues, including in relation to transport for this group, however mitigations will be made clear within the statutory guidance.

125. **Race:** Some ethnic groups are more likely to live low-income families. Overall, we therefore assess that the proposed policy will have a positive impact on race because it disproportionately supports low-income families, by enabling children to start the day ready to learn and reduces the number of primary school aged pupils starting the school day hungry, thus enabling more children to start the day ready to learn.

126. **Age:** While this measure could be seen as discriminating against secondary aged pupils given this policy is focused on primary age only, this is mitigated by plans to stimulate the existing breakfast club market to support secondary school pupils without government funding, and we will keep this under review. The decision to target primary schools supports the government's priority to deliver the best start in life to all children.

127. Breakfast club measures are potentially of more valuable benefit for working aged parents as they will have access to free or low-cost before-school childcare. The minimum breakfast club requirement is free breakfast food and at least 30 minutes before-school childcare for primary aged children. For those currently using them intensively, breakfast clubs can be a noticeable cost for families: based on recent patterns of usage and spending, a parent whose child attends an average breakfast club five days a week during term time would spend on average around £760 each year. A proposal to provide free breakfast clubs could save these families a meaningful amount.

128. In relation to School Food Standards (SFS), the Department's public policy position since 2014 has been that the standards apply to all academies in full as if they were maintained schools, we do not believe that bringing the legislative position in line with that will materially impact many schools and therefore many pupils with protected characteristics. That said, making this change may lead to changes in food provision for these schools during the rest of the school day. Overall, we think this change is likely to be positive for all pupils, including those with certain protected characteristics under limb 2, as it means they are more likely

to be offered healthy and nutritious food at school whenever food is made available.

129. We judge that there may be some negative impact on pupils with a disability where they have a particular challenge with some foods, if this change means the school limits the food made available. Schools are required, however, to make reasonable adjustments for pupils with disabilities, so we judge this impact to be minimal.

School Uniform

Policy context

130. This measure delivers the government's manifesto commitment to reduce the cost of school uniform by placing a limit on the number of compulsory branded items schools are able to require as part of their uniform (including PE uniform).

Equalities impact analysis

131. This measure has positive impacts across the protected characteristics of **race** (limb 2), **age** (limb 2 and 3), **disability** (limbs 2 and 3), **sex** (limb 2), **gender reassignment** (limb 2), **pregnancy and maternity** (limbs 2 and 3), and **religion or belief** (limb 2).

132. **Race:** Overall, we consider the impact of this measure on people belonging to minority ethnic groups will be positive. In 2023/24, 37% (37.4% in primary schools and 36.6% in secondary schools) of pupils in England were from an ethnic minority background.²³ This measure is likely to result in reduced school uniform costs. These savings would most benefit those on a low income. Some ethnic groups are more likely to live in income deprived communities and it is likely that the cost savings from school uniforms will disproportionately benefit these groups. A key objective of the measure is to allow parents increased choice. However, there is a risk that some parents will prioritise buying generic uniform items which are low cost and which could increase their total uniform costs over the school career as replacements might be needed more frequently. This would disproportionately affect low income families who are less able to afford the upfront costs associated with purchasing high quality uniforms at the start of the school year.

133. For the characteristics of **disability** and **religion or belief**, removing the number of branded items means increased flexibility of the fabrics, styles and adaptive clothing available for pupils in the open market, and a reduction in the cost associated with branded religion-specific items.

²³ [Schools, pupils and their characteristics, Academic year 2023/24 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

134. Although this measure will not necessarily result in parity of costs in uniform for boys and girls (daywear uniform costs for girls tend to be higher than those for boys, whereas boys' P.E. kit is often more expensive than girls' P.E. kit), it will make uniform cheaper for parents of both so has an overall positive impact for the characteristic of **sex**.
135. There is a positive impact for **gender reassignment**, where pupils who share the protected characteristic may need to buy additional uniform items so will benefit from the reduced cost (although we do not collect data we anticipate the number of pupils with this protected characteristic will be very low and many schools already operate a gender neutral uniform policy).
136. There is a similar benefit for **pregnancy and maternity** where increasing the amount of generic items will allow pregnant pupils to prioritise cost when purchasing uniform, as well as choose items that are more suited to their needs.

Creating a safer and higher quality education system for every child

Children Not In School and associated safeguarding measures

Policy context

137. This legislation will:

- a. Create compulsory registers of children not in school (CNIS) in each local authority area in England, and a duty on local authorities to support the children on their registers.
- b. Introduce changes to the School Attendance Order process to make it more efficient, reducing the time children may spend in unsuitable education (this process will also be used where parents do not comply with their new duty to provide information for CNIS registers).
- c. Create a requirement whereby a parent will need local authority consent to home educate if a child registered at a school is:
 - i. subject to an enquiry under Section 47 of the Children Act 1989, or
 - ii. on a child protection plan, or
 - iii. at a special school maintained by a local authority, special academy or non-maintained special school, or at an independent school which is specially organised to make special educational provision for pupils with special educational needs, where the child became a registered pupil at that school under arrangements made by the local authority.
- d. Create a power whereby if a child is subject to a s47 Children Act enquiry or on a child protection plan and is already being home educated, the local authority will be able to require them to attend school.
- e. Introduce a requirement for local authorities to consider the home environment and other learning environments when determining whether or not children should be required to attend school.

Equalities impact analysis

138. This measure has positive impacts across the protected characteristics of **age** (limbs 2 and 3), **disability** (limb 2), **race (limbs 2 and 3)**, **religion or belief** (limbs 2 and 3), and **sex** (limb 2).

139. **Age:** older children are likely to be disproportionately impacted by this measure, as over a third of children in receipt of elective home education (EHE) were

expected to be in either year groups 10 or 11.²⁴ Some children within this age cohort will take exams, such as GCSEs, and the local authority support duty could include advice and information on accessing these (where currently no such duty exists).

140. There will also be a positive impact for children of compulsory school age who are subject to a section 47 enquiry, on a child protection plan, and/or is at a special school maintained by a local authority, special academy or non-maintained special school, or at an independent special school under arrangements made by a local authority.

141. Parents of these children will be required to seek consent from the local authority before their child can be removed from school to be home educated. These children will benefit from additional oversight, which will help ensure they are in the education setting that is in their best interests and is suitable. While these measures will not directly impact children who are not of compulsory school age, the other safeguarding measures to be included in the Children's Wellbeing and Schools Bill will complement and support wider multi-agency child protection and safeguarding approaches. These include, through multi-agency child protection teams (MACPTs), access to a range of specialist expertise and support in relation to child protection needs and will therefore positively impact on all children and young people, through ensuring they are appropriately protected regardless of their age.

142. The measures may also have a positive outcome on these children's educational outcomes. As of March 2024, children on a child protection plan and in each of the Child In Need (CiN) social care groups were half as likely to achieve the expected standard at Key Stage 2 compared to the overall pupil population. Children in the key social care groups also perform less well than their peers across all Key Stage 4 measures. Furthermore, pupils on child protection plans had the highest proportion of pupils (57.5%) who were persistent absentees.²⁵

143. **Disability:** 15% of EHE children recorded by local authorities in October 2023 had an additional requirement of Special Educational Needs (SEN) support, while 5% of EHE children had an EHCP. This compares with 13% and 4% respectively for the overall school population.²⁶ In March 2023, pupils in the key social care groups were over twice as likely to have a special educational need (SEN) than the overall pupil population.²⁷ As of March 2024, 13.6% of CIN had a recorded disability²⁸ and children with multiple vulnerabilities (including an open children's services episode and identified SEN need) have been found to have lower Key

²⁴ [DfE's 2023-2024 Elective Home Education and Children Missing Education data collection](#)

²⁵ [Outcomes for children in need, including children looked after by local authorities in England, Reporting year 2023 - Explore education statistics - GOV.UK](#)

²⁶ [2023-2024 EHE/ CME data collection](#)

²⁷ [Outcomes for children in need, including children looked after by local authorities in England, Reporting year 2023 - Explore education statistics - GOV.UK](#)

²⁸ [Children in need at 31 March by recorded disability and local authority](#)

Stage 4 outcomes than the general population.²⁹ The duty on parents to provide information for local authority CNIS registers may help ensure that children who may require additional support due to disabilities or other SEN are identified. Local authorities will have a duty to provide support through advice and information to these children should their parents request it. We anticipate that the measures aimed at requiring consent to home-educate for children in school who are subject to a s.47 enquiry, on a child protection plan or are at a special school maintained by a local authority, special academy or non-maintained special school, or at an independent special school under arrangements made by a local authority to have a positive impact on those children by virtue of this protected characteristic under limb 2. This measure is intended to help ensure that those children cannot be moved into a potentially unsuitable learning environment, where they will not receive a suitable education and/or would be at risk of harm. As a result, those children who are potentially more vulnerable due to their SEN will have access to more equality of opportunity.

144. Religion or belief: Anecdotally, we know that some children whose parents claim to be home educating them are attending full-time unregistered settings that teach a solely religious curriculum. Children in these settings are unlikely to be in receipt of a suitable education because one of the factors that constitutes a suitable education according to the Department's EHE guidance is that it should enable a child to participate fully in life in the UK, and an education that does not feature literacy and numeracy suitable to a child's age, ability, aptitude and, if relevant, their SEN, for example, will not do so.³⁰ This measure will enable local authorities to better identify the children who are attending these institutions as parents will be required to provide information on how and where their child is being educated and for how long. Anecdotally, we have been made aware that some of these institutions are not suitable environments for education – for example, due to poor health and safety or safeguarding practices. Where this is the case, children in these institutions will benefit from the proposed duty for local authorities to consider the suitability of home and learning environments when considering whether the education as a whole is suitable. Additionally, where local authorities then identify that these children do not appear to be receiving a suitable education, the improvements to the School Attendance Order process will ensure that these children are registered at a school more quickly, minimising the time they spend in receipt of an unsuitable education or no education, or at risk of harm. The government's wider ambition to ensure that schools are welcoming, engaging and inclusive spaces for all pupils will help these children to thrive at school. Children who are receiving a suitable education (which can include religious teaching, but it cannot be all it includes) in a suitable and safe learning environment will not be required to attend school via a School Attendance Order.

²⁹ [Technical report: Key Stage 4 Outcomes for different groupings of disadvantaged and vulnerable children](#)

³⁰ [Elective home education - GOV.UK](#)

145. **Race:** through our engagement with local authorities and groups that represent EHE families, we recognise that the CNIS proposals may have a disproportionate impact on those of Jewish ethnicity and the Gypsy, Roma, Traveller (GRT) community. We are aware there may be concerns among GRT and Haredi Jewish families that CNIS registers may curtail rights to instil in their children their cultural and religious values and beliefs. The CNIS proposals will not provide local authorities with additional powers to mandate the content of home education. Families can continue to teach in line with their values and culture provided that the education being received by the child is suitable and, in cases where a child is on a child protection plan or subject to a section 47 enquiry, it is in the child's best interests to receive education otherwise than at school.

146. In the Autumn 2023 EHE data collection, local authorities recorded that 4.6% of the EHE population were known to them to be GRT. This is in comparison to 0.4% of children recorded to be GRT in the school population.³¹ Mandatory CNIS registers in each local authority will help local authorities build a better picture of GRT families who are home educating in their areas and the support they might need to ensure their children receive a suitable education. The local authority support duty included in the CNIS proposals will ensure that if GRT families whose children are included on CNIS registers request support from their local authority that the authority will be required to provide some form of support. This could help narrow the attainment gap between GRT children and children of other ethnicities (where, for example, in the 2018 and 2019 school year, 19% of White Gypsy or Roma pupils, and 26% of Irish Traveller pupils met the expected standard in key stage 2 reading, writing and maths. These were the 2 lowest percentages out of all ethnic groups).³²

147. We have considered whether ethnic minority children and families may be disproportionately impacted by the requirement for parents to gain local authority consent before they can home educate their child if they are subject to a s. 47 enquiry or on a child protection plan. There is evidence that ethnic minority children are over-represented in children's social care. For example, research published in 2022 found that Mixed and White ethnicity children had the highest rates of conversion from a children's social care referral to a child protection plan (15% and 13% respectively)³³. After controlling for children's demographics and social care history, children of Mixed White and Black Caribbean ethnicity were around 30% more likely than White British children to have a child protection plan following a referral.³⁴

³¹ [Schools, pupils and their characteristics, Academic year 2023/24 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk).

³² [Gypsy, Roma and Irish Traveller ethnicity summary - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://ethnicity-facts-figures.service.gov.uk)

³³ [Ethnicity and children's social care](#)

³⁴ (Ibid.)

148. We believe that the local authority consent proposal will result in a positive impact under limb 2 for children from ethnic minority backgrounds. Alongside other measures to establish MACPTs, increase the involvement of education settings in safeguarding and strengthen multi-agency information sharing, it will help ensure appropriate multi-agency identification, oversight, decision-making and support of and for all children at risk of harm - both inside and outside of the home.
149. We will encourage families to engage with registers by publicising the message that CNIS registers will not impact families' ability to teach in line with their values (provided that the education being received by the child is suitable) during the legislative process, in the run-up to implementation, and post-implementation through relevant stakeholder networks.
150. However, we recognise that despite these efforts some families may still choose to not engage with CNIS registers. These families are likely to be negatively impacted as they will be subject to sanctions for not providing information for the registers. However, the sanction is that the School Attendance Order process will be initiated, and this process gives families the opportunity to provide evidence that their child is receiving a suitable education. It is not intended to criminalise parents, and parents will only be committing an offence if they breach the order by removing their child from the school or failing to enrol at the school named in the order without following the proper procedure of having the school attendance order revoked or amended.
151. We also recognise that some parents may wish to engage with the registers but could face additional difficulties in doing so. For example, there may be a negative impact on parents of eligible children who do not have reliable access to the internet where local authorities request forms to be completed online. This could impact ethnic groups who are nomadic, but also Haredi Jewish communities where internet usage is discouraged. There could also be accessibility issues for parents of eligible children whose first language is not English. We will aim to mitigate these negative impacts by building on current practices for similar registers, such as the electoral register, where there are existing systems that enable nomadic people to provide information for example. We will also engage with community representatives to understand which potential solutions might work best for various groups, and then highlight these solutions in our statutory guidance to local authorities (which will be publicly consulted on), so they can consider how best to publicise the registration duty and make it accessible to all eligible families in their areas.
152. **Sex:** The 2023/2024 EHE data collection records that 51% of EHE children were reported as female and 48% as male. This compares to 49% of the overall school population as female and 51% as male as of January 2023. This means that female children are likely to be slightly over-represented in EHE and therefore, where the CNIS proposals aim to ensure less children slip under the radar and more receive a suitable and safe education, there may be a slight disproportionate positive impact on female children.

153. Anecdotally, we hear that most home-educating parents are women and therefore in practice the burden of ensuring that their child receives a suitable education falls to them (even if, in law, the duty sits with both parents). The new duty on local authorities to provide support to home educating parents whose child is registered on their CNIS registers may, therefore, also have a disproportionate positive impact on home educating women.
154. There may also be a positive impact on male children in the Haredi Jewish community. We know that many of these children are currently not attending registered schools (further detail on this is included in the Independent Education and School Safeguarding section). The CNIS registers will help identify these children; and the improvements to the SAO process (such as the requirement for local authorities to consider the home and other learning environments when determining whether or not children should be required to attend school) will better enable the local authority to take action if it appears that they are not receiving a suitable education or, where relevant, home education is not in their best interests.
155. We know that there are slightly more boys than girls in the children's social care system (as of March 2024 55% of Children in Need were male, compared to 51% of the overall child population).³⁵ Males are also over-represented in relation to certain harms (such as child criminal exploitation), whilst females are over-represented in others (such as child sexual exploitation). It is important to note, however, that children of both sexes can experience all types of extra-familial harm.
156. These and wider safeguarding Bill measures will improve the identification and response to all types of harm, regardless of gender. For example, MACPTs will be expected to respond to all harm types, embedding a child protection system that ensures that children at risk of or experiencing significant harm are protected and the needs of all families are met in the wider system. The increased involvement of education settings in safeguarding will also strengthen information-sharing and multi-agency identification of and support for all children at risk of significant harm.

Independent Education and School Safeguarding (IESS): Enforcement powers – power of suspension for independent educational institutions

Policy context

157. This measure will introduce a new legislative power to temporarily suspend the registration of an independent educational institution. This would supplement and support our existing powers to close a school via deregistration but allowing the

³⁵ [Children in need, Reporting year 2024 - Explore education statistics - GOV.UK](#)

Secretary of State to instead suspend an institution's registration for up to 12 weeks (extendable for further tranches of up to 12 weeks as needed). In addition, there will be a power to impose a "stop boarding" requirement to be used in conjunction with suspension of registration. It will be a criminal offence for the proprietor to provide education or supervised activity at an institution whilst registration is suspended, or boarding is provided in breach of a stop boarding requirement. The powers will give the department greater flexibility to act in cases where an independent setting, through failing to meet the ISS, is placing children at risk of harm.

Equalities impact analysis

158. This measure will have a positive impact for the protected characteristics of **age**, **disability**, **race**, **religion or belief**, **sex**, and **sexual orientation** under limb 2. This proposal makes it easier for the Secretary of State to intervene against any independent school which, in not meeting the ISS, is placing children at risk of harm. While it cannot be anticipated which schools will be intervened against in this way, this measure will protect children who attend any school which is subject to this measure. These children, some of whom will share a relevant protected characteristic, will receive a safer education as a result. .

159. The intended effect of the proposals is that settings which present a risk of harm to children will have their registration suspended, thereby preventing any continuing risk to the children attending that school. The settings which are most likely to be the subject of the new powers here have, in the past, often been predominantly or entirely attended by children with special educational needs. There will be a positive impact if the children concerned receive a safer education, either at an improved setting following a period of suspension, or at an alternative setting, albeit with a great short-term impact on these children (and their families) from their education being disrupted.

160. However, we are content that this short-term disruption is justified by the need to ensure that all children receive a safe education, and this measure will bring long-term benefits towards that aim. It is also unacceptable that a regulatory system which is designed to secure improvement should allow schools not meeting the regulatory standards, and thereby, placing children at risk of harm should be allowed to continue to operate in ways which place children at risk.

IESS: Material change regime

Policy context

161. Registered independent schools must seek the Secretary of State's approval before making certain changes. These "material changes" are changes: of proprietor, address, age range, capacity, whether a school is single sex or co-educational, whether it has boarders and whether it admits children with special

educational needs. This system ensures that registered independent schools cannot vary their operations beyond those for which they were originally registered (e.g. a school originally registered to cater for 100 children cannot, without approval, cater for 1000).

162. Instead of it being a material change to admit or cease to admit pupils with SEN, it will become a material change to become or cease to be a ‘special institution’ (i.e. one specially organised to make special educational provision for students with special educational needs) and in the case of such an institution, to change the type(s) of special educational needs that it caters for. These changes will therefore require prior approval from the Secretary of State.
163. It will also become a material change when an institution starts to occupy a building, for student use, for a period of six months or more (or ceases to occupy such a building for more than six months) and therefore prior approval from the Secretary of State will be required.
164. The discretion to approve an application for material change will be changed. At present, we are unable to approve a material change if we cannot be satisfied that the institution will meet the relevant standards following the change, even if in our opinion the change is beneficial for the children educated at the school. The Bill will allow an application to be approved in such circumstances, provided the standards are likely to be met within a reasonable time.
165. We wish to increase our available regulatory options in situations where an institution has made an unauthorised material change. The only legislative recourse at present, directed at unapproved material changes, is for the Secretary of State to de-register the institution. This would have a significant impact, not least to the pupils attending the institution, disrupting their education. Consequently, it is rarely considered except in the most egregious case. A relevant restriction can prevent an institution admitting new pupils, from making use of any part of its premises or from carrying on certain parts of its operations. It is, therefore, a more flexible tool, has the potential to be a proportionate response to an unapproved material change and is one that may be directed at addressing associated breaches of the standards related to, for example, the quality of education or the safeguarding of pupils.

Equalities impact analysis

166. This measure will have a positive impact on the protected characteristic of **disability** under limbs 2 and 3. The SEN aspect of the proposals should lead to better regulation of independent settings specially organised for SEN (for example, by allowing them to expand into other types of SEN provision only if they have suitable arrangements), to the benefit of prospective pupils. This would increase their equality of opportunity by making it more likely that their education will be suitable for their needs.

167. A negative impact on **disability** under limb 3 has been identified, as proposals may limit the choice of setting more restricted since settings will not be permitted, without prior approval, to cater for children with special educational needs, but approval will only be refused where a setting is not making appropriate provision for SEN. This is balanced by the benefits of ensuring the settings used are safer and better suited for pupils. Although the proposals might mean that some families are unable to have children attending the setting they wish, the department's view is that it is in children's long term interests that their special educational needs are met by settings properly organised to deal with their needs in order that they receive a more suitable education to better equip them for the opportunities they get from education and in adult life.

IESS: Enforcement powers – appeals

Policy context

168. This measure will change how an appeal against a decision to deregister an independent educational institution, because of breaches of the regulatory standards. is determined. This measure will reshape how the First-tier Tribunal (“the Tribunal”) considers appeals against such decisions. In particular, the Tribunal will have to have due regard to whether the institution will meet the standard on an on-going basis and the burden of proof will be placed on the appealing proprietor to demonstrate this. This will mean that appeals in these cases may be resolved more quickly and failing schools closed sooner.

Equalities impact analysis

169. This measure will have both a positive impact on the protected characteristics of **religion or belief** and **race** under limb 2, and a negative impact on those same characteristics under limb 3. The group specifically impacted will be those persons of Jewish, Muslim and (some variants of) the Christian faith, and those persons of racial groups most likely to adhere to the faiths listed above.

170. The intended effect is settings which consistently fail to meet the regulatory standards over a significant period should be closed more easily, thus preventing the children attending them from receiving a poor education for many years, amongst other things. Such settings have often been predominantly or entirely attended by children with the stated characteristics. Similarly to suspension of registration and boarding, to some extent this proposal should also have a deterrent effect by encouraging proprietors to improve and consistently meet the standards, with the knowledge that they have a lesser chance of succeeding on appeal against de-registration.

171. These proposals may lead to more settings being closed, which are wholly or predominantly attended by children with the stated protected characteristics, because they cannot meet the Independent School Standards (ISS). Closure

would involve disruption to the education of children attending those settings (even if it is ultimately intended to secure them a better education), to the families of such children if they need to make alternative arrangements for that education, and to the owners and staff of such settings, most of whom will be likely to 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 (just as if they remained in unregulated full-time settings) if they are provided with a relatively poor standard of education then that would affect their equality of opportunity as this education would be less safe and suitable than that provided to children attending schools which do meet the ISS. If the deterrent to proprietors works in some cases, then in those instances this negative effect would be less likely to arise.

172. 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 terms of the education the children concerned would receive over their whole time at school. In the longer term the better education received should advance equality of opportunity for the children concerned. It is also unacceptable that a regulatory system which is designed to secure improvement should be subverted over significant periods by settings deliberately, or being incapable of, not meeting the standards, and in doing so disadvantage the children affected, or potentially put them at risk.

IESS: Suitability of proprietors

Policy context

173. This measure will create a power to amend the Independent School Standards (“ISS”) to stipulate a standard that permits the Secretary of State to determine whether an individual is a “fit and proper person” before approving them as an individual independent school proprietor or, for example, Chair of a proprietor body. Further express powers are also to be provided to make standards that require the proprietor of an independent educational institution to have regard to guidance issued, or a document published, by the Secretary of State.

Equalities impact analysis

174. This measure will have a positive impact on the protected characteristics of **religion or belief** and **race**, specifically those persons of Jewish, Muslim and (some variants of) the Christian faith, and those persons of racial groups most likely to adhere to the faiths listed above.

175. This measure will have a positive impact against all three limbs of the public sector equality duty. This is because it will help ensure that those in charge of independent schools are suitable for this role and for ensuring that the ISS are met. Meeting the ISS will bring positive benefits against the first limb of the PSED,

since some of the standards are concerned with the removal and prevention of discriminatory behaviour in schools. Similarly, this measure will bring positive benefits against the other two limbs of the PSED by reducing the number of children who, as a result of attending a school overseen by an unsuitable proprietor receive an unsafe and poor-quality education. These benefits through this measure both by providing a mechanism whereby those not deemed by the Secretary of State to be “fit and proper” to be an individual proprietor, or have responsibility for a proprietor body, of an independent school will be prevented from being so, and by having a deterrent effect. With the knowledge that they have a lesser chance of succeeding at becoming a proprietor, or being involved in the proprietor body, of an independent school, potentially “unsuitable” individuals will be discouraged from making such an application.

IESS: Inspectorate (Ofsted) powers

Policy context

176. This measure will give Ofsted greater powers to investigate certain potentially criminal behaviour in connection to independent schools (and any other independent educational institution). We will also strengthen a court’s powers with regards to individuals who have acted in ways which have put children at risk of harm and been convicted for conducting an unregistered independent educational institution.

Equalities impact analysis

177. This measure will have a positive impact for the protected characteristics of **age**, **disability**, **race**, **religion or belief**, **sex**, and **sexual orientation** under limb 2.

178. The purpose of this change is to facilitate the investigation and identification of settings where a relevant criminal offence (as specified in the legislation) is being or has been committed, or that evidence of the commission of a relevant offence may be found, and children may be at risk of harm as a result. Being able to better identify and so act against such settings will mean that more children attend settings which are registered (and so subject to regular inspection against agreed standards) or attend settings which are not operating in accordance with regulatory restrictions places on them with the aim of keeping children safe. These children, some of whom will share a relevant protected characteristic, will receive a higher-quality, safer education as a result.

179. Further, since this policy makes it easier to identify criminal behaviour which puts children at risk of harm it also increases the disincentives for this behaviour happening in the first place. The prevention orders will further limit children’s exposure to individuals that have operated unregistered schools and may try and do so again in the future. As a result, fewer unlawful schools should begin operation, and fewer registered schools should breach relevant restrictions placed

on them (and work harder to avoid a situation in which a relevant restriction is justified). This should further reduce the number of children who receive their education in settings which are acting unlawfully and in ways which are placing children at risk of harm.

180. This policy should therefore bring benefits to all children who currently attend settings which are not abiding by the regulatory regime intended to keep children safe, and any children attending such settings in future. The parents of these children should also benefit from their children receiving a safer education.

Independent Education and School Safeguarding (IESS): Registration of full-time settings (expanding the scope of regulation)

Policy context

181. Chapter 1 of Part 4 of the Education and Skills Act 2008 (“the 2008 Act”) concerns the regulation and inspection of independent educational institutions, which include independent schools. We wish to change the settings which are regulated in this way so that the legislation applies not only to independent schools but more full time educational settings (which are not schools). In addition, we are removing the possibility of some part-time educational institutions being regulated under Chapter 1 of Part 4. There will be no practical impact from this change, given that the relevant provisions have not been brought into effect. The intention behind these changes is to promote the principle that institutions which provide full-time education to children should be regulated to ensure that they provide an education which safeguards children’s health, safety and welfare, and which gives them the opportunity to achieve and thrive. Finally, we are placing the definition of “full-time education” on a statutory footing. This will help provide clarity to proprietors of educational institutions as to whether they are operating on a full-time basis – and so should register - or otherwise.

Equalities impact analysis

182. This measure will have a positive impact across the protected characteristics of **age** (limbs 2 and 3), **disability** (all limbs), **gender reassignment** (limb 3), **pregnancy and maternity** (limbs 2 and 3), **race** (all limbs), **sex** (limb 2 and 3), and **sexual orientation** (all limbs). Under limb 2, advancing equality of opportunity, there is a mixed impact on **religion or belief**, but a positive impact for limbs 1 and 3.

183. The overall intended effect of the proposals will be to bring into regulation more institutions which provide full-time education to children, to ensure that these settings provide an education which safeguards children’s health, safety and welfare, and gives them the opportunity to achieve and thrive. This will improve

the quality of educational provision for any child attending one of these settings – either because the setting they currently attend will register with the Secretary of State and be subject to regular inspection against the relevant standards (so ensuring, for example, the quality of education provided), or will amend the provision they offer so that they operate “part time” (and so avoid regulation), encouraging the children who attend these settings to instead attend another, registered setting. Either scenario will see more children of compulsory school age receiving a safer and more suitable education.

184. We have identified that some boys aged 13+ of the Haredi Jewish faith, their parents (who will be Haredi Jewish), and the proprietors/staff of certain Haredi Jewish educational institutions (who will most likely be men of the Haredi Jewish faith), will be particularly impacted by this policy. This is because we have identified that some Haredi Jewish “yeshivas”, settings which provide a very narrow curriculum on a full-time basis, will be brought into regulation through this measure.
185. We anticipate the impact on this group to be neutral. This is because we anticipate that those responsible for the yeshivas which are brought into regulation via this proposal may initially respond not by registering with the Secretary of State, but instead changing their provision to become part time educational providers. We also think it unlikely that the result of this will be that the boys who currently attend these settings will attend a registered school for their “full time” education. We believe this because of a known shortage of school places considered suitable by members of the Haredi community. Instead, we think it most likely that, in the short-term, the education received by these children will not change – it will continue to be a mix of “yeshiva study” at an unregistered (part-time) setting (or possibly several part-time settings) supplemented by elective home education. However, the measure to create registers of children not in school means these home educated children must be included on their local authority’s register. These local authorities would then be better able to undertake existing responsibilities to ensure education being received is suitable and children are safe.
186. We expect objection to this measure on the basis it runs counter to inviolate community traditions which value the education offered by yeshivas. However, we believe this measure remains justifiable for two reasons. First, the right of children to a safe education that suitably equips them for adult life should be protected and promoted by legislation. Secondly, our measures do not prevent children receiving a religious education but means arrangements for a religious education should not prevent children receiving a suitable “secular” education, also. The department has not seen evidence which suggests this measure is inherently incompatible with traditional practices, or that it is impossible for children to receive an intensive

religious education in addition to a “secular” education in a registered setting and know of other religious communities which operate this model.

187. We also expect objection on the basis that educational settings for children of Haredi Jewish faith may not be able to meet all of the regulatory standards (should they remain as they currently stand and if these were the standards to be met as a condition of registration) and that the department establishing this as the bar for registration is itself discriminatory since, for example, the requirements of the current standards with regards to teaching respect by reference to protected characteristics is incompatible with Hasidic Jewish faith. This means that even if the community wished to register yeshivas or any other new educational institution with the Secretary of State it would be very unlikely that it could successfully register (since likely compliance with the standards is needed to register). However, we are aware of other religious groups, where their beliefs could preclude against teaching about protected characteristics which have satisfied the relevant requirements of the standards. We also believe that this policy will bring wider societal benefits by encouraging more children to receive an education which promotes the development of well-rounded individuals.

188. We think it is important and justifiable to proceed, both to promote the principle that full-time educational institutions should be subject to regulation and to send a signal that we do not consider a full-time education provided by a setting offering a very narrow curriculum to be “suitable” and appropriate for children’s needs. We anticipate that this signal will play a role in bringing about behavioural change. In the immediate term some settings, who want to continue operating full time, will make the necessary changes to their curriculum and register with the Secretary of State. This will immediately bring children who otherwise would not have been in a regulated setting, into a setting subject to the regulatory regime and regular inspection. There will be a longer-term impact, the signal the policy sends will encourage future generations to develop sensitive approaches to overcome the obstacles which currently inhibit registration, bringing positive benefits to the children attending these settings, some of whom may share a relevant protected characteristic.

IESS: Ofsted information sharing (inspections of schools and colleges)

Policy context

189. Under section 106 of the Education and Skills Act 2008 the Secretary of State may approve (or withdraw approval from) a body to carry out inspections of registered independent schools (instead of by Ofsted). At present, the Independent Schools Inspectorate (ISI), a body approved to inspect “association”

independent schools, is the only approved inspectorate.³⁶ We wish to clarify the circumstances under which data can be transferred between Ofsted and ISI, and change the existing reporting arrangements between Ofsted and ISI.

Equalities impact analysis

190. These are technical changes concerning the governing relationship between two school inspectorates. While they will improve the performance of those inspectorates, primarily by facilitating the development of a “relationship of equals” these minor changes will not directly affect any individuals or groups. The three limbs of the PSED are therefore not directly engaged by this proposal.

Strengthening the Teacher Misconduct Regime

Policy context

191. The Education Act 2002 (as amended by the Education Act 2011) enables the Secretary of State to regulate the teaching profession in England. The detail of the teacher misconduct process is set out in secondary legislation – The Teachers Disciplinary (England) Regulations 2012. The changes we are proposing will:

- a) Broaden the scope of the teacher misconduct provisions to include persons who commit misconduct when not employed as a teacher, but who have previously carried out teaching work.
- b) Broaden the scope of the teacher misconduct provisions to include a wider range of education settings to include;
 - Further Education Colleges (and those designated as being within the FE sector under the Further Education Act 1992);
 - Providers of post-16 education as set out in section 16 of the Education Act 2002 – i.e. special post-16 institutions and Independent Training Providers; Independent Educational Institutions, Independent Learning Providers and
 - Online education providers.
- c) Enable the Secretary of State to consider referrals of serious teacher misconduct regardless of how the matter comes to her attention.

Equalities impact analysis

192. This measure has a neutral impact across all protected characteristics and limbs for the PSED. A key benchmark used to determine whether a teacher’s behaviour is incompatible with being a teacher, and so should warrant being prohibited from teaching, is whether the behaviour was a serious departure from the personal and

³⁶ Association schools are schools which are, or whose head teacher is, a full member of one of the following associations: GSA, HMC, IAPS, ISA, the Society of Heads, AGBIS, ISBA

professional conduct elements of the Teachers' Standards. In developing these standards, consideration was given to their impact in relation to equalities and no evidence was found to suggest that introducing such Teachers' Standards would have a negative impact or indirectly discriminate against any particular group of teachers.

193. This policy affects those within the school workforce who are employed or engaged to undertake teaching work (as defined in legislation) in specified settings (as set out in legislation) and who commit serious misconduct and are referred to the TRA for investigation.

194. Annually, prohibition is imposed on less than 0.03% of the total teaching workforce and is limited in its effect to preventing the individual from carrying out teaching work (as defined in legislation) only. Since the establishment of the current arrangements in April 2012, there have been fewer than 13,000 referrals. As such, there will continue to be a wide range of employed roles both within the educational sector and elsewhere that would utilise the skills gained as a teacher and which a prohibited teacher could lawfully carry out.

195. Data shows that three quarters of teachers are female, and a quarter are male, and therefore the proposed changes would be expected to have a disproportionate effect on women – we believe this would be justifiable given the purpose of the policy. However, the prohibition figures show that only around a quarter of prohibitions are female teachers, and around three quarters of prohibitions are male teachers, which demonstrates that although the teaching workforce is made up of more women than men, it is a majority of male teachers rather than female teachers that are likely to be subject to teacher misconduct proceedings that result in prohibition. Again, though, this is justifiable given the purpose of the policy.

196. The TRA does not collect data regarding the proportion of teachers who share other protected characteristics.

Driving high and rising standards for every child

School teachers' qualifications and induction

Policy context

197. This measure delivers a manifesto commitment to require state-funded primary and secondary schools to recruit teachers who have or are working towards qualified teacher status (QTS). We expect that the requirement will apply to teachers who are recruited from September 2026, including those who have previous teaching experience in primary or secondary settings. Some unqualified teachers will continue to be subject to the specified exemptions to the requirement for QTS currently set out in Schedule 1 to the Education (Specified Work)

(England) Regulations 2012. The exemptions cover those working towards QTS through employment-based Initial Teacher Training; overseas trained teachers, who can work in English schools without QTS for up to 4 years; teachers who undertake specialised work under the supervision of a qualified teacher and instructors with specialist qualifications or experience. Teachers gaining QTS from September 2026 will then also be required to satisfactorily complete statutory induction if they are employed in an academy. As most academies already voluntarily require teachers to serve induction the impact of a mandatory induction requirement is anticipated to be minimal.

Equalities impact analysis

198. This measure has a positive impact for **disability** (limb 3) and **race** (limbs 2 and 3). There are potential negative impacts under limb 2 across the protected characteristics of **age** and **sex**, and under limb 1 for **race**.

199. We know that high quality teaching is the most important in-school factor in improving outcomes for children. Ensuring that teachers are qualified plays an important role in driving up quality. The change in legislation will ensure that children benefit from professionally qualified, well-trained teachers. Therefore, we are confident that the benefit of the policy on outcomes for children in England is balanced against the possible minor negative impacts identified.

200. **Disability:** We have also identified a potential positive impact under limbs 2 and 3. As this legislation change will ensure that new teachers entering the classroom have or are working towards QTS from September 2026, it will mean that teachers must have demonstrated they can meet the Teachers' Standards, including Standard 5, to adapt teaching to the strengths and needs of all pupils, including those with special educational needs. Therefore, there would be a positive impact for pupils with disabilities through more teachers having the skills, training and confidence to support them in the classroom.

201. **Sex:** Evidence suggests there is little difference between the proportion of unqualified entrants who are female compared to qualified entrants³⁷. Almost half (47%) of all qualified returners to the profession in the 2023 school workforce census were women aged 30-49,³⁸ so we might also expect some unqualified female teachers to have made the decision to take a career break on the belief that they would be able to return to teaching without having QTS. If this were the case, the requirement from September 2026 could be a barrier to some women

³⁷ Internal analysis of unqualified entrants into academies using [2022 School Workforce Census data](#) (total 2,800 unqualified entrants). Unqualified entrants are defined as those who enter, return to, or move schools to teach in a state funded primary, secondary, or special school or pupil referral unit (PRU) in an academy, who are not already on an ITT route leading to qualified teacher status (QTS) in the same or the following academic year (identified using ITT census data). However, these numbers include some teachers who will be exempt from the regulations.

³⁸ [School workforce in England, Reporting year 2023 - Explore education statistics - GOV.UK](#)

returning to teaching. To mitigate the negative impacts, we have ensured reasonable time before implementation of the QTS requirement, so that unqualified returners have time to consider their options and plan their route to QTS. We will also produce guidance for unqualified returners, setting out the range of routes to QTS and support available to support them on their journey back to the classroom, including how they can work while they gain QTS through employment-based ITT routes.

202. **Age:** Two thirds of unqualified entrants are aged between 30-59, who we assume are more likely to have several years' experience in the classroom.³⁹ Despite this, should they want to leave their current employing school or academy from September 2026, they would then be required to gain QTS alongside all unqualified entrants. There are a range of services available on our 'Get into Teaching' website to support candidates in their teaching journey, some of which specifically support older age groups looking to gain QTS through changing their career later in life.⁴⁰ Those looking to continue working while gaining QTS would find salaried courses most suitable, including the Postgraduate Teaching Apprenticeship. Additionally, the new Teacher Degree Apprenticeship will allow candidates without a degree to study for an undergraduate degree and gain QTS whilst earning a salary and being employed in a school. Some experienced teachers may be suitable for an Assessment only route where they are assessed against the Teachers' Standards by an accredited ITT provider and are awarded QTS if they demonstrate all the standards at the appropriate level.

203. **Race:** There is a higher proportion of unqualified entrants from a Black ethnic background (11%) than qualified entrants to the workforce from a Black ethnic background (4%).⁴¹ In the same period, ITT acceptance rates were lower for Black candidates than other ethnic groups however, these figures have not been adjusted for candidate eligibility to ITT training courses with a considerable proportion of candidates being ineligible for various reasons in this period.⁴² We

³⁹ Internal analysis of unqualified entrants into academies split by age group, using [2022 School Workforce Census data](#) (total 2,800 unqualified entrants). Unqualified entrants are defined as those who enter, return to, or move schools to teach in a state funded primary, secondary, or special school or pupil referral unit (PRU) in an academy, who are not already on an ITT route leading to qualified teacher status (QTS) in the same or the following academic year (identified using ITT census data). However, these numbers include some teachers who will be exempt from the regulations.

⁴⁰ [Get Into Teaching | Get Into Teaching GOV.UK](#)

⁴¹ Internal analysis of unqualified entrants into academies using the [2022 School Workforce Census](#), comparing the percentage of *unqualified* entrants from each ethnic group (total 2,300 unqualified entrants with known ethnicity) with the percentage of *qualified* entrants from each ethnic group (total 25,600 qualified entrants with known ethnicity). Unqualified entrants are defined as those who enter, return to, or move schools to teach in a state funded primary, secondary, or special school or pupil referral unit (PRU) in an academy, who are not already on an ITT route leading to qualified teacher status (QTS) in the same or the following academic year (identified using ITT census data). However, these numbers include some teachers who will be exempt from the regulations.

⁴² [Initial Teacher Training Census, Academic year 2023/24 - Explore education statistics - GOV.UK](#)

will continue to provide recruitment data to providers to help mitigate this, and we are exploring ways to ensure that all candidates have the best chance of success and how we can improve recruitment practices to support diversity in the teaching workforce. We have also identified a potential **positive** impact. If this measure increases the proportion of teachers from a Black ethnic background amongst qualified entrants, those teachers will have the skills and training they need to enter the classroom confidently at the start of their career. They will also have access to a higher pay scale, access to a supported programme of professional development through statutory induction and better opportunities for career progression. Removing these barriers to progression may increase the proportion of teachers from a Black ethnic minority background in senior leadership positions. In turn, this may benefit pupils who see an increase in representation of teachers from a Black ethnic background in senior leadership positions.

National Curriculum

Policy context

204. This measure will provide an entitlement for all children to receive a high-quality core education. It will provide assurance and transparency to parents, who will know the details of what their child should be taught, regardless of the school they attend.

Equalities impact analysis

205. This measure has a neutral impact across all protected characteristics and limbs for the PSED across workforce and pupils. Maintained schools are already legally required to follow the national curriculum, which sets out the subjects and programmes of study which schools are obligated to cover for children of compulsory school age. Currently, academies do not have to teach the national curriculum although they can choose to do so.

206. **Religion or belief:** There is a small number of faith schools who may experience challenges in teaching the national curriculum. Some Jewish academy and maintained schools offer a Kodesh curriculum alongside the secular curriculum. Some Orthodox Jewish academy schools also do not teach parts of the national curriculum, where it does not sit within their religious views. We are aware that some Muslim schools have previously raised concerns about the requirement to teach music, on the basis of their faith values and customs. However, maintained Jewish and Muslim schools are already required to teach the national curriculum; these schools provide examples of how to manage any challenges. We will consider how to support academies, including faith academies, to deliver their curriculum as part of wider implementation planning following the Curriculum and Assessment Review.

Academy schools: educational provision for improving behaviour

Policy context

207. This measure will provide equivalent statutory powers for academy schools as it currently exists for maintained schools to direct pupils temporarily to an alternative location including mainstream schools and alternative provision (known as off-site direction) to improve their behaviour.

Equalities impact analysis

208. This measure has a positive impact across the protected characteristics of **age (limbs 1-2)**, **disability (limbs 1-2)**, **gender reassignment (limb 1)**, **pregnancy and maternity (limb 1)**, **race (limbs 1-2)**, **religion or belief (limb 1)**, **sex (limbs 1-2)**, and **sexual orientation (limb 1)**. By amending section 29A of the Education Act 2002, this will remove any ambiguity around academies' powers for off-site direction and set a consistent standard of acceptable practice for directing pupils off-site between academy schools and maintained schools.

209. Off-site direction is an important behaviour management intervention used by schools to help improve a pupil's future behaviour. A direction off-site can be viewed as a change in routine for a pupil, and setting into a new environment can be challenging, however with appropriate support, integration can be successful. This alongside a suitable education, pupils are kept safe in school and engaged in their learning, being provided with appropriate support should they need it. Additionally, it will ensure that pupils are treated fairly between academy schools and maintained schools when they are placed off-site to improve their behaviour. This measure supports wider efforts to safeguard pupils and promote educational outcomes, ensuring scrutiny and transparency and guarding against misconduct or malpractice.

210. This change in legislation is neutral in terms of overall impact, because academy schools can already arrange off-site provision under their general powers, however, all pupils will benefit, especially those with certain characteristics who are more likely to experience early intervention to improve their behaviour. This change will ensure that academies are subject to the same statutory safeguards as maintained schools in their use of off-site direction.

211. Limited evidence does show that off-site direction can be beneficial for the general cohort of pupils who may experience off-site direction. Some factors such as small class sizes and the supportive, nurturing approach of the AP could have a positive impact on children's attendance and engagement with learning.⁴³ From a pupil perspective, research has shown that pupils had positive comments to make about (their) provision, what they were learning, how well they were

⁴³ [Alternative provision in local areas in England: a thematic review - GOV.UK](#)

supported and the impact the provision was having on their behaviour, attitudes, attendance and outcomes at school.⁴⁴ In contrast, research does also indicate that children find time-limited placements difficult. They lost their friends, had to form new relationships and experienced further change on their return to their home school. This had a significant impact on some children who had already experienced other losses in their lives, particularly children in care. It worked well when the child's mainstream provision remained in close contact, visiting the child weekly, but this was uncommon.⁴⁵ Additionally, wider factors such as staff from schools and APs off-site were 'better placed and qualified than school staff to identify certain needs and to tailor provision to individual pupils'.⁴⁶

212. Groups of children and young people, who are most likely to experience an intervention designed to improve their behaviour, such as off-site direction are outlined below:

213. **Age:** Ages 11 to 15 have a higher likelihood of being excluded than those in younger cohorts. Trends for 2022/23 school, show that the highest rate for suspension peaks around pupils at aged 13 (27.37 per 100 pupils); and for permanent exclusion it peaks around pupils aged 14 (0.36 per 100 pupils), before dropping for older pupils. Whilst the Department does not collect an accurate overall picture on the use of off-site direction by either academy schools or maintained schools to improve a pupil's behaviour, data shows the majority of school exclusions occur at secondary school age (with the highest rates of exclusion occurring for pupils in Year 9 and 10).⁴⁷

214. **Disability:** Data shows that the most common reason recorded for schools arranging AP was for an off-site placement for behavioural support with 55.3%⁴⁸ of placements recorded with this reason. Of all pupils in school arranged AP, 23.9% of pupils had an Educational Health and Care (EHC) plan and a further 42.5% were on SEN support.⁴⁹

215. **Race:** Data shows that in AP schools, over 25.8% of pupils are from a minority ethnic background.⁵⁰ Whilst it is not possible to quantify how many of these placements in AP are due to off-site directions to improve behaviour, we do know from longstanding exclusions statistics and the [Timpson Review of School Exclusion \(2019\)](#) that pupils from particular ethnic groups have higher chances of

⁴⁴ [Alternative provision findings from Ofsted's threeyear survey of schools use of off-site alternative provision.pdf](#)

⁴⁵ [Alternative provision in local areas in England: a thematic review - GOV.UK](#)

⁴⁶ [Alternative provision for primary-age pupils in England: a long-term 'destination' or a 'temporary solution'? - GOV.UK](#)

⁴⁷ [Suspensions and permanent exclusions in England, Academic year 2022/23](#)

⁴⁸ 14,587 pupils were placed in school arranged alternative provision, by type of setting and placement reason in 2023/24

⁴⁹ As above

⁵⁰ [Schools, pupils and their characteristics, Academic year 2023/24](#)

exclusion than their White British peers, although local context means different patterns across the country. Once other factors were controlled for, Black Caribbean, and White & Black Caribbean pupils were more likely to be permanently excluded than White British pupils (1.7x and 1.6x the odds respectively).⁵¹

216. **Sex:** Data from the School Census provides some insight through the use of code B (attending any other approved educational activity) and code D (when a pupil is due to attend another school where they are registered) on the number of pupils entering AP on a school arranged placement. In the 2023/24 school year the most common reason recorded for school arranged AP placements was off-site placement for behavioural support (55.3%) and of all pupils in AP arranged by a school, 67.4% of pupils on these placements were male⁵². Comparatively, the proportion of girls in the state-funded AP school population has increased annually from 27.1% 2020/21 to 32.6% in 2023/24.⁵³

217. Due to limited evidence available, the Department will continually review the impact of this change by closely monitoring related school exclusion data publications. This will show any trends or changes in the way that pupils are excluded from school, as it is likely this may also indicate changes in the way pupils are being directed off-site to other settings. Additionally, we will continue to monitor issues and trends arising from wider stakeholders, general correspondence and casework to ensure we get a sense of what is happening on the ground. This will help us monitor this measure effectively and will support any proposed changes to off-site direction policy.

Academy Intervention

Policy context

218. This measure will provide the Secretary of State with the power to direct academy trusts that fail to comply with their legal duties and/or exercise their powers in an unreasonable way. Failure to comply is a breach of the requirements contained in the academy trust's master funding agreement. By introducing to issue a compliance direction to an academy trust this will provide a straightforward and direct method to ensure legal compliance, consistent with the current arrangements for maintained schools. Additionally, this measure will support the proportionate enforcement of key provisions introduced in this Bill.

⁵¹[Timpson Review of School Exclusion 2019](#)

⁵²[Schools, pupils and their characteristics, Academic year 2023/24](#)

⁵³ As above

Equalities impact analysis

219. Generally, it is expected this measure will have a positive impact across the school as a whole, as it can be used to enforce legal requirements. However, we have assessed a neutral impact across each of the protected characteristics of the PSED. The precise impact this power will have on those with these characteristics will differ depending on each specific instance when the power is used, when we know what legal requirement is being enforced, how it is being enforced and the circumstances in which it is being enforced.

Academy Orders

Policy context

220. This measure will repeal the existing duty to issue an academy order to a maintained school which Ofsted judges to be in a category causing concern and replace it with a discretionary power for the Secretary of State to issue an academy order. This means that we will continue to have the option to convert a school into a sponsored academy where this is the best option for securing rapid and sustainable improvements in the school. At the same time, it will give the Secretary of State the option to take other action if it is more appropriate in the circumstances.

Equalities impact analysis

221. This measure has a neutral impact across all protected characteristics and limbs for the PSED. This measure will impact all children in schools in scope. Children with disabilities and children eligible for free school meals will be more likely to be impacted due to their increased prevalence in the schools currently eligible for intervention under the proposed measure. Children of secondary age are also more likely to be impacted. However, as we expect the impact of this measure to be positive on the schools eligible for intervention under the proposed measure, allowing the Secretary of State to take more targeted intervention action to drive targeted school improvement, we believe this intervention/change is justified.

Teacher Pay and Conditions

Policy context

222. This measure will create a power so that there is now a minimum level of teacher's pay for all state schools. Subsequently, through secondary legislation, the STPCD will remove any ceiling on pay for maintained schools as is the case for academies, enabling healthy competition and innovation beyond a core framework. We will require academy schools and alternative provision academies, for the first time, to have regard to the STPCD, ensuring an established foundation for all schools. Maintained schools will continue to follow the entire STPCD and

will see the benefit of further flexibilities in the STPCD after the School Teachers' Review Body (STRB) is remitted to consider this following Royal Assent of the Bill. This will mean all school teachers in state schools can expect a core pay offer and all schools will have flexibility to innovate to attract the best teachers for our children.

Equalities impact analysis

223. We have identified a positive impact under limb 1 of the PSED for the following protected characteristics: age, ethnicity, sex and religion. Proportionately academies have a more ethnically diverse workforce, have more younger teachers, more male teachers, and more teachers identifying as having no religion. The requirement for academy schools and alternative provision academies to follow the minimum level of pay set out in secondary legislation will positively impact these groups because it will provide these teachers with a core offer which all schools will need to comply with. To be clear, this isn't a limit on teacher pay as changes to the STPCD will ultimately benefit all teachers as there will no longer be a maximum pay band in the STPCD. Furthermore, for the first time, there will be a requirement for academy schools and alternative provision academies to have regard to the rest of the STPCD, so they only diverge where they have good reason to do so, providing further protection for these groups (and all teachers).
224. For teachers in maintained schools, we anticipate that they will benefit from changes made to the STPCD through secondary legislation after Royal Assent. However, we need to go through the statutory pay review process to determine and implement any changes to the STPCD, which means we cannot definitively outline, at this time, what the statutory framework will look like until after this process has taken place.
225. Since PSED is a continuing obligation, we will continue to monitor and assess the potential impacts of this measure on all 9 protected characteristics. When remitting the STRB for their recommendation each year, the Secretary of State asks the STRB to have regard to a number of factors, including potential equalities impacts associated with any proposed changes to the STPCD. Therefore, the STRB will consider the impact of any changes to teachers' pay and conditions on all teachers in scope each year, including when we remit them to consider changes as part of this measure.

School Admissions: Duties to co-operate regarding admissions and place planning

Policy context

226. This measure plans to introduce new duties for mainstream state schools and local authorities to co-operate regarding their respective admissions functions and for mainstream, special and alternative provision state schools to co-operate with local authorities regarding their place planning functions. The new duties would provide a 'backstop' for addressing serious failures to co-operate. Additionally, where co-operation fails or breaks down, the Secretary of State will be able to intervene and seek to ensure that admissions and place planning functions can be fulfilled.

Equalities impact analysis

227. This measure will have a positive impact under the protected characteristics of **disability** (limbs 1-2), **race** (limbs 1-2), **religion or belief** (limb 3), and **sex** (limb 2). It is anticipated this measure will improve co-operation in areas where there can be a lack of co-operation and consideration of the wider community's needs, for example, in-year admissions and the Fair Access Protocol. Lack of co-operation in these areas particularly affects vulnerable and disadvantaged children as well as children of particular races (black, Asian and other minorities e.g. Gypsy/Roma) and children with **disabilities**. These groups may benefit from this policy due to the increased effectiveness in working practices between schools and local authorities.

School Admissions: Local authority direction powers

Policy context

228. To ensure that local authorities have the necessary levers to fulfil their statutory duties, we propose giving local authorities powers to direct both maintained schools and academies to admit a child. This will act as a safety net and ensure that unplaced and vulnerable children can secure a new school place quickly.

Equalities impact analysis

229. This measure has a positive impact across the protected characteristics of **disability** (limbs 1-3), **pregnancy and maternity** (limbs 1-2), **race** (limbs 2-3), **religion or belief** (limb 2), and **sex** (limb 2).

230. **Disability**: The changes will have a positive impact and help eliminate any indirect discrimination that may occur for children who have some form of disability

but who do not have an Education, Health and Care (EHC) plan.⁵⁴ Evidence suggests that it is often difficult for these children to secure places, especially in-year.⁵⁵ Improvements to the safety net for ensuring that school places are found for vulnerable children in-year is likely to have a greater positive impact on children with disabilities. This measure will potentially have the effect of making it easier for such children to mix and socialise and foster good relationships with others of their own age group, who do not necessarily have any form of disability. Strengthened local authority direction powers are likely to act as an incentive for schools to work together with local authorities to secure school places for children who need them. As such, it could result in children with SEN (including those with disabilities) securing school places more quickly via the usual processes (in-year and Fair Access Protocols) without a need for a direction.

231. Pregnancy and maternity: Research has shown that in the UK, many young women are not in school during and after pregnancy for a range of reasons, including discriminatory and stigmatising attitudes. Furthermore, teenage mothers are also less likely to finish their education.⁵⁶ Improving the framework to find places for children when they are struggling to find one in-year, including the proposed direction power, will make it easier for local authorities to secure places for children whose circumstances mean they are vulnerable, such as some young people who are pregnant or new parents. In addition, the greater transparency involved in the new process will make it more difficult for admission authorities to refuse places where there is no good reason – e.g. discriminatory attitudes. The ISOS Report 'Research into the role of local authorities in local education systems' March 2022 reported that 94% of local authorities reported resistance from some schools to admit or retain pupils with complex and additional needs.

232. Race: These changes will likely have a positive impact on those children who fall under the protected characteristic of race. Based on information from local authorities, factors which have been identified as creating an increased pressure on the in-year admissions system includes the rise in immigration.⁵⁷ This suggests

⁵⁴ The process for placing a child with an EHC plan is different.

⁵⁵ ISOS Report 'Research into the role of local authorities in local education systems' 2021: 96% of Local authorities reported resistance from some schools to admit or retain pupils with additional needs.

⁵⁶ [Early pregnancy and education in the UK | Health and Education Resource Centre \(unesco.org\)](https://www.unesco.org/en/early-pregnancy-and-education-in-the-uk)

⁵⁷ According to the [Long-term international migration, provisional - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/long-term-international-migration-provisional) preliminary analysis indicates that workers (non-EU work-related immigrants) most likely to bring dependents came from Nigeria, Sri Lanka, Pakistan, Zimbabwe and Ghana. Dependents means a mixture of adults and children; and of the top ten countries, around 50% of dependents were aged 17 or under. In addition to this, a report from the Home Office provides data on asylum seekers [SNO1403.pdf \(parliament.uk\)](https://www.parliament.uk/publications/2023/01/sno1403). In 2023, 41% were nationals of Asian countries, with the largest individual Asian nationalities being Afghan, Indian, Pakistani, Bangladeshi and Vietnamese. The next largest regional groupings of nationalities were African (21%), Middle Eastern (19%) and European (13%). Around 6% of main applicants were from countries in the Americas, Oceania, and other parts of the world. The largest individual nationalities among those who applied in 2023 were Afghan (7,800), Iranian (6,200), Indian (4,800), Pakistani (4,300), and Bangladeshi (3,900).

that migrant children, who are more likely than non-migrant children to be non-UK nationals, may face greater difficulties in securing a school place in-year, as schools tend to be full by that point.

233. These children may have a different religion or belief (e.g Christian, Muslim, Hindu, Sikh etc.), impacting the protected characteristic of **religion or belief**.⁵⁸ The changes are also likely to benefit those children who fall under the protected characteristic of race that have comparatively high rates of expulsion – namely those of Gypsy/Roma and Irish Traveller heritage ethnicity groups and children from certain black groups (e.g. mixed white and black Caribbean, black Caribbean, black African) and those that are over-represented in the Youth Justice System (black children being significantly over-represented in this group, along with mixed ethnicity and Asian and other ethnic groups).⁵⁹⁶⁰ Such children are more likely to struggle to secure school places in-year, as schools are able to refuse admission if they have good reasons to believe a child is likely to demonstrate challenging behaviour, and more likely to benefit from strengthened local authority direction powers to secure a school place quickly.

234. **Sex:** Boys are more likely to be suspended and permanently excluded at all ages than girls and are more likely to benefit from a strengthened safety net and direction power for placing children in school.⁶¹

School Admissions: Functions of the Adjudicator in relation to admission numbers

Policy context

235. This measure aims to give local authorities more influence over the published admission numbers (PANs) of schools in their area, to help them deliver their sufficiency duty and manage the school estate effectively. It will give the independent Schools Adjudicator powers to decide the PAN of an individual school, where they uphold an objection to that school's PAN.

⁵⁸ Office of National Statistics: [Migrant indicator and religion](#) from the Census 2021 shows that 40.2% of the international migrant population (all nationalities) in England and Wales were Christian, 13.6% were Muslim, 6.6% were Hindu, 1.4% were Buddhist, 1.2% were Sikh and 0.6% were Jewish. Compared to the overall population in England and Wales, 46.2% are Christian, 6.4% are Muslim, 1.7% are Hindu, 0.4% are Buddhist, 0.9% are Sikh, and 0.5% are Jewish.

⁵⁹ Gypsy and Roma, and Traveller of Irish heritage pupils have the highest permanent exclusion rates, with 31 exclusions per 10,000 pupils (0.31%) in the 2021 to 2022 school year. Source: [Permanent exclusions - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](#)

⁶⁰ <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30609.htm>

⁶¹ Males have over 1.5 times the rate of suspension than females – 11.66 compared to 6.91; and more than twice the rate of permanent exclusions, 0.15 compared to 0.07 for females. Source: [Suspensions and permanent exclusions in England, Academic year 2022/23 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

Equalities impact analysis

236. This measure is assessed to have a neutral impact across most protected characteristics in the PSED across all limbs, with a positive impact on **disability** under limbs 2 and 3. These proposals will help to reduce indirect discrimination which disabled children face by enabling clear-cut, independent resolutions to cases where there is dispute about the number of places offered by a school. This is likely to promote more effective and holistic decision making on matters relating to local place planning, based on the local community's needs. This could result in capacity being made available in areas where there are currently insufficient places, which would make local places more accessible for children with a disability in those areas.

Establishment of new schools

Policy context

237. This measure reflects the government's intention that no preference be given to one particular school structure over another. This measure will repeal the current requirement for local authorities to first invite academy proposals where a need for a new school has been identified and allow voluntary and foundation schools to be put forward as well. Local authorities will also be able to put forward their own proposals. Where local authorities have chosen not to publish their own proposals, they will be the decision maker. Where local authorities have put forward their own proposals the Secretary of State will be the decision maker.

Equalities impact analysis

238. This measure has a neutral impact across all protected characteristics and limbs for the PSED. Local authorities are under a duty to ensure sufficient places are available for all children. Decision makers in the new framework will, as now, be required have regard to the PSED when considering proposals, and the impact of any new school on protected characteristics. This includes sex, where a proposal for a single sex school would require consideration of whether there is equal access to single sex provision for the other sex. Decision makers must also consider whether proposers have shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area whilst ensuring such opportunities are open to all and consider the impact on community cohesion.



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