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for Education

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**Non-Regulatory Impact Assessment:
Schools Measures**

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Breakfast clubs programme

Policy overview

Rising food insecurity and the high cost of before-school childcare are putting significant pressure on households in England. In the 2022/23 period, 17% of children lived in food-insecure households, a sharp increase from 12% in 2021/22.¹ Moreover, 38% of state school teachers have reported a noticeable increase in the number of pupils arriving at school hungry², a trend closely linked to the ongoing cost-of-living crisis. This issue is compounded by the challenges parents face in accessing affordable, reliable, and flexible childcare. Data indicates that 43% of non-working mothers would prefer to work if they had access to suitable childcare³, while over half of parents struggle to find formal childcare that fits their needs.⁴

Currently, there is no consistent provision of affordable breakfast clubs in primary schools across England. Although 89% of the 16,764 primary schools in England offer some form of breakfast provision, the models are varied, with many only providing food without accompanying childcare, and charges to parents being the norm. The National Wraparound Childcare Programme (2024 - 2026) increased before-school childcare availability, but the costs continue to fall on parents, and local authorities (throughout, 'local authority(ies)' and 'LA(s)' are used interchangeably) are only required to ensure sufficiency for parents who are working, studying, or training. This leaves a gap for those parents who do not fall into these categories but still need support.

To address these issues, the government is committed to establishing breakfast clubs in every state-funded primary school in England.

The policy intends to:

- Enable more children to begin the day ready to learn which will also drive improvements to behaviour, attainment and attendance.
- Reduce the number of primary aged pupils in state-funded schools starting the school day hungry.
- Increase household incomes by saving families up to £450 a year - reducing the amount spent on food and before-school childcare, and increasing the accessibility of before-school childcare, enabling more parents to work.

¹ House of Commons Library (2024) [Who is experiencing food insecurity in the UK?](#)

² Sutton Trust (2022) [Cost of Living and Education](#)

³ Childcare and early years survey of parents 2024

⁴ [IPSOS Parent Poll – 2022, Wave 11, table CCFlex](#)

The proposed policy aligns with the Government's Opportunity Mission, contributing to efforts to combat child poverty and support family security, ultimately giving children the best possible start in life.

Affordable and reliable before-school childcare is a significant barrier for many families, particularly non-working mothers who would prefer to work if suitable childcare were available. By alleviating these pressures, the breakfast club policy will allow more parents, especially mothers, to re-enter the workforce or take on additional work, contributing to household incomes and overall economic productivity.

In practice, this policy will involve a national roll-out of breakfast clubs in every state funded primary school in England, combining both food provision and childcare to ensure that children, regardless of their background, can begin their school day fed and ready to learn.

The Government believes that it is important to ensure food served at breakfast clubs is healthy and nutritious. The existing school food standards – 'The Requirements for School Food Regulations 2014' - prescribe the foods and drinks that must be provided, which foods are restricted, and those which must not be provided. The Government is now seeking 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 (including to breakfast), to all Academies (primary and secondary) and City Technology Colleges (CTCs) and mirror the regulatory framework for maintained schools. It is a long-standing policy position that academies should follow the regulations in full and this amendment seeks to formalise this position, resolving a regulatory gap for a small number of academy schools. The duty to provide free school meals will also now apply to CTCs, to mirror the regulatory framework for academy and maintained schools.

Why is legislation needed?

Legislation is necessary to address the inconsistencies and gaps in breakfast club provision across primary schools in England and ensure maximum reach of the intended policy outcomes for pupils and parents. Currently, the breakfast club landscape is fragmented, leading to unequal access to the benefits of free breakfast clubs, which include both food and childcare.

The case for primary legislation to underpin these new breakfast clubs is:

- **Ensure consistency across England:** Not all primary schools currently offer a breakfast club. The absence of universal provision leaves many families without access to this crucial support, exacerbating issues of food insecurity and limiting the ability of parents to secure employment.
- **Inconsistency Among Existing Programmes:** Among primary schools that do offer breakfast clubs, there are significant inconsistencies:

- Some breakfast clubs are paid for by parents, creating a financial barrier for low-income families.
- Other schools offer a limited number of places, which means that not all children who need a breakfast club spot can secure one.
- **Ensure longevity of the policy:** Legislation gives schools and parents the certainty and confidence about the future funding of breakfast clubs, ensuring investment and commitment in delivering this policy effectively and with impact.

While the National Wraparound Childcare Programme aimed to address the first challenge by increasing the availability of before-school childcare across primary schools, it does not ensure affordability or universal access. The wraparound programme's focus was on expanding childcare availability rather than reducing costs for parents.

Government funding within the wraparound programme was aimed at setup and reducing financial risks for providers, rather than directly subsidising the cost for families. As a result, parents are expected to cover the costs, which are only partially offset by schemes like Tax-Free Childcare and Universal Credit Childcare. In 2023, the average cost per hour for a breakfast club was £4.65.⁵

Additionally, the wraparound programme was designed to ensure that there are sufficient childcare places for parents who are working, studying, or training, fulfilling the local authorities' (LAs) childcare sufficiency duty. However, this does not cover all parents, particularly those not in work or those who do not require full childcare but still benefit from breakfast club provision.

Given that the proposed breakfast club programme will be free to parents, it is anticipated that demand will exceed the availability of before-school places provided through the wraparound programme. This potential gap in capacity underscores the need for legislation to ensure that all state funded primary schools in England are mandated to deliver free breakfast clubs that include both food and childcare. Legislation will ensure that this provision is consistent, universally accessible, and meets the needs of all families, regardless of their financial situation or employment status.

Given these challenges, legislation is necessary to ensure consistent and equitable breakfast club provision across all state funded primary schools. By legislating this requirement, the government can improve children's access to a meal in the morning so that fewer children start their school day hungry and that all parents, regardless of their circumstances, have access to the support they need to manage their work and family responsibilities.

The extension of the school food standards will ensure consistency across schools and ensure high quality food is provided to children across the school day. The Requirements for School Food Regulations apply to food and drink provided to pupils on school premises and during an extended school day (up to 6pm), including, breakfast clubs, tuck

⁵ [Childcare and Early Years Survey of Parents](#), 2023, table 4.2.

shops, mid-morning break, lunch, vending and after school clubs. The Children and Families Act 2014 inserted a provision in the Education Act 1996, extending the school food lunch obligations to all Academy arrangements that do not already contain a provision in the funding agreement (including those with agreements entered into before 2014). This includes the duty to ensure the school food standards are complied with for lunchtime provision. Extending this statutory duty for all academies and CTCs throughout the school day mirrors the regulatory framework for maintained schools will reflect our long-standing policy position.

The Education Endowment Foundation's evaluation of the *Magic Breakfast* programme (2019) —including the *Magic Breakfast* RCT—demonstrated that free, universal breakfast clubs can deliver an average boost equivalent to two months' academic progress in Key Stage 1 maths, reading, and writing. Follow-up analyses found continued positive effects in Key Stage 2, with significant improvements in reading and maths scores + behaviour and concentration enhancements contributing to these outcomes.

Since April 2025, the Department has funded free breakfast clubs in ~750 early adopter schools across England. This was part of a test and learn phase in advance of national roll out, where an additional ~2,000 schools between April 2026 and March 2027 will join the scheme.

Early adopter schools were selected to ensure a wide range of representation across different school types, sizes and geographical areas. This includes schools that currently work with private, voluntary and independent (PVI) providers, including childminders, to deliver breakfast clubs or before school childcare.

Objectives

To ensure consistent affordable provision, the benefits of universality and the wider pupil and parental benefits, the government has committed to establishing a free universal breakfast club in every state funded primary school in England. This programme is designed not only to help reduce the number of children starting their school day hungry, but also to support families by alleviating the financial pressures associated with before-school care and breakfast. As part of this commitment, the government will place a duty on all state-funded primary schools in England to deliver a free 'breakfast club' which offers a minimum of food provision and at least 30 minutes childcare before the start of the compulsory school day.

The Breakfast Clubs Programme will seek to achieve two primary objectives:

1. Ensuring **primary school-aged children are ready to learn** at the start of the school day by:

- providing a soft start to the day, impacting on improved attendance, behaviour, and
- reducing the number of primary school children starting the school day hungry by providing a nutritious breakfast and embedding healthy eating habits.

This will in turn increase attainment overall and reducing the gap between disadvantaged and non-disadvantaged children.

2. **Reducing financial pressures on families:** By decreasing the amount they spend on food and before-school childcare and increasing the accessibility of supervision before the start of the school day, giving parents greater flexibility to pursue employment opportunities. The programme not only reduces financial pressures on families but also facilitates the re-entry of non-working parents, particularly mothers, into the workforce. The consistent availability of this service will allow parents greater flexibility to seek employment or increase their working hours, thereby improving household incomes. Secondary objectives include the following:

- To improve **wellbeing and the sense of belonging** at school among primary school pupils through increased opportunities to socialise with peers and a 'soft start' to the day.
- To improve **healthy eating habits** among primary school pupils.
- To improve **school attendance, behaviour and attainment** overall, and reduce the gap between disadvantages and non-disadvantaged pupils.

Viable policy options (including alternatives to legislation)

We have considered the following policy options:

1. **Option 1: Do nothing.** This would maintain the current state of breakfast club provision in primary schools. However, this would not meet the government's objectives, as it would fail to address the widespread inconsistency in access to breakfast clubs and the related issues of food insecurity and unaffordable childcare.
2. **Option 2: Do minimum.** This would provide food and a "soft start" (15 minutes of childcare) available to all children in primary schools. While it is the most affordable option, it would have limited impact on reducing the costs families face for before-school childcare and would not significantly improve accessibility.
3. **Option 3: Intermediate.** This option would offer food to all children, a "soft start" (15 minutes of childcare) for non-disadvantaged children, and extended childcare

(45 minutes) for disadvantaged children. Although it supports those most in need, it does not benefit the wider population of primary school families.

4. **Option 4: Preferred option.** This option involves providing food and 30 minutes of childcare available to all primary school children. It meets all critical success factors and is most likely to achieve the policy objectives by ensuring universal access to nutritious breakfasts and affordable childcare, thus supporting all families equally. It also removes any stigma associated with a free breakfast only available to a certain group of children and promotes healthy eating habits for all from an early age.

The chosen option is Option 4 as it not only addresses the gaps left by Options 2 and 3 but also ensures that children have access to a nutritious breakfast and necessary childcare, maximising both educational and economic benefits. This option also provides parents with the security of knowing they have guaranteed, free, and consistent childcare in the morning. This is especially impactful for non-working mothers or parents in part-time roles who are looking to enter or expand their participation in the workforce but are constrained by the cost and availability of childcare.

The case for primary legislation to underpin our preferred option for these new breakfast clubs is strong. It will bring consistency across England, setting a minimum expectation for parents regarding what schools must offer. Legislation will also ensure that all schools provide breakfast clubs with sufficient capacity to meet demand under a universally free offer. Furthermore, it guarantees the longevity of the policy, giving schools certainty and confidence about future funding, ensuring the sustainability of breakfast provision for years to come.

Alternatives to legislation

Delivering the manifesto pledge for free breakfast clubs in all primary schools does not require primary legislation. However, legislation is required in order to secure longevity of the policy and ensure schools fully engage in the programme so that no child or parent misses out. An alternative approach would be delivered through guidance and grant conditions: however, these options would not mandate schools to deliver to the minimum requirements and may lead to small scale provision, capping, and/or additional charging, and would risk the policy being implemented ineffectually given the perceived risk to it being deprioritised/ removed in the future.

What else?

The government is also taking additional steps to tackle food insecurity, improve childcare, and support education, including:

Addressing availability and affordability of childcare

Parent entitlement of 15 or 30 hours of government-funded childcare supports parents to go back to work. From September 2025 this offer will be expanded to 30 hours for

children aged from 9 months, supporting 660,000 additional children in total and enabling 60,000 more parents to work.

Parents who are eligible for Universal Credit childcare (support for up to 85% subsidy of their costs) or Tax-Free Childcare (covering 20% of costs up to £2k a year or up to £4k for disabled children) can use this financial support to help pay for school age childcare. The Flexible Support Fund allows claimants to apply to cover the upfront payment of childcare without needing to pay it back.

The Wraparound Childcare (WAC) scheme was created by the Ministry of Defence to help to remove some of the barriers that Service families face around childcare. Funding for WAC is designed to help working families with the cost of childcare, and to allow partners to get back into work (or work more hours). WAC funding supports eligible Service families with children aged 4 to 11 years old (16 years old if in receipt of certain disability allowances), who are attending school or being home educated in the UK. If eligible, Personnel can claim up to 20 hours per week of funding for each child that is attending before and after school care during term time.

Wraparound Childcare

Background

Wraparound childcare 'wraps around' the conventional school day but can also refer to childcare for the school holidays. Wraparound childcare can be delivered by a range of providers, but LAs have the statutory duty to ensure there is sufficient childcare. The duty is to ensure there are sufficient childcare places in their local area, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment. This duty relates to children aged 0-14 (or up to 18 for disabled children).

Many LAs we've spoken to have said they do not have enough capacity to fulfil their responsibilities on this duty and the current wraparound system is struggling to provide affordable, high-quality childcare available for parents when they need it.

Parents primarily use childcare for work but also for enrichment, enjoyment and development; however, availability and confidence in meeting the needs of children is mixed.

The current landscape suggests:

- 77% of schools offered before school care
- 69% of schools offered after school care
- 66% of schools offered both before and after school care

National Wraparound Childcare Programme

The government made £289m funding available, over two academic years (5 terms) to increase the availability of wraparound places, to enable families to go to work and contribute to growth. The investment funding was paid to LAs to work with schools & private, voluntary and independent providers to build supply to meet existing demand, oversupply places to help build future demand, test flexible ways to providing childcare, gather evidence on practice and develop an impact and process evaluations. The programme ended in March 2026, but evaluations will look at implementation, wider benefits and the impact on the labour market.

This is testing the hypothesis, that relatively small amounts of government funds upfront can spur growth in the market.

Holiday Activities and Food Programme (HAF)

The HAF programme provides free holiday-time activities and meals for children eligible for free school meals. This programme supports low-income families during school holidays, a period when food insecurity often spikes due to the absence of free school meals.

Universal Infant Free School Meals (UIFSM)

The Universal Infant Free School Meals (UIFSM) offer provides free school meals to all pupils in reception, Year 1, and Year 2 at state-funded schools in England. This initiative, introduced in 2014, aims to ensure that young children receive a nutritious meal during the school day, supporting their health, concentration, and overall educational outcomes, while also helping to ease financial pressure on families. By offering free meals universally, it removes the stigma sometimes associated with free school meals and promotes healthy eating habits from an early age.

In June 2025, it was also announced that, from September 2026, the eligibility criteria for Free School Meals (FSM) in England will be expanded so that all children in families receiving Universal Credit will be eligible to request FSM, thus reaching and benefitting more children.

Healthy Start Scheme

The Department for Work and Pensions-led Healthy Start Scheme provides financial support for low-income families to purchase healthy foods, milk, and vitamins. Pregnant women, and families with children under 4, who are on certain benefits are eligible. This programme directly tackles food insecurity by ensuring families have access to nutritious food, contributing to better health outcomes for children.

Impact on external groups

Families

The policy intends to reduce the financial burden on families by lowering the cost of food and before-school childcare. This will help increase household incomes and support more parents in entering or staying in the workforce.

A Kellogg's report using YouGov survey data found that on average, families can save up to £35.20 per week on childcare costs by utilising breakfast clubs. Additionally, breakfast clubs can help increase household incomes and encourage more parents, particularly mothers, to enter or stay in the workforce, the survey found that breakfast clubs enabled parents to do 97.5 additional hours of employed work annually⁶, and 29% of working parents indicated they would have to give up their job without access to such provision⁷.

From an educational perspective, children benefit directly from having access to a healthy breakfast. Research consistently shows that breakfast consumption improves cognitive function, concentration, memory, and overall academic performance. For example, the Magic Breakfast scheme led to an estimated two months' additional

⁶ Kellogg's (2017) [An Audit of School Breakfast Club Provision in the UK](#).

⁷ Kellogg's (2014) [School Breakfast Clubs a lifeline for working parents](#).

progress in maths, reading, and writing for Key Stage 1 (KS1) pupils.⁸ Moreover, evidence suggests that children who attend breakfast clubs demonstrate improved attention, reduced disruptive behaviour, and an increased ability to retain and understand lesson content. A survey of headteachers from National School Breakfast Programme (2023) participating schools found positive perceived impacts across a range of measures. Most headteachers reported at least some improvement across all educational outcomes. The largest proportion of headteachers reporting a “big improvement” was for readiness to start the day (44%). Most (83%) also reported an improvement in educational attainment.

Beyond the classroom, breakfast clubs can also create an opportunity for children to socialise in a relaxed setting before lessons begin, helping to develop social skills and a sense of community. Qualitative feedback from school staff, pupils, and parents indicate that breakfast clubs were seen as a “positive start to the school day”. Breakfast clubs provided a social opportunity for children to engage in informal interaction with peers and staff before the start of the school day. Children perceived breakfast clubs to be “fun” and believed that they helped to prepare them for the school day by making them feel more alert. The NSPB survey of headteachers⁹ (2023) found that almost all (97%) respondents reported an improvement in pupils’ wellbeing; headteachers also reported positive impacts on pupils’ social skills.

In relation to food standards, there is evidence that school meals have a positive effect on health outcomes for children, predominantly the proportion obese and obesity rates. A systematic review found a potentially positive effect of universal free school meals on BMI.¹⁰ Given the longstanding policy that schools comply with the School Food Standards throughout the day, we expect the impact on provision of food will be minimal. However, we are of the view that this is the right opportunity to make this clarification, as we introduce universal breakfast clubs, and that to not do so in full risks undermining the standards and quality of food in some academies and CTCs and ensures we deliver against the positive health outcomes school food can offer.

Schools

Schools that are currently funding their own breakfast clubs will also benefit financially, as the policy ensures government funding for these provisions, allowing schools to reallocate their budgets to other priority areas.

By providing both nutritional support and early morning childcare, breakfast clubs help create a positive start to the school day, fostering better social skills and reducing stress for pupils. This initiative not only alleviates hunger but also equips students, especially

⁸ Education Endowment Foundation (2019) [Magic Breakfast: Evaluation Report](#)

⁹ NSBP (2023) [Headteacher Survey Report](#)

¹⁰ [Universal School Meals and Associations with Student Participation, Attendance, Academic Performance, Diet Quality, Food Security, and Body Mass Index: A Systematic Review - PubMed \(nih.gov\)](#)

those from low-income families, with the tools they need to thrive academically and socially.

Ensuring consistency of food standards has the potential to support academic outcomes. It is thought that improved nutrition and increased academic performance are be related as healthy foods are associated with better learning, concentration, reasoning, memory, self-control and behaviour in children and adolescents. The impact is thought to be higher amongst pupils from less affluent families and those with lower prior attainment

It is our longstanding policy position for schools to comply with the School Food Standards and funding rates are consistent across school types and phases. We do not believe this will, therefore, create an additional burden on schools.

The extension of the duty to provide free school meals in CTCs will also mirror the regulatory framework for academy and maintained schools. We do not believe this will create a burden as CTCs are already known to offer free school meals. This legislation therefore acts as clarification of their duty to do so rather than impacting on practice.

Limit on compulsory items of branded school uniform

Policy overview

The cost of school uniforms, especially that of branded items, has long been a matter of public concern. Whilst branded uniform items can play a valuable role in helping set an appropriate tone for learning, reflect the ethos of a school, instil a sense of belonging and act as a social leveller, many low-income families struggle to afford expensive uniforms. This can act as a disincentive for some parents to apply for certain schools or to pupils participating in school activities/clubs. Issues about cost usually focus on excessive use of branded items, which are often more expensive than generic alternatives available from a range of retailers and which restrict parents' ability to buy items of their choice.

Statutory guidance on the [Cost of School Uniforms](#) (published November 2021 and updated in October 2025) states that governing boards should ensure uniforms are affordable. In relation to branded items the guidance states that schools should keep branded items (including optional branded items) to a minimum and limit their use to low cost or long-lasting items, and carefully consider whether requiring a branded item is the most cost-effective way of achieving the desired result for their uniform. Where a school decides that a branded item is required, it states that they should consider how they can maintain the benefits of a branded item whilst keeping costs low.

In October 2025 the guidance was updated to include a limit on the number of branded items of school uniform and PE kit that schools can require. That limit is now also contained within primary legislation.

Impact of existing statutory guidance

The statutory guidance, first published in November 2021, is having a positive impact on school uniform costs. Department for Education (hereafter 'department' or 'DfE') research has found high awareness amongst school leaders of the guidance, that schools are making changes following its introduction (including an increase in second-hand uniform schemes) and that the average cost of most uniform items has decreased since 2015.

Many schools, however, retain high numbers of branded uniform items and stakeholders (including parent groups and charities) continue to campaign to reduce the cost of school uniform and raise cases of schools requiring high numbers of branded uniform items as examples of the need to strengthen requirements on schools to limit branded items.

Policy and legislative changes

Primary legislation now contains a limit on the number of branded items of school uniform schools can require parents to provide. The limit will be 3 items of branded uniform (including PE kit). Secondary schools and middle schools are permitted to require an

additional compulsory branded uniform item, so long as one of the branded items they require is a tie. The limit applies to all items listed as compulsory in a school's uniform policy and includes any bags required (bookbags, rucksacks or other school bags).

Schools can continue to include optional branded clothing items in their policy, so long as generic alternatives are also acceptable. Schools do, however, still need to follow the statutory guidance – to keep optional items to a minimum and carefully consider whether an optional branded item is the most cost-effective way to achieve the desired aim.

Why is legislation needed?

The legislative route is the only option which requires schools to adhere to a numeric limit. It is the most effective way to target those schools with excessive branded items.

Section 551A of The Education Act 1996 (as inserted by the Education (Guidance about Costs of School Uniforms) Act 2021) places a duty on schools to have regard to guidance issued by the Secretary of State regarding the costs aspects of school uniform policies. This means that schools are expected to follow the statutory guidance on the Cost of school uniform unless they have good reasons for not doing so and, where they choose to depart from it, they must have clear, logical and convincing reasons for doing so. This presents two broad challenges: firstly, that determining whether a school has met their duty is a subjective judgement which is in practice difficult; and secondly that schools may perceive that the guidance has less weight in law than case law suggests.

Placing a limit in primary legislation:

- sends the most powerful possible message to schools about the government's intention to reduce costs for parents;
- avoids any dispute about the government's ability to impose such a limit using statutory guidance, which might otherwise be open to challenge; and
- greatly simplifies enforcement since it will be clear whether a school is in breach of the statutory limit.

Objectives

The overarching objective is to reduce the cost of school uniform for parents by increasing the number of items which parents can buy from a range of retailers. Specifically, to:

- reduce the number of compulsory branded items parents are required to buy by replacing the current 'minimum' in statutory guidance with a numeric limit in primary legislation.
- place a clear requirement on schools to comply with the limit on branded items.

- increase the proportion of generic items parents can purchase – allowing them greater choice to make the spending decisions which reflect their individual circumstances.

Viable policy options (including alternatives to legislation)

Other policy options were considered:

1. **Option 1: Introduce a numeric limit in statutory guidance.** This would be the simplest way to introduce a limit and would make it easier to assess whether schools were meeting their statutory duty to have regard to the guidance than at present where a subjective judgement must be made. However, as schools could still choose to depart from the guidance if they had good reason, it is likely to be less effective than a limit placed in primary legislation and therefore less likely to meet the overall objective.
2. **Option 2: Impose a cost limit on school uniform.** This option would directly control the cost of school uniforms for parents; however, it would be difficult to implement and subsequently maintain, particularly with a view to ensuring any limit was regularly updated to take account of unexpected fiscal events or inflationary pressures.
3. **Option 3: Outright ban on compulsory branded items.** This would provide the utmost clarity to schools and offer parents the greatest choice when purchasing uniform, thus generating the biggest cost savings. However, we consider this to be disproportionate as there are sound reasons for having a limited number of branded items.
4. **Option 4: Removing VAT from all school uniform.** As VAT relief is based on the maximum size a child will be on their 14th birthday, this option would only generate cost savings for parents with children requiring clothes sizes aged 14 and upwards.
5. **Option 5: Impose a cost limit on branded items.** This option would seek to prevent excessive pricing by schools and/or suppliers of individual branded items. However, translating a cost limit into an operational model risks creating perverse incentives to set a ‘target price’ and comes with significant technical and economic challenges. A monetary cap would be complex, difficult to enforce and burdensome for schools.

Impact on external groups

Schools

The limit is unlikely to change the costs incurred by schools in relation to school uniform over the longer term. Schools requiring parents to purchase branded uniform items in excess of the new limit from 1 September 2026 must review their uniform policy and

might need to renegotiate their contracts with uniform suppliers/ retailers. These schools will incur a small resource cost for senior staff to review the schools' uniform policy or renegotiate uniform supplier contracts. Depending on the school's existing commercial contracts, some may have liabilities for unsold uniform stock, elements of which may become less saleable as a result of these changes. For schools following best commercial practices any exposure should be small and should be managed as part of any retendering of contracts. However, some schools may have more significant liabilities, though it is difficult to quantify the number of schools that may be so affected because we do not collect information on individual schools' commercial contracts. This has not been raised as a significant issue with the department.

Using data from the Cost of School Uniform Survey 2023, it was estimated that the limit would require just over a third of primary schools (35.4%) to make changes to their uniform policy, with 18% needing to remove 1-2 items, 7% needing to remove 3-4 items and 10.5% needing to remove 5 or more. It was estimated that 70.9% of secondary schools would have to remove branded items, with 29.5% needing to remove 1-2 items, 22.3% needing to remove 2-4 items and 19% needing to remove 5 or more.

The timings for the limit to come into effect, with commencement via regulation from 1 September 2026, were designed specifically to give schools sufficient time to review their contractual arrangements. The Department for Education published draft statutory guidance for schools in October 2025 setting out the intention to introduce the limit from September 2026. Schools were advised to take the draft statutory guidance into account when planning uniform requirements for September 2026.

As the limit increases the number of items many parents are able to purchase from a range of retailers, the onus is on schools to take steps to ensure uniform continues to act as a social leveller and prevent parents being subject to pressure to buy designer items in lieu of branded ones. Schools should set out requirements for generic items that prevent this (e.g. requiring PE leggings to be fit for purpose, plain and with minimal/no logos or branding etc). They should continue to manage issues of pupil compliance in line with their behaviour policies and take a considerate approach if financial issues are thought to be a factor (as stated in the statutory guidance on the Cost of school uniforms).

Parents

The new statutory limit will reduce costs for parents of children at schools which need to reduce branded items as a result, particularly impacting those with secondary-aged children. The Children's Society *Wrong Blazer* report (2020) found that, where parents had to buy two or more items from specific shops, the average cost of a primary school uniform was around 50% more expensive. For secondary schools, where parents had to buy two or more items of uniform from a specific supplier, costs were on average £75 per year higher. More recent research (Cost of School Uniform Survey, published September 2024) found that average expenditure on uniform reduced as the range of outlets from

which parents could purchase items increased. Average spend was significantly lower where all items could be purchased from anywhere (£227.29) than where all had to be purchased from a designated shop or from a school (£283.90). For some items, the survey found that parents buying from a designated shop or from school had paid twice that of parents able to buy from anywhere.

The survey showed a large range in the number of branded items that schools required. The limit will have an impact for many parents, but the biggest savings will be experienced by parents with children at schools previously requiring the largest number of items. The scale of potential savings is uncertain as schools retain autonomy in choosing which compulsory branded items, they require (and consequently which they will remove).

Using information from a sample survey of parents on the costs of uniforms, approximate estimates of potential aggregate savings to parents have been made. Such estimates can only be considered indicative due to sampling, the variation and complexity in the costs of uniforms and being able to ask only reasonably simple questions of parents. The estimated aggregate savings to parents with children in primary school is around £21m per year, and for those with children in secondary school is around £52m per year. We have no information on levels of savings for individual parents with particular characteristics.

All schools should ensure that parents can acquire second-hand uniforms. Specialist school uniform retailers believe their clothing is better quality and longer lasting than generic alternatives so is more likely to be donated to second-hand schemes, and also that if more parents choose to buy cheaper, lower quality alternatives which are not subsequently donated, this might impact those parents most reliant on pre-loved/uniform exchange schemes. The limit does not, however, prevent parents buying uniform items from specialist retailers and many will choose to do so.

Specialist uniform supply and retail businesses

Schoolwear suppliers, including the Schoolwear Association, have made representations that the limit on branded uniform items will have consequences for the sustainability of the uniform supply and retail businesses and will put the viability of many businesses at risk. Whilst we appreciate the sector's concerns (and have engaged with representatives from the Schoolwear Association throughout the process) the decision to introduce a legislative limit follows careful consideration of the needs of parents and schools in relation to school uniform. Offering parents the flexibility to make the buying decisions that best suit their family circumstances is the primary objective.

We accept that a limit on branded items will have an impact on this sector. Any 'in principle' benefit to parents in terms of savings (see above) also represents a cost - in the form of reduced revenue to some businesses, although the cost to individual suppliers will not always be equal to the savings made by parents (for example parents will benefit

from the price difference between a branded and a generic skirt, whilst some retailers will lose the entire profit made on that skirt if parents choose to purchase the generic option elsewhere). It is not possible to determine how much of the future market for generic items that current branded uniform suppliers may retain, since this may depend on a given supplier's chosen retail strategy, nor do we have sufficient data on anticipated profit margins on any given branded item to model the expected financial consequences of a reduction in sales for individual retailers.

It is likely the measure will have some impact on the saleability of the existing stock of certain branded items, which schools may move from compulsory to optional, which could leave suppliers with potential liabilities regarding unsold items. It is not possible to determine the potential extent of those liabilities because we do not collect information on existing contractual arrangements or individual supplier's stock levels. However, it is important to note that branded items are not banned. They are valued by parents and schools and have an important purpose. In addition to the compulsory branded items permitted within the limit, schools are still able to include optional branded items in their uniform policies, which many parents will continue to choose to buy. Some parents will also choose to buy generic items from affected school uniform suppliers for a number of reasons including availability, where items are of a better quality and for convenience. As the limit will not apply to them, uniform sales associated with the independent school sector will not be impacted. These factors will, to some extent, mitigate the overall impact on the sector of the limit.

We have looked at the available evidence to try and quantify the level of impact we think the limit will have on the sector – including considering the size and nature of businesses in the sector, and whether those businesses also supply uniforms/branded clothing for other sectors/businesses. We currently estimate there are in the region of one to two thousand 'schoolwear' businesses operating in England (mostly microbusinesses <10 employees; <£2m turnover). We do not have information on which to determine the proportion of their business represented by branded schoolwear and the proportion represented by branded clothing/uniforms for other groups/sectors or businesses.

The exact impact of the measure on these businesses is therefore uncertain and will also not be equally distributed. It will depend on factors such as:

- the size of the business;
- the extent of their existing non-school uniform business, and/or the ability to diversify into other markets;
- the proportion of revenue that comes from compulsory vs optional branded school uniform, and the extent to which parents continue to purchase both branded and unbranded items from specialist suppliers; and
- the nature of their existing contracts with schools: suppliers for schools with high numbers of branded items will be impacted more than those whose contracts are already for fewer items.

The timings for the limit to come into effect, with guidance on the limit published in October 2025 and a commencement order bringing the limit into effect from 01 September 2026, were designed specifically to give suppliers sufficient notice to wind down stock levels as appropriate.

Mobile phones in schools

Policy overview

Calm, consistent, distraction-free classroom environments benefit all children. They create clear expectations around behaviour and they improve children's outcomes.

This measure legally requires all schools in England to have regard to guidance issued by the Secretary of State on pupils' use and access of mobile phones and other personal interactive communication devices during the school day. This would make the existing 'mobile phones in schools' guidance published by the Department for Education on this issue statutory, creating a clear legal expectation that the guidance should be followed unless there is a legally justifiable reason for schools not to do so.

The guidance is clear that all schools should be mobile phone-free environments by default; anything other than this should be by exception only. The Department for Education expects schools to implement a policy whereby pupils do not have access to their mobile phone throughout the school day including during lessons, the time between lessons, breaktimes and lunchtime. There are a number of ways in which schools can ensure that they are mobile phone-free, and it is for school leaders to decide how best to achieve this within their own unique contexts. For example, some schools have chosen to use lockers to store mobile phones, ensuring that pupils still have access to a device for safety reasons when travelling to and from school. There are also schools who successfully facilitate pupils handing a mobile phone to staff at the start of the school day.

Why is legislation needed?

In order to place the existing guidance on a statutory footing, legislative change is required.

Objectives

The overall objective of this policy is to ensure that mobile phone use in school does not undermine pupils' wellbeing, safety, behaviour, or educational outcomes.

To achieve this, the policy has the following sub-objectives:

- Ensure pupils do not have access to or use their mobile phones throughout the school day including during lessons, the time between lessons, breaktimes and lunchtime.
- Reinforce parental confidence that schools are taking reasonable steps to prioritise children's safety, focus, and development.

- Promote positive pupil behaviour and overall school culture by setting clear, consistent expectations on mobile phone access and use.
- Protect pupils from online risks such as bullying, harassment, harmful content, and exploitation, both during the school day and in connection with school activities.

Viable policy options (including alternatives to legislation)

We have considered the following policy options:

Option 1: retain non-statutory guidance on mobile phones in schools. This option would maintain the current approach, under which guidance supports schools but does not carry legal force. While this allows flexibility for schools to set policies suited to their circumstances, stakeholder feedback suggests that non-statutory guidance may lack sufficient authority to ensure consistent implementation. Some school leaders report uncertainty about their powers to enforce their mobile phone policy, including confiscation or any sanctions related to this, and concern that guidance alone does not provide adequate reassurance when challenged by parents or pupils.

Option 2: put the guidance on a statutory footing. This option would place the guidance on a statutory footing, strengthening its authority and providing clear legal backing for school leaders when setting and enforcing mobile phone policies. Statutory guidance would establish a consistent national expectation while still allowing schools discretion over how policies are implemented at a school level. This option is intended to reduce ambiguity, whilst supporting school leaders to act confidently and proportionately.

The chosen option is option 2.

What else?

This measure sits alongside Government action to support the implementation and enforcement of mobile phone policies in schools. This includes the publication of strengthened guidance which is clear that every school should have a policy ensuring pupils do not have access to mobile phones at any point during the school day; Ofsted inspection of school mobile phone policies, and support from Attendance and Behaviour Hubs for those schools struggling to implement their mobile phone policy.

The Secretary of State has also written directly to every headteacher in the country to be explicit that the Government fully supports schools in banning mobile phones and will stand behind them in enforcing that decision.

Impact on external groups

Pupils

The changes from this policy option can be expected to reduce the level of disruption caused by mobile phones to pupils in the classroom. In June 2025, over half (58%) of pupils said that in at least some lessons, pupils used mobile devices when they were not supposed to¹¹. The evidence suggests that having a smartphone available to pupils in class has negative impacts on children's learning by creating a constant distraction¹² and that having smartphones in schools also has a negative effect on pupil wellbeing and social development¹³. Putting the existing guidance on a statutory footing, therefore, is expected to reduce the negative impacts of smartphone usage on pupil's academic progress as well as their experience of schooling. For example, the changes from this policy option could lead to a reduction in the levels of cyber-bullying of pupils with 40% of teachers reporting this as an advantage of mobile phone-free schools¹⁴, thereby improving the overall experience of pupils in school.

Teachers

The changes from this policy option are likely to be supported by teachers who have previously reported several advantages of mobile phone-free schools including improved focus during class, fewer distractions for pupils and a reduction in cyberbullying.¹⁵ Recent polling from Teacher Tapp¹⁶ found that in schools where mobile phones are allowed at breaktimes and lunchtimes, just 15% of teachers would pick that approach. Most (76%) would prefer a stricter approach, with collected/pouches (35%) being the most popular.

The changes from this policy option are likely to provide greater clarity and awareness of the guidance which in turn will ensure that mobile phones policies are enforced by schools. Data from Teacher Tapp¹⁷ in February 2026 showed that 39% of secondary teachers felt the updated guidance would not make a difference to mobile phone misuse in their school. By putting this guidance on a statutory footing, we can expect the guidance to have greater impact on school practice since it will now become a legal duty for every school to have regard to the guidance.

Moreover, since this policy option is expected to prevent mobile phone usage in schools and thereby lessen disruption in lessons, it is expected to improve pupil behaviour. In 2024, over 37% of teachers (rising to 50% in secondary) cited distraction of mobile

¹¹ [National behaviour survey academic year 2024 to 2025](#)

¹² [The effects of mobile phone use on academic performance: A meta-analysis - ScienceDirect](#)

¹³ [To Ban or Not to Ban? A Rapid Review on the Impact of Smartphone Bans in Schools on Social Well-Being and Academic Performance](#)

¹⁴ [Polling for Yondr on Phone Free Schools - Public First](#)

¹⁵ [Polling for Yondr on Phone Free Schools - Public First](#)

¹⁶ [Mobile phones, time tables and trainers! - Teacher Tapp](#)

¹⁷ [Attendance robots, primary assessments and mobile phone rules - Teacher Tapp](#)

phones (e.g., texting, cameras) as one of their most significant day-to-day behaviour concerns¹⁸. By ensuring that all schools have an enforced mobile phone-free policy, which is part of the Ofsted inspection framework, this policy option is therefore expected to directly address one of the most common and difficult behaviour challenges that teachers experience in the classroom today.

Parents, carers and guardians

The changes from this policy option are likely to be largely supported by parents, with large-scale polling evidence from the last 18 months indicating general parental support for tighter restrictions on mobile phone use in schools. In particular, 78% of parents polled by Public First¹⁹ support mobile phone-free schools. In addition, 1 in 5 parents believe that their child's smartphone use is negatively impacting their academic performance.²⁰ Putting the guidance on a statutory footing is therefore expected to satisfy the majority of parents who have concerns about their children's academic performance and wellbeing being harmed by mobile phone use during the school day.

¹⁸ NASUWT (2024), [The Big Question Survey](#)

¹⁹ [Polling for Yondr on Phone Free Schools - Public First](#)

²⁰ [8be189_4a7640e2a2854a9281fb7dc03234289a.pdf](#)

Allergy safety policy in schools

Policy overview

The measure introduces a requirement for all schools to have an explicit, written allergy safety policy covering the identification and management of pupils with allergies, including those at risk of anaphylaxis. The policy must be reviewed annually, made publicly available, and communicated to staff, pupils, parents, and others working within the school.

This requirement is supported by strengthened statutory guidance and associated non-statutory delivery arrangements that set clear expectations for effective allergy management in practice. This includes guidance on emergency preparedness and the appropriate availability, storage, and use of emergency medication such as Adrenaline Auto-Injectors (AAs), including spare AAs where schools choose to hold them.

The policy establishes a clear national baseline for allergy management while allowing local flexibility in how schools meet their duties.

The problem or issue the problem is addressing

Severe allergies and anaphylaxis pose a significant and increasing risk to children and young people. Current arrangements rely heavily on variable local practice, general health and safety duties, and non-statutory guidance. This has resulted in inconsistent approaches to allergy management across schools, leading to avoidable incidents and uncertainty among staff, parents, and pupils about roles, responsibilities, and expected standards of practice.

Inconsistent arrangements increase the risk of delayed or inappropriate emergency response, including delays in accessing emergency treatment for pupils at risk of anaphylaxis. Such delays can have serious or fatal consequences. Variability also causes unequal levels of safety and reassurance depending on the school a child attends.

Who is affected

- Pupils with allergies, particularly those at risk of anaphylaxis
- Parents and carers
- School staff, including teaching, support, catering and lunchtime staff
- School leaders, proprietors and governing bodies

Current context

Under section 100 of the Children and Families Act 2014, schools are required to make arrangements to support pupils with medical conditions. However, there is currently no specific statutory requirement for schools to have a standalone allergy safety policy.

As a result, practice varies significantly between schools and sectors, including variation in staff awareness, emergency preparedness, and schools' ability to access, store and use emergency medication, such as spare AAIs. While many schools already operate effective allergy arrangements, the absence of a clear national baseline contributes to inconsistency, uncertainty and reduced confidence for families and staff.

Intended overall outcome / impact

The intended outcome is safer and more consistent school environments for pupils with allergies, with a reduced risk of serious allergic incidents and improved emergency preparedness.

The policy aims to establish a clear national baseline for allergy management in schools; improve confidence among parents, pupils and staff; and support timely and effective responses to allergic emergencies, including anaphylaxis. Collectively, the measure is intended to reduce harm, prevent avoidable incidents, and strengthen reassurance that pupils with allergies are properly supported across all school settings.

Why is legislation needed

Evidence supporting the need for change

- The increasing prevalence of food allergies among children and young people
- Serious incidents, including fatal and near-fatal cases of anaphylaxis, occurring in educational settings
- Evidence that prompt administration of adrenaline through an AAI is critical in preventing serious harm during anaphylactic reactions
- Consistent advocacy from families, clinicians, and allergy charities highlighting preventable risks, inconsistent school practice, and variability in emergency preparedness

Gaps / inconsistencies that currently exist

- No mandatory requirement for schools to have a dedicated allergy safety policy
- Variable staff training, awareness and confidence in recognising and responding to allergic emergencies
- Inconsistent approaches to allergen management, emergency response planning, and access to emergency medication
- Limited transparency, accountability and reassurance for parents and carers

Why this is the right time to intervene

There is heightened public, parliamentary and sector focus on pupil wellbeing and safety following high-profile cases involving allergic reactions in schools. The Children's Wellbeing and Schools Act has provided an appropriate legislative vehicle to introduce a proportionate and enabling duty, supported by statutory guidance, without imposing prescriptive or disproportionate new operational requirements on schools.

Objectives

Primary aims of the policy

- Ensure all schools have clear, up-to-date arrangements for managing allergies
- Reduce the risk of allergic reactions and anaphylaxis in school settings
- Improve staff confidence and preparedness in preventing and responding to allergic emergencies
- Provide reassurance to parents and pupils that appropriate emergency arrangements are in place

Expected outcomes

- *Short term:*
 - Schools formalise, review and publish allergy safety policies.
 - Improved staff awareness, clarity of roles, and understanding of emergency procedures, including those involving AAIs/ADs.
 - Improved confidence in recognising and responding to allergic reactions
- *Medium term:*
 - Greater consistent allergy management across the school system.
 - Improved preparedness for allergic emergencies, including clearer and more consistent access to spare adrenaline devices.
 - Reduction in allergy-related incidents and near misses.
- *Long term:*
 - Improved health outcomes for pupils with allergies.
 - Increased parental trust and confidence in school arrangements.

How success will be measured

- Compliance with the requirement to publish and review allergy safety policies.
- Evidence of improved preparedness and reduced delays in emergency response.
- Fewer reported allergy-related incidents in schools.
- Positive feedback from parents, pupils and school staff.

Viable policy options (including alternatives to legislation)

Options considered

- 1. Do nothing / rely on existing guidance**
 - *Advantages:* No additional burden on schools.
 - *Disadvantages:* Continues inconsistency, uncertainty and risk; does not address variability in emergency preparedness or access to AAIs/ADs.
- 2. Strengthened non-statutory guidance only**
 - *Advantages:* Flexible and low-cost.
 - *Disadvantages:* Limited enforceability; variable take-up and therefore ongoing risk to children.
- 3. Statutory requirement for an allergy safety policy (preferred option)**
 - *Advantages:* Creates a clear national baseline; improves accountability and consistency while allowing local flexibility.
 - *Disadvantages:* Modest administrative responsibility for schools.

Why alternative options were not taken forward:

Evidence indicates that guidance alone has not delivered consistent or adequate protection. A light-touch statutory requirement is considered proportionate, targeted, and necessary to ensure minimum standards nationally.

Stakeholder feedback that informed these decisions:

Parents, allergy charities, clinicians and education leaders have consistently highlighted the need for clearer and stronger expectations on schools to manage allergies safely, without imposing overly prescriptive operational requirements.

What else?

Complementary policies or reforms

- Existing duties under section 100 of the Children and Families Act 2014
- Department for Education guidance on supporting pupils with medical conditions in schools
- Strengthened statutory guidance and associated non-statutory arrangements supporting emergency preparedness, including the appropriate use of “spare” adrenaline devices

Additional changes needed to support success

- Updated, clear statutory guidance on allergy management in schools, including practical expectations for emergency preparedness.
- Proportionate staff training and awareness-raising on the prevention, recognition and management of allergic reactions, including anaphylaxis.

- Alignment with catering, food safety and wider health and safety arrangements in schools to support effective allergen management.
- Clear communications and support to help schools access, store and use adrenaline devices safely and confidently, in line with guidance rather than through additional regulatory requirements.

Impact on external groups

Group 1: Pupils with allergies and their parents/carers

How this group will be affected

They will benefit from clearer, more consistent allergy management arrangements across schools, including improved preparedness for allergic emergencies and greater confidence that appropriate emergency preparedness, and greater transparency about how allergic emergencies are handled, such as access to “spare” adrenaline devices, are in place.

Expected benefits

- Improved safety and reduced anxiety for pupils and families.
- Greater transparency and confidence in school allergy and emergency response arrangements.

Costs, burdens or risks

- Minimal; potential need for engagement with schools to inform policy reviews, care planning or individual health arrangements.

Group 2: Schools and school staff (including catering providers)

How this group will be affected

Schools will need to formalise, review and publish an allergy safety policy and ensure staff awareness of allergy management and emergency procedures, including how allergic emergencies are handled and how emergency medication such as adrenaline devices may be used in line with statutory guidance.

Expected benefits

- Greater clarity of roles, responsibilities and procedures.
- Improved preparedness and confidence in responding to allergic emergencies.
- Reduced risk of serious incidents and associated legal or reputational liability.

Costs, burdens or risks

- Limited administrative effort to develop and review policies.
- Potential training and awareness requirements, largely aligning with existing good practice.

- Modest costs associated with emergency preparedness, including maintaining access to “spare” adrenaline devices, mitigated through guidance and non-statutory support mechanisms.

This measure is not expected to constitute a significant new burden, as it formalises existing expectations and does not mandate new services, staffing, or medical provision beyond current guidance.

School teachers' qualifications and induction measure

Policy overview

High quality teaching is the most important in-school factor for improving outcomes for all children, including those from disadvantaged backgrounds, and those with additional needs.²¹ The government is committed to breaking down the barriers to opportunity and ensuring the best life chances for every child. To help achieve this, we are ensuring that new teachers entering the classroom have, or are working towards, Qualified Teacher Status (QTS).

Currently, section 133 of the Education Act 2002 requires teachers in local authority (LA) maintained schools and special schools not so maintained to have QTS, subject to limited exemptions set out in Schedule 1 to The Education (Specified Work) (England) Regulations 2012. One of these exemptions is for teachers who are working towards QTS by undertaking employment-based Initial Teacher Training (ITT) courses.

Unlike LA maintained schools, academies have powers to make decisions in relation to some matters which are not available to LA maintained schools, one of which is over teacher qualifications. This means academies are not currently required to employ teachers with QTS or who are subject to the exemptions in Schedule 1.

The number of academies continue to grow, with figures from 2024 showing that 50% of state-funded schools open in England are an academy²² – over 43% of primary and over 82% of secondary schools. Unqualified teacher rates are consistently higher in academies compared to LA maintained schools, at 3.6% and 2.5% respectively, based on November 2023 data taken from the School Workforce Census. This measure will ensure that state schools in England give the same consideration to QTS when employing teachers and that children at these schools receive a high quality education, delivered by a teacher who is appropriately qualified.

Following on from this, early career teachers (ECTs) are teachers who have gained QTS and have not yet completed (or are in the process of serving) statutory induction. At present in relevant schools (LA maintained school; non-LA maintained special school; LA maintained nursery school; nursery school that forms part of an LA maintained school; LA maintained children's centre; and pupil referral units) ECTs are required to satisfactorily complete a two-year induction to be employed there (subject to exceptions).

For ECTs employed in academies, there is no such requirement. In practice, almost all academies offer statutory induction to ECTs they employ. Stakeholder feedback indicates

²¹ J. Hattie. Visible Learning. 2009. and Education Endowment Foundation. Special Educational Needs in Mainstream Schools. March 2020.

²² School Census for academic year 2023/24: <https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics#dataBlock-07e9616d-9757-4821-ad22-51c67803a222-tables>

that academies view induction as beneficial for the professional development and retention of their teachers, and academies want to be seen as competitive employers by offering the benefit of induction to their ECTs. ECTs in academies want to undertake induction to ensure they have met the requirements so that they can work in schools that require it in the future. Internal analysis of matched School Workforce Census and continuing professional development data supports this.

Although it is difficult to provide accurate estimates, analysis of data for 2023 suggests that only a very small number of academies do not offer induction. Fewer than 100 ECTs employed in academies were found to not have engaged in induction, representing less than 1% of the total number of ECTs in academies overall. This indicates that mandatory induction for teachers employed in academies would not create any significant increase in ECTs' participation in induction.

Why is legislation needed?

To ensure that children in primary and secondary state-funded settings in England have access to well-trained, qualified teachers, we are amending section 133 of the Education Act 2002 to extend the requirement to employ teachers with QTS for 'specified work', to academies. The approach we are taking will allow the Secretary of State to specify in regulations the types of academies to which section 133 should apply. This will place the same legal requirement on the specified primary and secondary academy settings, to employ teachers with QTS as currently applies to primary and secondary LA maintained schools and special schools. The requirement for teachers in academies to have QTS will only apply to teachers who commence employment with an academy school or trust after the implementation date.

Alongside this, legislation will similarly extend the statutory induction requirement for ECTs in specified academies. This will ensure ECTs have the best possible support and training as they enter the profession. The induction requirement would not apply retrospectively to any teachers already in the system who gained QTS prior to the date when the requirement to have satisfactorily completed an induction in an academy comes into effect.

The policy intent in amending the above legislation to include academies is to ensure that children will benefit from professionally qualified, well-trained teachers; and new teachers in state schools in England will be prepared for a successful teaching career through high-quality, regulated training and assessment followed by early career induction which supports their development.

Objectives

The policy objective is to ensure:

- Children in state-funded primary and secondary settings in England are taught by well trained, qualified teachers.
- New teachers employed in primary and secondary state funded settings in England have, or are working towards, QTS; and that once these teachers have QTS they are required to satisfactorily complete statutory induction to be employed in those settings.

Viable policy options (including alternatives to legislation)

We have considered the following policy options for ensuring any new teacher entering the classroom has, or is working towards, Qualified Teacher Status:

- **Option 1:** Amend the existing academy grant funding agreement to include the requirement to employ teachers with QTS. However, changing existing contracts that have been agreed between academies and DfE would be a time consuming and costly process where both sides would need to seek legal advice. It would also introduce the requirement without the opportunity for proper testing and scrutiny through Parliament. Additionally, if we were unable to renegotiate the same terms with every academy, there would continue to be inconsistency in the requirement for teachers to have QTS across the school system. We would therefore not achieve the government's ambition of QTS being a core expectation for new teachers who are not subject to an exemption to the requirement for QTS.
- **Option 2:** Update section 133 of the Education Act 2002 to extend the requirement to employ teachers with QTS for 'specified work', to academies. The approach we are taking will allow the Secretary of State to specify in regulations the types of academies to which section 133 should apply. This will place the same legal requirement on the specified primary and secondary academies to employ teachers with QTS as currently applies to primary and secondary LA maintained schools and special schools. Implementation of this requirement for new teachers may also encourage existing unqualified teachers to gain QTS. This option does not require complex renegotiation of academies' agreements and will ensure implementation of the policy, that new unqualified teachers have or are working towards QTS, as quickly as possible. From the implementation date of the measure, state funded primary and secondary schools will be required to recruit teachers who have or are working towards QTS, unless they are subject to the specified exemptions set out in Schedule 1²³ to The Education (Specified Work) (England) Regulations 2012.

²³ [The Education \(Specified Work\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2012/5013/1/1) sets out the requirements to be satisfied by persons who are not qualified teachers, in order to carry out specified work in school, such as existing unqualified teachers in nursery classes and at nursery schools, instructors with special qualifications or experience, overseas trained teachers, employment-based teacher training schemes.

We are progressing with option 2. This will ensure a consistent approach to those entering the profession and will ensure that children have access to well trained, qualified teachers, providing all pupils with the best opportunity to succeed at school.

For the Statutory induction measure, other options considered include:

- **Option 1:** Do nothing – maintain the status quo. Doing nothing would not achieve the government's ambition of induction being a core expectation for new teachers who are not subject to an exemption to the requirement for induction. This would not align with the expectations around the intended impact of the QTS requirement to raise teacher quality.
- **Option 2:** Extend the definition of 'relevant schools' in Section 135A (4) of the Education Act 2002 to include academies, so that ECTs employed in an academy are also required to have satisfactorily completed statutory induction to be employed there and apply the requirement to all ECTs working in relevant schools (including academies) with no exceptions. This presents a risk that for existing qualified staff in academies, the induction requirement would not add value and instead be unfair on anyone who had previously been informed they were not required to do induction. This option would also be out of line with the announced QTS commitment which only applies to 'new' teachers.
- **Option 3:** Do option 2 and exempt ECTs working in academies at the point the induction requirement comes into effect. This would create inconsistencies between academies and other types of schools around who is and is not in scope, even where teachers have similar levels of experience.
- **Option 4:** Extend the definition of 'relevant schools' in Section 135A(4) of the Education Act 2002, to include academies, so that new teachers (i.e. those gaining QTS after the specified date that the requirement takes effect) employed in an academy are also required to have satisfactorily completed statutory induction, and to not apply this requirement to any teachers who gained QTS prior to the specified date when the new requirement to complete induction in an academy takes effect.

The chosen option for the statutory induction measure is option 4. This avoids imposing a new requirement retrospectively onto existing qualified teachers while still allowing them to satisfactorily complete induction should they choose to.

What else?

There are no other government projects or initiatives that specifically target mandating QTS across state-funded primary and secondary settings in England. However, there is an incentive for teachers to gain QTS as the qualified teacher pay scale is higher than the pay scale for unqualified teachers, to encourage those passionate about the

profession to undertake the necessary training to underpin and support them in their career. The department also has a range of initiatives to encourage people into the teaching profession. This includes a variety of QTS courses and routes to support a wide range of trainee needs and preferences, inclusive marketing campaigns and online services such as 'Get into Teaching', 'Find' and 'Apply', subject knowledge enhancement courses to support applicants to gain the depth of subject knowledge required to train to teach their chosen subject, and a range of financial incentives to attract and retain great teachers.

The within-school factor that makes the biggest difference to a child's education is high-quality teaching, but there are shortages of qualified teachers across the country. The government is committed to work with the sector to deliver the pledge to recruit 6,500 additional teachers across schools and colleges to raise standards for children and young people.

Impact on external groups

The main stakeholder group impacted by this policy are new unqualified teachers, academies, LA maintained schools, and pupils. Appropriate bodies²⁴, accredited ITT providers and providers of Early Career Framework-based induction training also need to be aware.

Unqualified teachers and unqualified entrants

The changes from this measure will mean that from the implementation date, teachers will not be able to commence employment in a primary or secondary academy unless they have QTS or are subject to one of the exemptions set out in Schedule 1 to the Education (Specified Work) (England) Regulations 2012 (including the exemption for teachers working toward QTS). If teachers without QTS are already employed in an academy prior to the implementation date, they will not be required to gain QTS, unless they move to a new employer.

Analysis of 2022 and 2023 data suggests that this change could affect around 700-1,250 potential entrants to the teaching profession each year. These individuals would have entered the teaching workforce as an unqualified teacher but would now be required to be working towards QTS. This represents around 1-2% of all entrants to the teaching workforce in November 2022. Estimates were produced by assessing the difference

²⁴ Appropriate bodies assure the quality of statutory induction for early career teachers. They assure themselves that relevant people know of their responsibilities for monitoring support and assessment during induction and are capable of meeting them and that monitoring, support, assessment and guidance procedures in place are fair and appropriate.

between the proportion of entrants who were unqualified and not working towards QTS in academies and LA maintained schools using 2022 and 2023 data.²⁵

We estimate that a proportion would still enter as unqualified entrants. Those with a degree would be eligible to work towards QTS while they work as a teacher, either by undertaking assessment only (AO) or through postgraduate (PG) employment-based ITT. AO typically takes 12 weeks to complete once accepted and a typical PGITT route is around 9 months-1 year. A small number of those with a degree may choose to undertake a post graduate student fee-based ITT course and join the profession once they have QTS. For those without a degree, the Teacher Degree Apprenticeship offers an employment-based route to gaining a degree and QTS. Alternatively, those without a degree could undertake a fee-paying undergraduate ITT course – which typically take 3 or 4 years and then join the teaching profession once they have QTS.

The majority of teachers with QTS in academies already take part in induction. We will not apply the induction requirement retrospectively so this proposed change will not affect existing ECTs who have not undertaken induction. From the implementation date, all ECTs will be required to undertake induction. All unqualified teachers already working in primary and secondary schools who then gain QTS will be required to do induction and benefit from the additional support it provides. There is also flexibility and discretion for Appropriate Bodies to grant a reduced induction for teachers with significant prior teaching experience to ensure that the length of induction is proportionate, therefore no negative impact is anticipated for this group.

Academies

The updated legislation will place the same requirements on specified academies, to ensure that new teachers in academies have QTS unless they are subject to the exemptions set out in Schedule 1 to The Education (Specified Work) (England) Regulations 2012.

Academies are currently not required to follow the teacher pay scales, however the majority do. This Act includes a measure to require the proprietors of academy schools and alternative provision academies to pay at least minimum levels of pay set out in secondary legislation and also includes a requirement for them to have regard to the School Teachers' Pay and Conditions Document. The qualified teacher pay scale is higher than the unqualified teacher pay scale so for some academies that are employing unqualified teachers, there may be an increase in salary costs. Additionally, stakeholder feedback suggests that some of the reasons for employing unqualified teachers are due to lack of supply, so some schools may struggle to find the teachers that they need, however, there are some exemptions to the requirement for QTS, that are set out in

²⁵ Estimates used unpublished data on unqualified entrants from the School Workforce Census and unpublished data on trainees starting an initial teacher training course in 2022 and 2023. These data sources were linked to identify which unqualified entrants were working towards QTS as there was no readily available data.

regulations. These include the exemption for instructors with special qualifications or experience, who can be employed by schools to carry out specified work without having QTS, and the exemption which allows individuals without QTS to work under the supervision of a qualified teacher and is typically used for classroom supervisors and teaching assistants to undertake specified work.

If schools appoint a teacher who is working towards QTS, there are costs associated with training and time off timetable for the trainee and their mentor(s). DfE provides grant funding to support this and if the teacher is training through an apprenticeship route, the school is able to access the apprenticeship levy. However, there will be additional time and resource pressure for schools employing teachers working towards QTS, compared to employing unqualified teachers not working towards QTS.

For the induction element of this measure, given that most academies already choose to offer induction, the overall impact is considered to be neutral. As induction is already offered in most academies, we would not expect this change to affect their internal policies and practices. Academies already have access to a DfE-funded training programme for ECTs and their mentors are eligible to receive additional funding for their time off timetable.

Local authority maintained schools and special schools

The updated legislation will not impact how LA maintained schools and special schools recruit teachers, as they are already required to employ teachers who have QTS or meet one of the exemptions. However, there is a potential positive impact from this measure to LA maintained schools and special schools as after implementation, all state funded primary and secondary schools will be on an equal footing when recruiting new teachers and supporting them to achieve QTS if necessary. Currently, up to c.1,250 new entrants to academies do not have QTS or meet one of the exemptions and therefore would be unable to work in an LA maintained school or special school. These entrants will now be required to have QTS or meet one of the exemptions so LA maintained schools and special schools could benefit from greater freedom of movement across the workforce.

Pupils and parents

The updated legislation will give Secretary of State the power to apply the requirements equally to state funded primary and secondary schools and will ensure there is a consistent approach to employing new teachers with QTS.

Evidence suggests that being taught by a high-quality teacher can add almost half a GCSE grade per subject to a given pupil's results.²⁶ Implementation of this policy will support the overall aim of increasing the quality of teaching across schools to support

²⁶ H Slater, N. M. Davies and S. M. Burgess. 'Do teachers matter? Measuring the variation in teacher effectiveness in England'. 2012.

better outcomes for children and young people. This means parents and pupils will benefit from the rising standards of having more qualified teachers in the classroom who have successfully gained QTS and completed statutory induction, providing more transparency around the training that teachers have had, and instilling greater confidence in the quality of teaching.

Introducing a requirement for academies to teach the National Curriculum

Policy overview

The Children's Wellbeing and Schools Act 2026 introduces a requirement for academies to teach the national curriculum. This policy arises in the context of the government's broader educational reforms, including the Curriculum and Assessment Review, aimed at ensuring consistency and equity in minimum standards of education across all state-funded schools in England.

Currently, maintained schools are 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. Academies are state-funded schools, independent from local authorities, which are funded directly by DfE and are accountable to the Secretary of State.

As of 1 May 2024, 50% of state-funded schools open in England are an academy (over 43% of primary and over 82% of secondary schools). Over 58% of pupils in state-funded education study in academies.

Academies are not currently required to teach the national curriculum, unlike maintained schools, although they can if they choose. Academy trusts have the freedom to set and deliver their own curriculum, although they are obliged to meet the curriculum requirements of section 78 of the Education Act 2002 – offering a “balanced and broadly based curriculum”.

This leaves potential for inconsistencies in education standards, opportunities and outcomes for students across different types of state-funded schools. The government has committed to requiring academies to teach the national curriculum. The measure will be brought into effect once the revised national curriculum has been developed, following the recommendations of the Curriculum and Assessment Review. The Review's final report was published on 5 November 2025 alongside the government's response and we are aiming to publish final national curriculum in Spring 2027, for first teaching from September 2028.

Why is legislation needed?

Primary legislation is required to ensure all academies are legally obligated to teach the national curriculum.

The measure aims to establish a clear, enforceable standard for academies, ensuring consistency in education standards.

The policy imperative for introducing legislation now is to confirm to academies how the government will deliver this commitment, providing them with sufficient time to prepare for a new curriculum.

Objectives

The primary policy objective is to provide a core, high-quality curriculum by requiring academies to teach the revised national curriculum, which will be introduced from September 2028. This measure will provide an entitlement for all children to receive the same core curriculum and provide assurance and transparency to parents, who will know the details of what their child should be taught, regardless of the school they attend.

To achieve this, we will establish a single statutory requirement for academies to follow the national curriculum.

Academies will be subject to a standardised educational framework that aligns with the standards set for maintained schools, promoting fairness, and ensuring a baseline high standard of educational content.

Viable policy options (including alternatives to legislation)

We have considered the following other policy options to provide a similar outcome:

1. **Option 1:** Amending the Independent School Standards regulations.
2. **Option 2:** Updating the model Master Funding Agreement for academies.
3. **Option 3:** Updating the Academy Trust Handbook.

These options would require limited consultation or scrutiny, and option 2 would only apply to new or renewing agreements, so we have deemed them unsuitable.

The chosen option is to introduce primary legislation to clearly mandate that all academies teach the national curriculum. This approach increases transparency by ensuring the change is open to public and parliamentary scrutiny. It also provides clear statutory grounding for the requirement, aligning with the government's public commitment, and allows academies time to adjust to any new requirements.

What else?

An independent Curriculum and Assessment Review was established by the government to help ensure that the national curriculum remains relevant and effective in preparing young people for life and careers in a changing world, and delivering high and rising standards for all.

Its final report and the government's response were published on 5 November 2025. The national curriculum will be refreshed in line with the Review's recommendations, with a revised national curriculum due to be published in spring 2027, for first teaching in 2028.

As with maintained schools, ministers will have the power to exempt certain schools from specific aspects of the curriculum, subject to the outcomes of the review and discussions with the sector.

Impact on external groups

The key stakeholder groups affected by this policy are likely to be academy trusts and leaders, who may need to adjust their curricula, including changes to subject knowledge, lesson sequencing, the balance of lessons, or content. We are aware that many academies already choose to teach the national curriculum and will therefore experience a similar impact of the Curriculum and Assessment Review as maintained schools.

- Trusts may also need to ensure they have sufficient teacher availability for any subjects not currently delivered or are underrepresented in their existing curricula.
- They may need to make adjustments in their facilities, resources and materials to meet the national curriculum standards.
- While academies currently have the freedom to set their own curricula, this measure will standardise the core curriculum across state-funded schools, aligning academies more closely with maintained schools.

The main other groups that will be affected are:

- **Pupils and parents:** who may benefit from greater consistency, clarity and assurance of core curriculum content across different schools.
- **Academy workforce:** who may need additional or specialised training to deliver the new national curriculum.

The policy will potentially impact a substantial proportion of pupils and the education sector. As of May 2024:

- Academies constitute 50% of state-funded schools in England.
- Over 43% of primary schools are academies.
- Over 82% of secondary schools are academies.
- Academies educate over 58% of pupils in state-funded education.

The government recognises the potential impact on all schools, whether maintained schools or academies, of changes arising from the Curriculum and Assessment Review. Some academies may be particularly affected if their current curriculum differs significantly from the new national curriculum but, as many already follow the current national curriculum and will likely be impacted similarly to maintained schools, we anticipate that any further additional costs are likely to be small. The Review sought to ensure that the curriculum and assessment system does not place undue burdens on

education staff and, wherever possible, supports manageable and sustainable workloads for teachers, lecturers, support staff and leaders. The government is committed to supporting all schools through the transition period, ensuring sufficient lead-in time to implement the changes effectively.

Academy schools: educational provision for improving behaviour

Policy overview

[Section 29A of the Education Act 2002](#) (s29A) allows governing bodies of maintained schools to direct pupils temporarily to an alternative setting including mainstream schools and alternative provision (known as off-site direction) to improve their behaviour, without parental consent. Off-site direction is not a formal exclusion on disciplinary grounds but rather a preventative measure, used to address behavioural issues and reduce the likelihood of an exclusion. Related secondary legislation, [the Education \(Educational Provision for Improving Behaviour\) Regulations 2010](#), also imposes various procedural safeguards such as a requirement for parents to be fully informed and for the off-site direction to be kept under review by the governing body.

The [statutory Suspension and Permanent Exclusion \(Exclusion\) guidance](#), is clear that off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in school interventions and/or outreach has been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in an alternative setting.

Maintained schools use this power to direct pupils off-site into:

- Alternative provision (AP), which may be independent (classed as private business) or state-funded either part-time alongside attending mainstream or full-time;
- to another mainstream setting (which may have an in-school support unit, and are typically state funded);
- and/or unregistered settings (classed as a private business).

Schools report that this can be an effective strategy to support a pupil's re-engagement in their education as well as improvements in their behaviour.

Governing bodies of maintained schools must comply with the Education (Educational Provision for Improving Behaviour) Regulations 2010 and must have regard to the statutory Exclusion guidance and [Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies](#) (AP). Both sets of statutory guidance cover objectives and timeframes with appropriate monitoring of progress and act as procedural safeguards for pupils within the off-site direction review process. For maintained schools, the governing body must carry out the following duties:

- ensure that parents (or the pupil if 18 or older) (and the local authority where the pupil has an Education, Health and Care (EHC) plan) are notified in writing and provided with information about the placement.
- invite the parents (or the pupil if 18 or older) (and the local authority if the pupil has an EHC plan) when a review meeting takes place.
- hold a review meeting if parents (or pupils aged 18 or over) and, where the pupil has an EHC plan, the local authority requests, in writing, that a review meeting takes place. When this happens, governing bodies must comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.
- provide written notification no later than six days before the date of any review meeting to the parent (or pupil if 18 or older), the provider of the education, the local authority (if the pupil has an EHC plan) and others to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should continue.

The statutory power of off-site direction, under s29A does not apply to academy schools, who can instead arrange off-site provision for similar purposes under their general powers. Therefore, we propose to change legislation to provide equivalent explicit statutory powers for academy schools to direct pupils off-site to improve their behaviour, as it currently exists for maintained schools. This is not intended to change practice, but more to regularise the legal framework between academies and maintained schools' powers, and that all state-funded mainstream and special schools are subject to the same statutory requirements in using off-site direction, including processes to safeguard pupils and review off-site direction placements.

Why is legislation needed?

It would not be possible to deliver this through secondary legislation or other delegated powers as the existing primary legislation in these areas only applies to maintained schools.

Objectives

By amending s29A of the Education Act 2002, it will remove any ambiguity around an academy's power to use off-site direction and set a consistent standard of acceptable practice for directing pupils off-site between academy schools and maintained schools. Additionally, it will ensure that pupils are treated fairly and consistently between academy schools and maintained schools when they are placed off-site to improve their behaviour.

By placing academies and maintained schools on the same statutory footing, this amendment will reinforce that all such schools are subject to the same limits and controls around the use of off-site direction, and subject to the same statutory requirements in terms of how pupils move around the school system. In doing so, the amendment

supports wider efforts to safeguard pupils and promote educational outcomes, ensuring scrutiny and transparency and guarding against misconduct or malpractice.

Viable policy options (including alternatives to legislation)

Other alternative options considered to legislation include:

- **Option 1:** Our only alternative policy option would be to continue as we are and maintain the existing position reflected in both the statutory AP and statutory Exclusion guidance. With this option, we would continue to encourage academy schools to follow the regulations and statutory guidance. However, recent evidence available showed that 55.3% of placements in school-arranged AP were due to off-site placements for behavioural support (14,587 out of 26,400 pupils).²⁷ Pupils can be directed off-site to various settings, meaning the true number of pupils on these placements is likely to be much higher, impacting a large cohort of pupils. Therefore, academy schools would continue to direct pupils off-site using their general powers, rather than the equivalent explicit statutory power as it currently exists for maintained schools.

What else?

Achieving good behaviour in schools is central to the delivery of the government's Opportunity Mission, ensuring that fewer children miss out on education and improving the life chances of all children regardless of their background. Schools need to manage behaviour well to ensure all children have the opportunity to achieve and thrive to succeed and flourish. We know the impacts of misbehaviour are wide ranging and include disruption in education, poor pupil wellbeing and poor outcomes for children.

Since 2010, government activity has focused primarily on the presentation end and providing support to schools to adopt best practice and less focus on out of school drivers and the root causes of behaviour issues in schools. This includes but not limited to:

- In March 2018, Edward Timpson CBE KC MP was commissioned to conduct a review of School Exclusion, exploring how head teachers use exclusion in practice, and why some groups of pupils are more likely to be excluded. The review published in May 2019 made 30 recommendations, all accepted in principle by the Government. To date 21 recommendations have been completed and 7 partially met or underway through the Special Educational Needs and Disabilities and alternative provision (AP) reforms. This includes, in September 2022, action through the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) \(Amendment\) Regulations 2022](#) and supporting statutory guidance to:

²⁷ As of January 2024: [Schools, pupils and their characteristics, Academic year 2023/24 - Explore education statistics - GOV.UK](#)

- ensure local authorities receive real-time data on all suspensions regardless of length, requiring all schools to share suspension data with local authorities 'without delay' which came into force in September 2022. This assists local authorities and safeguarding agencies to successfully support the most vulnerable children.
 - require the head teacher to inform social workers and virtual school heads if a child in their care has been excluded.
 - provide information on the limitations of the head teacher's power to cancel an exclusion, the use of managed moves, off-site direction powers. examination of data by governing bodies and off-rolling.
- Additionally, in September 2023, the School Discipline (Pupil Exclusions and Reviews) (England) (Amendment) Regulations 2023 came into force and supporting statutory guidance was updated to:
 - place limitations around a headteacher's ability to cancel an exclusion before the governing body has met to consider whether the pupil should be reinstated. If this occurs, the parents, the governing body and the local authority must be notified and, if relevant, the social worker and virtual school head.
 - provide the ability for governing body reinstatement meetings and Independent Review Panels to be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied.
- The development and publication of strengthened guidance to support school leaders and staff to help manage behaviour, this includes '[Behaviour in Schools](#)', '[Suspension and Permanent Exclusion](#)', '[Searching, Screening and Confiscation](#)', and '[Mobile Phones in School](#)'.
- The publication of a [guide for parents on school behaviour and exclusion](#) in May 2023. This delivers on a key recommendation from the Timpson Review of School Exclusion (2019) for the department to produce more accessible guidance for parents.
- The delivery of the £10 million [Behaviour Hubs](#) programme to support schools who want and need to turn around their behaviour. The programme launched in April 2021 and there are now a total of 48 lead schools and 10 lead Multi Academy Trusts (MATs). The aim is to support up to 700 partner schools over 3 years. The final cohort of partner schools began their programme of support in January 2024 and the programme will end in March 2025. In April 2024, we published the training resources and tools from the programme to the sector via the DfE YouTube channels and gov.uk.
- The publication of the [National Behaviour Survey](#) which surveys panels of pupils, school leaders and teachers about their perceptions of behaviour. The survey runs termly and allows the department to build up a national picture over time and act as a signpost to what schools need. The publication of the first annual NBS, undertaken in June 2022, published on 8 June 2023.

- The establishment of the [National Professional Qualification in Leading Behaviour and Culture](#) (NPQLBC) is relevant for teachers, leaders and non-teaching staff who want to develop their understanding of contemporary practice and research around promoting and supporting positive behaviour. £184m has been invested into providing fully funded National Professional Qualifications (NPQs) for teaching staff across the country to deliver 150,000 NPQs up until AY 2023/2024, and all schools are encouraged to make the most of this opportunity to enable at least one member of staff to undertake the NPQLBC. The NPQ for leading behaviour and culture framework was last reviewed in 2020. The early career framework and Initial Teacher Training Core Content framework have just been reviewed and merged into one framework.

Impact on external groups

Pupils

There are various ways that pupils move around the school system, which relates to their behaviour such as a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) managed moves (permanent measure) as preventative measures to school exclusion (when a pupil is forbidden from attending school on disciplinary grounds).

Whilst the department does not collect an accurate picture on the number of off-site directions that take place to improve a pupil's behaviour, data from the School Census provides some insight through the use of school attendance codes such as 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 alternative provision on a school arranged placement. There is no separate attendance code for recording off-site direction.

According to the AP School Census collection, as of January 2024, we know there were 26,400 pupils in school-arranged AP. The most common reason recorded for schools arranging AP was off-site placement for behavioural support with 55.3% of placements recorded with this reason.²⁸ This shows that the department is aware of some of pupils who have been put on an off-site placement for behaviour as a primary reason in state funded AP or in school arranged AP, and local authority arranged placements, but does not have an accurate picture of how many off-site directions have taken place to improve a pupil's behaviour to other mainstream schools, the type of school that has commissioned AP (primary or secondary) or the duration of each placement.

²⁸ [Schools, pupils and their characteristics, Academic year 2023/24 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

There were 9,400 permanent exclusions in the 2022/23 academic year, the majority for pupils of secondary school age (the highest rates of exclusion occurring for pupils in Year 9 and 10).²⁹ As off-site direction is a preventative measure to help improve a pupil's behaviour and aims to reduce the likelihood of an exclusion, and because around 80% of secondary schools are academies, it can be assumed that a significant number of academies are using off-site direction to improve their pupils' behaviour rather than excluding them.

All pupils will likely experience a positive impact from this change and benefit equally, to the extent that this change will ensure that academies are subject to the same statutory framework, monitoring of placements and safeguards as maintained schools in their use of off-site direction as explained in paragraph 6.

Parents, carers and guardians

Both the statutory Exclusion guidance and statutory AP guidance note the governing body must ensure that parents (and the local authority where the pupil has an EHC plan) are given clear information about the placement: why, when, where, and how it will be reviewed, ensuring communication is ongoing with both the previous and new educational settings. Governing bodies must keep the placement under review and involve parents in the review.

Off-site direction does not require parental consent as it is a temporary measure. Case-law is clear that a parent's right to influence how the state educates their child is limited in various ways. It is subject to the child's right to education; and it does not amount to a right to dictate exactly how a particular institution educates the child, especially when the parent has the option of choosing a different institution or educating the child themselves, nor does it amount to a right to have the child educated at any particular institution.

Section 29A of the Education Act 2002, enables schools to swiftly commission alternative provision, it considers is appropriate to support a pupil's behaviour and reduce the likelihood of exclusion. The legislation allows schools to make decisions in the best interests of a pupil's behaviour and education without needing parental permission.

All parents, carers and guardians will likely experience a positive impact from this change and benefit equally, to the extent that this change will ensure that academies are subject to the same statutory safeguards as maintained schools in their use of off-site direction as explained in paragraph 6.

²⁹ [Suspensions and permanent exclusions in England, Academic year 2022/23 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

Maintained, academy schools, alternative provision (AP) providers (including independent and unregistered AP)

Section 29A allows maintained schools to direct pupils off-site, into other state funded maintained schools, academy schools and maintained AP. Maintained schools can also place pupils into independent AP and unregistered AP, which are registered as private businesses.

By extending the power to academy schools, to direct pupils off-site, we expect the impact of this legislative change to be neutral on all these institutions whether they are commissioning placements or receiving pupils on placements to improve their behaviour, as it does not place any additional burdens on them. This is because academy schools already arrange off-site provision as explained in paragraph 6 under their general powers. This is reinforced by stakeholder feedback, general correspondence and casework received by the department, which shows that academy schools do use off-site direction in the same way as maintained schools.

However, we propose to change legislation to provide the equivalent explicit statutory powers for academy schools to direct pupils off-site temporarily to improve their behaviour, as it currently exists for maintained schools. This is not intended to change practice, but more to regularise the legal framework between academies and maintained schools' powers, and that all schools are subject to the same statutory requirements whilst using off-site direction, including processes to safeguard pupils, remain part of a school community, and review off-site direction placements.

Local authorities

Whilst Local Authorities do not have the power to direct pupils off-site, they should be involved in the coordination of all pupil movement and liaise with schools, alternative education providers, and parents to ensure the placements are effective and support pupils. Local authorities must also be provided with written notification if a pupil has an EHC plan.

We expect the impact of this legislative change to be neutral on local authorities as there will be no additional burden placed on them. This is because academy schools can already arrange off-site provision as explained in paragraph 6. This is reinforced by stakeholder feedback, general correspondence and casework received by the department, which shows that academy schools do use off-site direction in the same way as maintained schools.

Academies: power to secure performance of proprietor's duties etc

Policy overview

The previous approach taken by the Department for Education when an academy trust is not complying with its legal obligations was based on the contractual arrangements between the Secretary of State and the individual trust.

Where a trust is not complying with its legal duties, it will be in breach of its master funding agreement. As a result of being in breach of the master funding agreement, the department would have the power to issue a Termination Warning Notice (TWN) in relation to each of the trust's academies and subsequently a Termination Notice (TN), if the trust does not comply with the requirements set out in the TWN. In practice, this means that the relevant academy/academies would be removed from the trust and transferred to another trust.

Previously, the Secretary of State had no other alternative enforcement mechanism to ensure that trusts comply with their legal duties. As a result, in all cases of academy trusts' non-compliance, the only available action for the Secretary of State was to issue a TWN, which could lead to a TN to secure compliance. However, academy trusts have a wide range of legal duties and commencing the process leading to eventual termination to secure compliance is not always an appropriate, effective or proportionate course of action.

The intention of this section is to create a new route allowing the Secretary of State to issue a direction to comply to trusts where the Secretary of State considers the trust is in breach of any duty under its funding agreement and warrants action. The Secretary of State has similar powers in relation to schools maintained by local authorities (these are set out in section 497 of the Education Act 1996) but had no such powers in relation to academy trusts. This section enables the Secretary of State to issue directions in cases of non-compliance, particularly where issuing a TWN in response would not be appropriate. This ensures that the Secretary of State is able to secure compliance in academies and trusts in the same way as schools maintained by local authorities.

Why is legislation needed?

Previously the only escalation route for non-compliance in trusts was to terminate the funding agreement, which was not always a proportionate action to non-compliance. Legislation was required to introduce a comparable power, comparable to that already in existence for local authority maintained schools, to issue directions to academy trusts requiring them to comply with legal duties or directions, ensuring more proportionate intervention. Under current legislation, the Secretary of State has the power to give directions to a local authority, or the governing body of a maintained school, to secure

that they comply with, and act reasonably in relation to, a statutory obligation that they are under in education legislation. This can be used, for example, when a local authority fails to meet their obligation to arrange suitable education for a child of compulsory school age who would not otherwise receive it.

Objectives

It is essential that the department is able to take effective action where academy trusts are not adequately meeting the legal obligations contained in their funding agreements. The objective of this section is to ensure that the department is able to directly address such issues within academy trusts and secure compliance.

Viable policy options (including alternatives to legislation)

We considered the following policy options:

1. **Option 1:** Do nothing – maintain the status quo. This would have restricted our ability to achieve the objectives set out above and would have meant that we would not be able to act where necessary.
2. **Option 2:** Legislate for a power to issue a direction to a trust to comply with a legal duty.

The preferred option was Option 2 as this best meets the policy objectives set out above.

Impact on external groups

Under current legislation, the Secretary of State has the power to give directions to a local authority or the governing body of a maintained school to secure that they comply with, and act reasonably in relation to, a statutory duty that they are under or power they possess in education legislation. There was no similar power to direct trusts to comply with their legal obligations. This is required for the Secretary of State to be able to enforce a number of other measures included in the Children's Wellbeing and Schools Act, for example on admissions, requiring trusts to teach the national curriculum, or the new requirements for teachers in academies to have qualified teacher status.

Trustees and Trust Boards

In cases where non-compliance is identified and it is appropriate to do so, the Secretary of State will issue a direction to secure compliance of the trust. In the event that the trust does not comply with the direction, the Secretary of State will be able to apply to a court for a mandatory order to enforce the direction. The order will be sought against the trust and will name the trust's trustees on the order. This mirrors the process that the Secretary of State would follow under the existing powers to enforce compliance in schools maintained by local authorities.

If a trust continues to fail to comply with an order made by the court without sufficient reason, the trustees may be found by the court to be in contempt of court. This charge may come with punishments including fines. It is also possible that in very extreme cases, individuals who are found to be in contempt of court could face a custodial sentence. It is incredibly rare for a charge of contempt of court to result in a custodial sentence and would be reflective of extreme behaviour from individuals throughout the court process. We do not have any reason to believe that there will ever be such extreme circumstances in relation to the conduct of trustees and, as such, the risk of any trustee receiving a custodial sentence is negligible. This is reflected by the fact the department has never applied for a mandatory order with regards to a case in the local authority maintained sector and, therefore, also no custodial punishments have been issued.

Repeal of duty to make Academy order in relation to school causing concern

Policy overview

This section in the Children's Wellbeing and Schools Act repeals the duty on the Secretary of State under section 4 (A1) of the Academies Act 2010 to issue an academy order to a local authority-maintained school which Ofsted judges to be in a category of concern and replaces it with a discretionary power which gives the Secretary of State the flexibility to take the most appropriate action to drive rapid school improvement in each individual case.

Schools found by Ofsted to require special measures will continue, by default, to receive structural intervention, as the leadership and management has been judged to lack the capacity to improve the school. A school found to require significant improvement will receive mandatory targeted intervention from a RISE team. Ofsted will monitor regularly and inspect the school after 18 months. These proposals will enable a more responsive approach to school improvement, with more effective, timely and proportionate intervention where it is needed to ensure all pupils receive the high-quality education they deserve.

Why is legislation needed?

Repealing the duty to issue an academy order and replacing it with a discretionary power can only be achieved by legislation.

Objectives

The desired effect is to ensure that the Secretary of State for Education is able to take an active choice about whether the school needs a change in leadership or support. This allows for full consideration of the context that a school finds itself in and will enable a more nuanced and targeted approach to intervention and school improvement, thereby advancing opportunities for all pupils.

Whilst Single Headline Grades have been abolished, the duty on Ofsted to report where a school is in a category of concern remains, as does the duty on the Secretary of State to issue an academy order to such schools.

Viable policy options (including alternatives to legislation)

We considered the following policy options:

1. **Option 1:** Do nothing – maintain the status quo. This restricts the department's ability to achieve the objectives set out above given the limitations of the existing powers.
2. **Option 2:** Legislate to repeal the current duty to issue an academy order to a school judged by Ofsted as requiring Special Measures or Requires Significant Improvement and replacing this with a discretionary power.

The previous duty did not allow for consideration of a school's individual context and whether or not the school may be able to improve where it has strong leadership capacity.

In addition, the department has implemented the government's manifesto commitment to introduce RISE teams to enhance school-to-school support and spread best practice. The majority of schools do not need a change in management but support to access and understand the array of available improvement programmes and training proven to make a real impact. Support from RISE teams may provide an alternative means of securing school improvement for struggling schools.

The preferred option was Option 2 as this best met the policy objectives set out above.

However, structural intervention, including academisation, remains the default option for improving schools judged as **requiring special measures** by Ofsted as by definition (under section 44 of the Education Act 2005 Act) their leadership does not have improvement capacity. For schools judged as requiring significant improvement, support from RISE teams is likely to be the preferred initial option.

What else?

RISE teams have been established and have begun delivering support to schools. They work with teachers and leaders in struggling schools to empower sustained improvement. Schools will be supported in developing high-quality and deliverable improvement plans to quickly and directly address areas of weakness. RISE teams will also bring oversight and greater coordination to the array of improvement programmes available, including the department's network of hubs, empowering schools and trusts so that they can better access this support and drive-up standards.

The establishment of RISE will build on the Government's manifesto commitment of working with trusts, schools, local authorities (LAs) and dioceses to raise standards in all schools as a key component for breaking down the barriers of opportunity for all children and young people.

Impact on external groups

We have engaged with stakeholders in developing the policy that supports the use of the discretionary power. We believe it is likely to be welcomed by those who share a pragmatic view of school structures, including ASCL and NAHT. Those who believe that all schools should ultimately be in a multi-academy trust will be highly critical and we should expect opposition.

Schools

This section only places specific duties on schools once the Secretary of State issues an academy order. Previously, all schools judged by Ofsted as in a category of concern were required to academise. Under this new section there will be the option for a school (that has leadership capacity to improve) to receive support rather than structural intervention.

This support may be in the form of RISE teams who will offer high quality targeted support to school senior leadership teams. This will have a subsequent benefit for pupils and parents, as school resources can remain focused on improving education rather than facilitating the transfer of the school.

Academies, academy trusts and schools

This section will impact on trusts if it results in fewer maintained schools converting into sponsored academies. It would not, however, impact on their current operations and academisation will continue to be an appropriate option for some underperforming schools.

There were 35 LA maintained schools that were judged Inadequate and were issued with an academy order in the academic year 2023/24. 28 of these schools were in the Special Measures category and 7 in the Requires Significant Improvement category.

Due to differences in the size, type, stage of education etc. it is difficult to give an average cost of a school becoming an academy. It is likely though, that the introduction of the interim support offer and RISE teams will take away some of the burden from trusts.

Pupils and parents

The purpose of the section is to allow for a more flexible approach to improve schools' educational performance. It complements the introduction of RISE teams, which will support schools to improve under their existing management and leadership, where it has capacity. Where improvement can be achieved under the existing leadership and management, this will involve less disruption for pupils and parents and may therefore be received positively by them. From a practical perspective, this may remove the potential

financial burden on parents of having to buy new uniforms. Conversely, however, parents may view this as a cost saving exercise and that there could be a better alternative for improving their school. Local engagement may be required to ensure all key stakeholders are made aware of the direct support that is being offered to the school, and why this is the better option in the circumstances.

Local authorities

There may well be an extra burden on LAs (financial and administrative) to support struggling schools who would previously have joined an academy trust.

Teachers

Where improvement can be achieved under the existing leadership and management, this will reduce disruption to staff who otherwise would transfer to a new employer. It may improve retention rates, particularly for more senior staff.

Given that the impact of the intervention section will be to improve educational standards, the overall impact on all key groups is considered to be positive.

Pay and conditions of academy teachers

Policy overview

Part 8 of the Education Act 2002 (“Part 8”) is concerned with the Secretary of State (“SoS”) making provision for the determination of teachers’ pay and conditions and the statutory teacher pay and condition framework to give effect to the School Teachers’ Pay and Conditions Document (“the STPCD”).

There is an annual pay cycle which begins with the SoS referring matters to the School Teachers’ Review Body (the STRB) for the determination of the remuneration and other conditions of employment of school teachers. This means the SoS issues a remit letter to the STRB, setting out what the STRB should consider and requiring the STRB to report back with recommendations (“the remit letter”), in line with the Part 8 process. The STRB must consult with the statutory consultees as set out in Part 8 and these statutory consultees submit written and oral evidence for consideration by the STRB – DfE provides evidence on behalf of the government. The STRB considers the evidence and submits their report to the SoS and Prime Minister, outlining their recommendations for a teacher pay award (amongst any other pay and conditions of employment recommendations that the SoS may have asked the STRB to consider in the remit letter), which the SoS has a duty to consider. SoS then makes the decision as to whether to accept or reject the recommendations. The department then must consult with the same statutory consultees on the revised terms and conditions set out in the STPCD and draft statutory instrument pay order, which gives the STPCD legal effect.

Local authority maintained schools³⁰ (“maintained schools”) are subject to this statutory pay and conditions framework, as set out in the STPCD, for their teachers. The STPCD currently outlines the different pay ranges and allowances that teachers and leaders are paid on, specifying a minimum and maximum for each range and allowance amounts, as well as setting out other terms and conditions, including required working days and hours, and teachers’ professional responsibilities. There are also other terms and conditions which should be read in conjunction with the STPCD including the Burgundy Book (a non-statutory agreement between the school unions and local authority employers).

The statutory pay and conditions framework (as set out in Part 8) does not include teachers employed by academy trusts. Academy trusts have specific freedoms, including control over teacher remuneration and other conditions of employment. However, the majority of trusts choose to follow the statutory pay and conditions framework and few

³⁰ Teachers employed by a local authority (LA) or by the governing body of a foundation, voluntary aided or foundation special school (other than a school to which an order made under section 128(2) of the Education Act 2002 applies) in the provision of primary or secondary education (otherwise than in an establishment maintained by a local authority in the exercise of a social services function) (referred to as “LA maintained schools”).

make significant use of this freedom.³¹ Only a small number of academy trusts have materially deviated from the provisions set out in the STPCD on pay and only do so to offer slightly more competitive pay. Some academy trusts have also made relatively minor changes to conditions to teachers they employ, with a few having made more significant changes to conditions.

The government wants to introduce a power for the Secretary of State, following statutory consultation through the statutory pay review process and upon receiving recommendations from the STRB, to determine minimum levels of pay in secondary legislation for teachers in academy schools and alternative provision academies. It will also introduce a new duty for these academies to have regard to the STPCD. This means they must follow it unless they have a good reason not to. Maintained schools will continue to follow the entire STPCD but the ceiling on pay set out in the STPCD will be removed so that all schools can pay without reference to a maximum pay band, if they wish, to attract and retain the teachers they need. We will also remit the STRB to consider the benefit of further flexibilities for all schools through the STPCD. We will be using existing powers to make these changes through secondary legislation.

Why is legislation needed?

To require academy schools and alternative provision academies to follow the minimum level of pay set out in secondary legislation in respect of their teachers and have regard to rest of the STPCD and guidance, three new powers and a duty in primary legislation need to be created.

Objectives

The factor in schools that makes the biggest difference to a young person's education is high-quality teaching, but there are severe shortages of qualified teachers across the country. Our teachers are integral to driving high and rising standards and having an attractive pay and conditions framework is vital to recruiting and retaining excellent teachers for every classroom.

We greatly value the role that trusts play in the school system, particularly for disadvantaged children. They have transformed schools, and we want them to continue to drive high and rising standards for all pupils. But we face challenges recruiting and retaining sufficient high-quality teachers. That is why, as the Secretary of State set out,

³¹ An [Employer Link survey](#) conducted in 2021 found that 71.55% of employers stated that they follow the STPCD 'to the letter'. The 28.45% that made changes are 'bigger' organisations than the typical responder to the questionnaire. Where employers deviated from the STPCD, the most common deviations were trusts providing automatic pay progression to teachers (12.9%) and using a Teaching and Learning Responsibility allowance instead of a SEN allowance (8.6%). Only 3.4% did not use the pay ranges as set out in the STPCD and only 6% used the pay ranges, but not the advisory spine points. 4.3% also made changes to working time arrangements and 2.6% made changes to salary safeguarding arrangements. Please note this analysis is based on a small sample of around 116 organisations, typically larger multi-academy trusts, representing around 1,500 academies employing just under 50,000 teachers. Anecdotally, based on evidence from other stakeholders and discussions with trusts and LA maintained schools, we believe the percentage who follow the STPCD is higher.

we want to create a floor with no ceiling enabling healthy competition and innovation beyond a core framework to improve all schools.

We will do this by:

- Giving the SoS a power to set a minimum level of pay by order for academy teachers in academy schools and alternative provision academies, creating the pay floor for those teachers. Also ensuring, through the STPCD, there is no ceiling on teacher pay for maintained schools as is the case for academies, enabling healthy competition and innovation beyond a core framework to improve all schools.
- Ensuring an established starting point for all schools by requiring academies to have regard to the STPCD. This means to follow it, unless they have good reason not to. This will allow existing and future innovations which benefit pupils and staff to continue.
- Committing to making changes to the STPCD through secondary legislation, so all schools can innovate to attract and retain the best talent.

Viable policy options (including alternatives to legislation)

We have considered the following options:

1. **Option 1:** Do nothing – this would maintain the status quo and would not allow us to achieve our objective set out above.
2. **Option 2:** Remove the statutory pay and conditions framework for all schools – this would bring maintained schools in line with academy trusts by extending freedoms over pay and conditions.
3. **Option 3:** Require academy schools and alternative provision academies to follow a minimum level of pay set out in secondary legislation and require them to have regard to the STPCD.

Option 2 is not being pursued because most schools support having a pay and conditions framework and key levers to support recruitment and retention would be lost. The chosen option is Option 3 because it will meet our policy objective of providing a floor on teacher pay with no ceiling and encouraging innovation in all schools.

What else?

In line with Secretary of State's ambition to create a school system that creates a floor and with no ceiling, enabling healthy competition and innovation to improve all schools, the Secretary of State has signalled plans to require all new academy teachers to hold qualified teacher status from September 2026; require academy trusts to follow the national curriculum; and require teachers in academy trusts to complete a statutory period of induction. The government will also legislate to a similar timeframe to reinstate

the School Support Staff Negotiating Body (SSSNB) to consider pay and conditions for support staff in both LA maintained schools and academies.

Impact on external groups

The key groups affected by this measure are state schools and teachers.

Impacts on teachers

This change will mean that, for the first time, all school teachers will benefit from a core and guaranteed pay offer, regardless of what type of school they work in, which is subject to scrutiny and consultation through the independent pay review process. This provides protection for teachers by preventing academies from offering worse pay, due to the introduction of a floor on pay, and the requirement to have regard will mean academies can only diverge from the rest of the STPCD where they have good reason to do so. Furthermore, the changes we will make to the STPCD will remove the ceiling on pay and will encourage innovation across the whole school system, allowing all schools to offer terms and conditions that work for staff and pupils.

Impacts on state schools

This policy will benefit all schools by removing the ceiling on pay in the STPCD, which will allow all schools to have flexibility to innovate to attract the best teachers for our children. The requirement for academies to have regard to the STPCD may result in resource implications for academy trusts who plan to depart from the STPCD. However, it is only after we have made changes to the STPCD that academies will be required to have regard to the STPCD to minimise this potential impact.

School places and admissions: local authority direction powers

Policy overview

Local authorities (LAs) have various statutory duties designed to ensure children of compulsory school age have access to suitable education but the powers and levers currently available to them to achieve this are not always effective. At present, LAs have broad powers to direct maintained schools to admit a looked after child (LAC) but the circumstances in which they can direct schools to admit non-LAC, including previously looked after children (PLAC) are more limited. Furthermore, LAs do not have powers to direct academies to admit a child, rather they must request the Secretary of State to use her powers under the academy's funding agreement (FA) to direct the admission of the child, which creates a delay.

To ensure that LAs have the necessary levers to fulfil their statutory duties, we propose giving LAs 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.

We also propose changing the way in which the direction power for non-LAC can be initiated, which we believe will streamline the directions process and make it more transparent. Currently LAs are only able to initiate a direction where a child has been refused admission or has been permanently excluded from every school within a reasonable distance of the child's home - this is a high and a burdensome threshold to meet and demonstrate. We want to ensure that LAs have an effective direction power which can be triggered for the children who really need it i.e. the children who have failed to secure a place via the usual in-year admissions processes or under the Fair Access Protocol (FAP - the mechanism for securing places for unplaced and vulnerable children). But we also want to ensure these powers cannot be triggered routinely, to avoid increasing the number of children eligible for directions, as that could potentially disrupt the overall admissions system. We, therefore, propose enabling LAs to initiate a direction where the FAP process fails to secure a place for a non-LAC. We believe this will provide a clear and transparent route to initiate a LA direction and give FAPs more clout by providing a clear enforcement mechanism, which the current lack of can sometimes result in non-compliance with FAP decisions.

We also propose to change the way in which an LA can initiate a direction for previously looked after children (PLAC). At present, LAs are only able to initiate their powers in relation to a PLAC, where the child has been refused admission or has been permanently excluded from every school within a reasonable distance of the child's home. We propose to change this, to make it easier for LAs to direct such children into a school, by enabling LAs to initiate a direction where the parent of a PLAC has failed to secure a school place via the usual in-year admissions processes i.e. where at least one in-year

application was made and that application was refused or where the LA has confirmed that there are no places available at any suitable school within a reasonable distance. We are proposing to extend the vires of the School Admissions Code to allow us to set out in detail the circumstances in which the direction powers in relation to FAP and PLAC can be employed. We also propose that academies as well as maintained schools have the right to appeal a direction to the Schools Adjudicator, ensuring an effective check and balance on LAs' new powers to direct into academies.

Why is legislation needed?

LAs' current direction powers are set out in primary legislation – the School Standards and Framework Act 1998. New legislation is required to effect the changes outlined above.

Objectives

The aim of this measure is to ensure that LAs have the necessary levers to fulfil their statutory duties of ensuring education for all children in their area, in a timely manner. Current direction powers (both for maintained schools and for academies) do not always work effectively, with the result that too many children, many of whom are vulnerable, are left without a school place for too long, which can have serious consequences.

Viable policy options (including alternatives to legislation):

Current LA direction powers are governed by a statutory framework; therefore, any changes would require primary legislation. We considered the following alternative approaches:

1. **Option 1:** extending the current powers for LAs to direct the admission of a child to a maintained school to an academy. This would be the simplest way to ensure LAs could direct admission to any type of school. However, this would not address the issues with the current LA direction powers which are too limited and not sufficiently effective.
2. **Option 2:** retaining the current powers for LAs to direct the admission of a child to a maintained school and creating a new and separate power for LAs to be able to direct academies to admit children. This option could create inconsistency in the system and is more complex than the chosen approach.

Both options would include providing academies with the ability to appeal to the Schools Adjudicator where they do not agree with the LA's direction.

What else?

We are introducing other measures to improve the admissions and place planning system and to ensure that admissions decisions account for the needs of communities, specifically:

- Co-operation on place planning and admissions: new duties for schools and LAs to co-operate on admissions and place planning – these new duties will send a strong message to the school system about the importance of co-operation and encourage schools and LAs to work together to deliver their statutory responsibilities and help meet their local communities' needs.
- Published Admissions Number (PAN) and objections to the Schools Adjudicator: this will allow the independent Adjudicator to specify the PAN of a school if they uphold an objection to it, with school quality and parental preference as central considerations. Alongside changes to regulations, this will create a clear and transparent legal framework for how decisions on PAN are made, to ensure that schools' admission numbers give parents a choice of high-quality local school places.
- Opening new schools: removing the presumption that new schools should be academies so that new schools can be delivered quickly where they are needed.

Impact on external groups

Children and families

The impact on these groups (especially those with some kind of vulnerability or additional need and children who cannot secure a school place for other reasons, e.g. a shortage of local school places) is likely to be positive – where a child is suitable for mainstream school but cannot find a place quickly enough there are many potentially negative effects on the child and their family.

Schools and trusts

The impact on academy trusts will be that they may be the subject of a local authority direction to admit a child (currently only the Secretary of State can direct an academy to admit a child). For all schools, which are their own admission authority (i.e. academies, voluntary aided and foundation schools), the direction process they may be subject to will be slightly different from the current one (it will be more streamlined and transparent).

The current direction powers mean that an admission authority may have to admit a child against their wishes. The proposed new direction power may mean this happens slightly more often. However, improvements are also planned to the “upstream” process - the activity that happens before a case gets to direction stage (i.e. FAPs) - resulting in a better framework for co-operation between LAs and admission authorities. It is

anticipated that this will mean more cases are resolved (i.e. places allocated) before a direction is needed.

The sector is broadly in favour of measures and agree will help vulnerable children secure places and to ensure children without a school place are better monitored and safeguarded. Most agreed that the LA is the most appropriate body to do this. Some school and trust leaders, however, may be concerned about any measures which reduce trust autonomy. We believe the new checks and balances included with the proposed new LA direction powers (i.e. the right to appeal a direction to the Schools Adjudicator) will help reassure those who have such concerns that it will be an appropriate power with little room for it to be mis-used. Some schools which currently struggle because they have a disproportionate number of hard-to-place children are likely to welcome the changes, as it may mean they can admit a more proportionate number.

Local authorities (mainly the school admissions team and other bodies who work with vulnerable children)

The impact on these groups is likely to be positive. A range of people within and outside LAs have responsibility for supporting children with vulnerabilities, additional needs or complex circumstances (e.g. children's social care teams, health services, the criminal justice system, out of school education settings). Any measures which improve the system by which children (who are suitable for mainstream schools) are allocated school places in-year, will make it easier for them to carry out their roles and to support children effectively.

In terms of resources, there is likely to be an increase in the number of directions the LA makes (as they would be able to direct academies to admit children directly, rather than having to request the Secretary of State to use her directions powers under the academy's FA) but that is likely to be offset by the resources saved in not needing to request Secretary of State's directions.

Some LAs already have a FAP which works effectively, in which case the proposed new direction powers are unlikely to result in a need for more resources. In LAs where the current FAP does not work well, it is possible that a small increase in resources will be needed to enable the FAP to work more effectively and to be an effective trigger for the new direction power. For example, an increase in staff and / or better training for staff. However, there are likely to be efficiencies made due to children being allocated places more quickly - stronger directions powers may incentivise admission authorities to comply with FAP requirements and to act cooperatively to secure place for a child. This will result in efficiencies being made due to children being allocated places more quickly.

Schools adjudicators

The measures will provide academy trusts a route to appeal where they do not agree with an LA direction. This is likely to result in the Schools Adjudicators receiving more

direction appeal cases. However, we believe this will be offset by the reduction in requests from the DfE for advice where an LA has requested a direction from the Secretary of State (currently, in all such cases, the DfE requests advice from an Adjudicator before deciding whether or not to direct).

School places and admissions: functions of the Adjudicator in relation to admission numbers

Policy overview

Children achieve and thrive when they are at high quality schools, and we want to ensure that all children have access to a great local school. Local authorities are responsible for ensuring that there are sufficient school places in their area and are expected to manage the school estate effectively. However, the number of places offered at an individual school is informed by their published admission number (PAN). The PAN for entry year groups is determined by the school's admission authority. As the admission authority for academies, voluntary aided and foundation schools is not the local authority, the system is reliant on relationships between local authorities and other admission authorities for the local authority to meet their sufficiency duty and to manage the school estate effectively. Furthermore, there is no mechanism to ensure admission authorities consider the views of the local authority or the impact that their PAN has on other schools or the wider community. The local authority has limited options to challenge the PAN set for a school, as the Adjudicator can currently only consider objections where the admission authority has decreased their PAN.

Demographic changes mean there is an increase in the number of surplus places in primary schools, set to move through to the secondary phase, which is particularly acute in some parts of the country. This is exacerbated by the fact the admissions system is currently set up to facilitate the growth of school places and to make it more difficult to reduce the number of places in a co-ordinated fashion, with regard to ensuring all children in an area have access to high quality provision.

We want to improve the local authority's ability to work with admission authorities in their area to help influence the PANs for schools in their area to help them meet their sufficiency duty and manage the school estate effectively, and to help deliver a choice of high-quality local school places for all parents. We intend to make changes to regulations to extend the current ability of local authorities to object to PAN reductions, to enable them to object to the independent Schools Adjudicator where an admission authority has retained or increased its PAN, where the PAN does not support the local community's needs. This would include scenarios where, there is a local need for places, the PAN of a high performing school is set below the capacity of the school's buildings, and the local authority needs the school to offer more places to ensure all local children are able to access a school place. It also includes where the local authority is trying to manage an excessive surplus of places in the area, and a school's PAN is set at a level beyond what is needed, risking damaging the quality of education that children receive, and even risking the viability of other excellent local schools which are needed for current and future place planning needs, and to ensure a choice of high quality schools for parents.

To ensure this works effectively, this measure enables the Adjudicator to determine the PAN which a school must adopt, where an objection to the PAN is upheld (or, in the case of a referral of admission arrangements relating to the PAN by the Secretary of State, is found by the Adjudicator to be non-compliant). The Adjudicator will also have the ability to set the PAN for the subsequent year, where greater certainty is needed depending on the circumstances of the case.

In taking their decision about a revised PAN, the measure requires the Adjudicator to take into account the impact on the quality of education and on the ability to give effect to parental preference, both at the school in question and at other schools in the relevant area. The measure also requires the Adjudicator to consult with the school's admission authority, the local authority and the Secretary of State (in practice, the relevant DfE Regional Director), and to have regard to their views on alternatives, before taking a decision to lower the PAN. The Secretary of State may also make regulations to specify further matters which the Adjudicator must (or must not) take into account when deciding at what level the PAN should be set, or additional persons who must be consulted by the Adjudicator in taking their decision.

There are other related and consequential changes we intend to make in secondary legislation, to ensure that school quality and parental preference are core considerations throughout, as well as to support the smooth operation of the route of objection.

Why is legislation needed?

The school admissions system is already highly prescribed through primary legislation, regulations and the School Admissions Code. New legislation is needed to effect the changes to strengthen the Adjudicator's powers for PAN objections, as above.

Objectives

We are introducing these changes as part of the Government's manifesto which included a commitment to ensure that "*admissions decisions account for the needs of communities and require all schools to co-operate with their local authority on school admissions, SEND inclusion, and place planning*".

We want to encourage local collaboration on place planning and to create a closer alignment between responsibilities and the power to fulfil these responsibilities. Specifically, we want the local authority to have greater ability to influence the number of places available in their area, through greater local collaboration between local authorities, schools and trusts, as well as other key partners, as well as an independent route to reach a decision where local agreement cannot be reached. However, we want to ensure that we do not undermine the role of the admission authority in setting their PAN. They should retain primary responsibility for this as they will need to consider issues such as staffing and the available resource at the school. Strengthening the

independent Adjudicator's powers when upholding PAN objections strikes a good balance between these two drivers.

Generally, there is increasing surplus capacity in the system, which is particularly acute in some areas of the country. Some surplus can be beneficial, for example to support parental choice and help meet an unexpected need for places. However, a significant, excessive surplus of places can put pressure on school finances, as fixed costs for estate maintenance, energy and staff salaries do not decrease proportionately with per-pupil income. This can result in school failure. Our proposals will support the local authority to fulfil their statutory responsibilities, according to the needs of all children in the local community, and with school quality and parental preference as core considerations.

Conversely, in some areas there is a continuing need for more school places, to ensure all children can secure a local school place. Where local authorities are struggling to add additional places, this can lead to local authorities having to place children further away, and therefore incurring additional transportation costs, or struggling to place them so the child ends up out of school for longer than they should be. Our proposals will help local authorities fulfil their statutory duty to secure sufficient school places. It will ensure that Adjudicator decisions on PAN – especially where an objection is upheld – result in a robust and clear-cut decision so that schools, local authorities and parents all have certainty about how many places the school must offer. Currently, it is for the admission authority to decide how to give effect to an Adjudicator's decision – if the Adjudicator upheld an objection, deciding the PAN was too low, there is the risk that there would then be further negotiation and disagreement about whether the admission authority had amended it sufficiently to give effect to the Adjudicator's decision. This measure will prevent that, ensuring the PAN can be amended quickly and without additional bureaucracy for relevant parties. It will also ensure that school quality and parental preference are core considerations in the Adjudicator's decision, to help ensure that parents have a choice of high-quality provision, and to help ensure that places are added to high-performing schools where they are needed, and that, where the number of places need to be reduced in an area, places are not removed from good schools except as a last resort.

Viable policy options (including alternatives to legislation)

We have considered an alternative policy option to go further and move the responsibility for setting the PAN for the school from the admission authority to the local authority. Whilst this option would most closely align with the local authority's responsibility to secure sufficient places in the area and manage the school estate, it would cause a misalignment of the roles and responsibilities of governing boards of schools. In setting their own PAN, admission authorities can consider issues which are important to their school such as staffing, resources and the available space.

This option would also involve significant upheaval in the sector. The ability of the admission authority to set their PAN is a long-standing function for academies, voluntary aided and foundation schools.

What else?

We have introduced other measures to improve the admissions and place planning system and to ensure that admissions decisions account for the needs of communities, specifically:

- Co-operation on place planning and admissions: new duties for schools and local authorities to co-operate on admissions and place planning – these new duties will send a strong message to the school system about the importance of co-operation and encourage schools and local authorities to work together to deliver their statutory responsibilities and help meet their local communities' needs.
- Changes to local authorities' direction powers:
 - A power for local authorities to direct academies to admit a child, in addition to existing power to direct admission to maintained schools: this will act as a safety net and ensure that unplaced and vulnerable children can secure a new school place quickly.
 - Changing the way that direction powers for non-looked after children can be initiated: to make the process more streamlined and transparent and ensure that non-looked after children can secure a place where the Fair Access Protocol fails.
- Opening new schools: removing the presumption that new schools should be academies and allowing proposals for other types of schools to be put forward. This will help local authorities fulfil their sufficiency duty and ensure new schools are opened in the right place, at the right time.

Impact on external groups

Local authorities

Local authorities will benefit from increased influence in the setting of PANs for schools in their area, through improved local collaboration and a route to seek an independent decision where local agreement cannot be reached.

After the PAN has been set, if the local authority then considers that the PAN of the school does not support an appropriate supply of high-quality school places in the local area or does not meet the needs of the local community, they will be able to object to the Adjudicator, giving them a route to challenge this. Where the Adjudicator upholds the objection, they will specify the level at which the PAN should be set, with the quality of education and parental preference – at the school and at other local schools as core considerations and having regard to the views of key parties about possible alternatives

when considering a lower PAN. The admission authority will be required to amend their admission arrangements to reflect the revised PAN specified by the Adjudicator.

This will give local authorities early clarity and certainty about the number of places to be offered by that school. It will ensure that this is reflected in admission arrangements, without the need for additional resource-intensive negotiation between parties about how to give effect to the Adjudicator's decision, which could prolong the resolution of the case and ultimately may not lead to the desired outcome, whilst damaging relationships with admission authorities which the local authority relies on for wider fulfilment of their functions. It will also allow for greater recourse if admission authorities do not comply, as it will be clearer to identify and evidence that this has not happened. It may also result in local authorities having greater informal levers to negotiate with admission authorities about the number of places they are offering earlier on in the process, so cases may be resolved without the local authority having to resort to an objection.

This will be beneficial to local authorities and help them to better manage the school estate, and meet their sufficiency duty, in the interests of all local children, than they are currently able to. This will have economic benefits for the local authority, especially in areas where they are struggling to provide enough places and admission authorities are setting their PAN below their capacity, as the local authority can object to the adjudicator rather than having to unnecessarily create new capacity. Likewise, if surplus space could be more effectively managed it could be used to increase nursery provision or SEND units, supporting wider departmental priorities.

Admission authorities/schools

Admission authorities will retain their ability to set the PAN for their schools but be expected to do so in co-operation with the local authority and other local partners, and with consideration of the wider needs of the community, and with a focus on school quality and parental demand. If the local authority does object to the Adjudicator about their admission arrangements, then the admission authority will need to present their case to the Adjudicator.

Where the Adjudicator upholds an objection, and a PAN is then set for the school by the Adjudicator, some schools may find that their PAN is not set for them as they would wish. In some cases, particularly where there is a need for more places in the area to ensure children can be placed, it may require high performing schools to admit more pupils than they had intended, where they have capacity to do so. In other cases, particularly in areas of excessive surplus, the Adjudicator may specify a lower PAN even where a school may feel that they are able to take more pupils. It is difficult to estimate the precise number of schools that will be affected as this route is not currently available (local authorities can currently only object to PAN reductions). However, we see this route being utilised mainly as being a last resort where local engagement has failed to secure an appropriate solution, and even where an objection is made, not all objections will be

upheld. We therefore expect the number of schools that will be directly affected to be small.

Conversely, other schools may benefit from greater financial viability due to greater levels of co-ordination on place supply across the local area. The focus on school quality and parental preference, both at the school in question and at other local schools, as central considerations in decision making, mean this may be particularly beneficial for other high-performing schools.

As a minor benefit, this may slightly reduce burdens for admission authorities in the wake of an upheld objection. They will have clarity on what is expected of them and be able to quickly amend their admission arrangements accordingly, rather than having to try and anticipate what is sufficient to comply with the determination, or having further negotiations with the LA about the extent to which they have complied, if the LA disagrees with their view.

As the admission authorities for their schools, academy trusts will be impacted as above.

Parents and pupils

As these proposals will give the local authority more influence in place planning for their area, and they will have a holistic view on this (as well as being accountable to their communities), this is likely to lead to more informed and strategic decisions being made about the allocation and supply of places in an area, with a particular focus on maintaining high standards and high parental choice in an area. This should mean that the needs of parents and pupils will be better accounted for. For instance, setting local PANs to support a potentially unviable school with strong educational performance to remain open where it is critical in providing education for local residents, and thereby preventing the need for residents to travel long distances to an alternative school with places available.

However, conversely, the local authority may consider that there is sufficient demand for new places and so encourage and facilitate the growth of a good and popular school.

In particular, requirements for the Adjudicator to take into account the potential impact of their decision on a revised PAN on the quality of education and on parental preference, both at the school in question and in other local schools, will help ensure that all decisions are made with a focus on delivering a choice of high-quality provision for parents.

If a school is required to lower their PAN, some pupils who would have otherwise been admitted will be unable to attend the school. The need for the Adjudicator to take into account the potential impact on parental preference when taking their decision means that any impact on parental choice will be considered as a central part of decision making, with reference to the circumstances of the case. It also means that high-quality places should be available elsewhere. Conversely, in areas where there is a demand for

places, this measure may lead to high-performing, popular schools being required to offer more places, where they have capacity to do so, and therefore give parents more opportunity to access their preferred school.

The Schools Adjudicator

The Schools Adjudicator will be impacted as they will have an increased workload, due to the need to take the additional decision about the level at which to set the PAN following an upheld objection. However, we anticipate that volumes will be relatively low. Measures to be delivered through secondary legislation will support dialogue between the admission authority and local authority about the number of places needed before the PAN is determined, and so we would expect the objection route to only be used as a last resort, where these routes have failed to reach a position which both parties are content with.

School places and admissions: duties to co-operate regarding admissions and place planning

Policy overview

Admissions and place planning responsibilities are split between local authorities (LAs), schools and other relevant partners. For example, whilst LAs have a duty to ensure sufficient school places in their area (“the sufficiency duty”), the number of places offered at an individual school - the published admission number (PAN) - is set by the school’s admission authority which is not necessarily the LA e.g. for academies it is the academy trust.

The functioning of the admissions and place planning system is dependent on effective co-operation between these groups. Examples of where co-operation is needed include:

- LAs engaging with schools to produce and deliver proposals for ensuring sufficient school places and reducing/repurposing spare capacity.
- LAs working with all admission authorities in their area to collate and publish the admission arrangements for that area.
- LAs and schools working together to develop and agree the local area’s Fair Access Protocol to ensure that unplaced and vulnerable children, and those having difficulty securing a school place in-year, are allocated a school place as quickly as possible.

Whilst there were already specific ways in which LAs and schools were required, by legislation, to work together and expectations to co-operate set out in non-statutory guidance³², there was previously no overarching statutory requirement for LAs and schools to co-operate on admissions and place planning. As a result, co-operation and collaboration was not always seen as a priority and, in some cases, schools would act in isolation and without considering their local area’s needs. Additionally, the absence of an overall duty to co-operate had meant that where a school or LA refused or failed to co-operate with the other party, for example, where the working relationship broke down, there were limited options for addressing this.

We are introducing new duties for mainstream state schools and LAs to co-operate regarding their respective admissions functions and for mainstream, special and alternative provision state schools to co-operate with LAs regarding their place planning functions. The onus will be on both schools and LAs to work constructively with each other on these issues so that statutory responsibilities can be delivered.

³² [Making significant changes to an academy](#)

The new duties will also provide a ‘backstop’ for addressing serious failures to co-operate. It will allow the Secretary of State to determine whether one party (the school or local authority) had been so uncooperative or unreasonable in supporting the other party to fulfil its statutory functions that it amounts to a breach of that party’s statutory duty. This will then enable the Secretary of State to take action, using her existing and planned intervention powers, and direct the party at fault to take specific steps to comply with the co-operation duty.

There are already similar duties to co-operate in operation, for example, the duties for LAs, schools and other relevant partners to co-operate regarding their respective functions for children and young people with SEND (sections 28 and 29, Children and Families Act 2014).

Why is legislation needed?

Previously, there were no general duties on schools and LAs to co-operate regarding their admissions and place planning responsibilities, although there are specific requirements in law to co-operate on certain issues e.g. the Fair Access Protocol.

Objectives

We are introducing these changes as part of the Government’s manifesto commitment to *“make sure admissions decisions account for the needs of communities and require all schools to co-operate with their local authority on school admissions, SEND inclusion, and place planning”*.

The main aim for this measure is to foster greater co-operation between LAs and schools regarding admissions and place planning so that the system functions more effectively. The new duties will send a strong message to the school system about the importance of co-operation between both parties and encourage schools and LAs to work together to deliver their statutory responsibilities and help meet their local communities’ needs.

The other aim is to ensure that where co-operation breaks down or fails the Secretary of State can intervene and seek to ensure that admissions and place planning functions can be fulfilled.

Viable policy options (including alternatives to legislation)

As well as the preferred option (*introducing new duties for schools and LAs to co-operate regarding their respective, relevant admissions and place planning functions*), we have considered the following alternatives:

1. **Option 1: introduce specific measures to address co-operation issues without a general duty to co-operate.** Admissions law already sets out a range

of areas where schools and LAs are required to work together. To strengthen co-operation, we could not introduce general duties and instead make targeted, specific changes to secondary legislation to address co-operation issues in the system. Whilst we think this would help address some of the most common issues, it would not send as strong a message to the sector about the importance of co-operation generally or ensure co-operation on issues we can't yet anticipate. There would also not be a clear 'backstop' when co-operation in general has broken down, and interventions would be limited to more specific issues related to the delivery of individual functions or duties.

2. **Option 2: broader duties for schools and LAs to co-operate.** Rather than introduce duties for schools and LAs to co-operate regarding existing admissions and place planning functions, we could introduce much broader duties for schools and LAs to co-operate generally and/or not constrain the duty to specific statutory functions. Whilst such duties would still underline the importance of co-operation to schools and LAs, it would be a disproportionate way of solving the specific problems described above in relation to place planning and admissions. The preferred option strikes the right balance between creating a general obligation to co-operate, sending a strong message about the importance of this, and being clear and specific about what co-operation is required.

What else?

We are introducing other measures to improve the admissions and place planning system and to ensure that admissions decisions account for the needs of communities, specifically:

Changes to LAs' direction powers

- Power for LAs to direct academies to admit a child, in addition to the existing power to direct admission to maintained schools: this will act as a safety net and ensure that unplaced and vulnerable children can secure a new school place quickly.
- Changing the way that direction powers for non-looked after children can be initiated: to make the process more streamlined and transparent and ensure that non-looked after children can secure a place where the Fair Access Protocol fails.

Published Admissions Number (PAN) and objections to the Schools Adjudicator

- This will allow the independent Adjudicator to specify the PAN of a school if they uphold an objection to it, with school quality and parental choice as central considerations. Alongside changes to regulations, this will create a clear and transparent legal framework for how decisions on PAN are made, to ensure that schools' admission numbers give parents a choice of high quality local school places.

Opening new schools

- Removing the presumption that new schools should be academies and allowing proposals for other types of schools to be put forward. This will help LAs fulfil their sufficiency duty and ensure new schools are opened in the right place, at the right time.

Impact on external groups

We expect the following stakeholders will be impacted by this policy:

LAs and schools

This policy will create new general duties for schools and LAs to co-operate regarding admissions and place planning. We do not think this is an additional burden as admissions law already sets out a range of ways in which schools and LAs are required to co-operate on admissions and, similarly, there are already expectations (in guidance) for schools to co-operate with LAs on place planning. The new co-operation duties will be constrained to existing statutory functions. We expect that the new duties will act as a further incentive for LAs and schools to act in a co-operative way and they may choose to go to greater lengths to ensure effective joint working, for example, engaging each other earlier in decision-making and sharing information proactively.

The duty will also ensure that where there is a serious breakdown in co-operation, which prevents either party fulfilling their statutory functions, the school or LA can ask the Secretary of State to intervene. This will benefit schools and LAs who are affected by the failure of the other party to co-operate.

Children and parents

Children and parents are likely to benefit from improved co-operation and joint working between schools and LAs regarding admissions and place planning, which these new duties will encourage. Children with additional needs and vulnerable children may particularly benefit as they can be disproportionately affected by poor co-operation e.g. related to in-year admissions.

The new duties will also enable the Secretary of State to use existing and new intervention powers to intervene where there is a serious failure to co-operate which may benefit children either indirectly or directly (if poor co-operation relates to an individual child) and seek to ensure that a school or LA is able to resume fulfilling its statutory functions in these important areas.

Opening new schools

Policy overview

The measure changes the current legal framework for opening new state-funded schools. It will end the current legal presumption that new schools should be academies and allow proposals for other types of school to be put forward when a new school is wanted, including proposals from local authorities themselves.

Currently, where a local authority identifies the need for a new school, they must seek proposals to establish an academy (free school) via the free school presumption process. Local authorities may only invite proposals for other types of school if the presumption process fails and may only propose a new school themselves to meet need as a last resort. Local authorities and other proposers (for example, charitable foundations or religious bodies) can publish proposals for other types of schools in very specific circumstances, in some cases with the prior consent of the Secretary of State.³³

The government's primary concern is that schools can be opened in the right place at the right time and that local authorities' ability to open new schools is better aligned with their responsibility to secure sufficient school places (the "sufficiency duty").

We therefore propose to remove the requirement for local authorities to seek proposals for an academy to meet the need for a new school and to replace it with a requirement to invite proposals for academies (or special or alternative provision academies), voluntary and foundation (or foundation special) schools. We also intend to give local authorities a choice to put forward their own proposals for a community (or community special) or foundation (or foundation special) school or a pupil referral unit alongside other proposals received.

Why is legislation needed?

The framework for opening new schools is set out in the following primary and secondary legislation:

- Education and Inspections Act 2006 as amended by (among other Acts) the Education Act 2011

³³ Under section 10 of the Education and Inspections Act 2006, a local authority may with the consent of the Secretary of State publish proposals to open a new community, community special, foundation or foundation special school to replace one or more existing maintained schools. Where the proposal is for a primary school to replace a maintained infant or junior school, proposals must be published under section 11 of the Act and do not require consent. Other proposers, with the Secretary of State's consent may publish proposals for a new foundation, foundation special or voluntary controlled school. Local authorities may publish their own proposals to open a new community, community special, foundation or foundation special school under section 11 of the Education and Inspections Act 2006 where they have invited proposals to open a new school, but no proposals are made or approved. Other proposers may publish proposals to open a new voluntary aided school and proposals to open a new foundation, voluntary controlled or foundation special school to replace one or more foundation or voluntary schools with a religious character, an independent school or (for foundation special) a non-maintained special school.

- School Organisation (Establishment and Discontinuance of Schools) Regulations 2013

New legislation is required to effect the changes outlined above.

Objectives

The policy objective of this legislative measure is to ensure new schools can be delivered quickly where they are needed, by enabling proposals from local authorities and voluntary organisations as additional route to delivery. This provides greater flexibility in the system, including in circumstances where suitable academy trust capacity is limited.

Viable policy options (including alternatives to legislation)

We have considered the following policy options:

1. **Option 1: Do nothing.** This option would mean a continuation of a system whereby local authorities must invite proposals *only* for an academy (free school) when they identify the need for a new school. Local authorities would only be able to invite proposals for other school types if the free school presumption process failed to yield a suitable proposal and could only propose opening a school themselves as a last resort.
2. **Option 2 (intended): Legislate** to remove the requirement for local authorities to first follow the free school presumption route when they want to open a new school, instead also allowing proposals for other school types to be submitted and allowing local authorities themselves to put forward their own proposals. Legislating is the **only way** to achieve ministers' desired objective.

What else?

We are introducing other measures to improve the admissions and place planning system and to ensure that admissions decisions account for the needs of communities, specifically:

- Duties to co-operate on place planning and admissions: new duties for schools and local authorities to co-operate on admissions and place planning – this will emphasise the importance of co-operation and encourage schools and local authorities to work together to deliver their statutory responsibilities and help meet their local communities' needs.
- Published Admission Number (PAN) and objections to the Schools Adjudicator: this will allow the Adjudicator to specify the PAN of a school if they uphold an objection to it, with school quality and parental preference as central considerations. Alongside changes to regulations, this will create a clear and transparent legal framework for how decisions on PAN are made, to ensure

that schools' admission numbers give parents a choice of high-quality local school places.

- Changes to local authorities' direction powers:
 - Power for LAs to direct academies to admit a child, in addition to their existing power to direct admission to maintained schools: this will act as a safety net and ensure that unplaced and vulnerable children can secure a new school place quickly.
 - Changing the way that direction powers for non-looked after children can be initiated: to make the process more streamlined and transparent and ensure that non-looked after children can secure a place where the Fair Access Protocol fails.

Impact on external groups

Local authorities

This measure will better align local authorities' ability to open new schools with their responsibility to secure sufficient school places in their area. We expect that there will be no additional costs to local authorities. In areas that do require new schools, local authorities are already required to run a free school presumption competition and go through the same steps they would have to go through when the new policy is implemented. The change in policy is about the types of school a local authority can invite proposals for. If a local authority chose to put forward its own proposal, it would likely need to allocate some staff resource to do so. However, we are not imposing this on local authorities, they would be choosing to put forward a proposal – the policy would not require them to do so. We expect any costs of developing proposals to be manageable from within existing administrative resources. Local authorities will continue to receive funding to create new places via the Basic Need capital grant.

Most of the last decade saw demographic pressure on school places overall. Between 2009 and 2019, the primary population grew by 17%. However, it has since fallen and by 2025 it was 3% lower than it was in 2019. This is primarily due to continued reductions in birth numbers since 2013. Between 2015 and 2025 the secondary population grew by 18%. Projections data indicate that the secondary school population is likely to have plateaued between 2024 and 2025, and will remain at a similar level until 2026, then slowly decline. National pupil projections and the current landscape of falling rolls in schools suggest that there will not be a need for a significant number of new schools in the near-term. However, despite the peaking school population at national level, we expect growth to continue in some parts of the country, particularly in areas with housing development, so a number of new schools may need to be opened in parts of the country.

Schools and trusts

Some academy trusts may be concerned that there will be fewer opportunities for growth, but proposals for new academies will continue to be invited and considered alongside proposals for other types of new schools. Academy trusts will continue to be a key partner with local authorities, schools, dioceses and others in pupil place planning.

Pupils and parents

The measure will help ensure all children have access to a good local school. In cases where a new school is needed but the right high-quality trust is not immediately available, the ability for other proposers to put forward proposals will help ensure that new schools can be delivered quickly, positively impacting pupils and parents.

Expansion of Free School Meals (FSM) to all children in families in receipt of Universal Credit

Policy overview

Eligibility for Free School Meals (FSM) is based on receipt of certain income-related benefits. This includes families in receipt of Universal Credit whose annual net household income is no more than £7,400. The intent of the original policy was to provide pupils from the most disadvantaged households with hot and nutritious lunches when they are in school. It was also designed to promote attendance, concentration, learning and attainment to some of the most disadvantaged pupils.

The Education Act 1996, as amended, places a duty on state funded schools to provide FSM to pupils of all ages that meet the criteria. A pupil is eligible to receive a free school meal when a claim for the meal has been made by them or on their behalf and their eligibility, or protected status, has been verified by the school where they are enrolled or by the local authority.

As part of its commitment to breaking down barriers to opportunity and tackling child poverty, from September 2026 DfE will be introducing new eligibility criteria meaning that all children from households in receipt of Universal Credit in England and attending state funded schools will be entitled to receive a free school meal. This new entitlement will apply to children and young people in all state-funded schools. It will also be a condition of their funding agreements that further education institutions funded by DfE provide free school meals, when requested, to all recipients of Universal Credit.

This will mean that over 500,000 more children from the most disadvantaged backgrounds will become eligible for a free meal every school day. This will lift 100,000 children across England out of poverty and put £500 back in families' pockets per child every year.

Why is legislation needed?

Pupils in maintained schools and academies, are entitled to receive free meals if they or their parents or guardians are in receipt of a qualifying benefit. Eligibility for Free School Meals is set out in Section 512ZB of the Education Act 1996. We have now announced that we are extending free school meals to all children from households in receipt of Universal Credit from September 2026. Legislation is required to amend the eligibility threshold in the Education Act. The measure will ensure that free school lunches are provided on request to all pupils in receipt of, or whose parents are in receipt of, Universal Credit, have a household income of more than £7,400 and who attend state-funded schools in England. This will be a new additional category of Free School Meals (FSM) known as 'Expanded FSM'.

Further measures in the Act will also make it quicker and easier for families, schools and local authorities to get children signed up for free school meals by rolling out improvements to the Eligibility Checking System (ECS) used to verify entitlement to free school meals. Parents and schools will be able to access the ECS to check eligibility themselves for the first time.

Legislative changes are also needed to allow the department to process data from other government departments to identify which category of Free School Meals a child falls under: Targeted or Expanded FSM and then to communicate this to local authorities, schools and parents via the ECS.

Objectives

The primary policy objective is to ensure that any child from a household in receipt of Universal Credit can receive free school meals from September 2026, thereby lifting over 100,000 children out of poverty.

Making all children in households claiming Universal Credit eligible for Free School Meals makes it easier for parents to know whether they are eligible for funded meal provision. Making improvements to our own eligibility checking and data sharing systems will also make applying for Free School Meals logistically easier for parents, schools and local authorities.

Providing children from the most disadvantaged backgrounds with a free, nutritious lunchtime meal every school day will lead to higher attainment, improved behaviour and better outcomes, meaning children get the best possible education and a chance to succeed in work and life.

Viable policy options (including alternatives to legislation)

We have considered the following policy options to meet our objective:

1. **Option 1: Do nothing – maintain the status quo.** This would mean we could not deliver the Free School Meal expansion as the Free School Meal eligibility threshold we are seeking to amend is set in legislation.
2. **Option 2: Legislate to extend the FSM eligibility threshold** and make it easier for schools and parents to check eligibility through the Eligibility Checking System.

Option 2 will achieve the desired policy objectives. We have considered delivering the policy using grant funding powers or alternative legislative vehicles such as secondary legislation, but that would not allow us to easily make the improvements to the Eligibility Checking System that would permit parents to check their child's eligibility for FSM.

These improvements are needed to ensure the parents and families can more easily access support to which they are entitled.

What else?

The expansion of Free School Meals comes alongside the roll out of free breakfast clubs in state-funded primary schools in England. The 30-minute free breakfast clubs help ensure pupils start every day ready to learn, and in turn improve behaviour, attendance and attainment. As well as helping children thrive academically and socially, free breakfast clubs give parents and carers more choices in childcare, and support families with the cost of living.

Impact on external groups:

The key groups affected by the expansion of Free School meals to all pupils in families in receipt of Universal Credit are children, parents, schools, and local authorities.

Pupils and parents: As a result of the FSM expansion 500,000 more children will be able to access a free hot lunch during the school day. This will have a positive effect on attainment, behaviour, health and a pupil's sense of belonging and wellbeing. Expanding access to free school meals will save eligible parents approximately £500 per child per year. The simplification of eligibility criteria and improvement to our eligibility checking systems will improve parents' awareness of, and ability to apply for, support to which they are entitled.

Schools: The FSM expansion will ensure more pupils are eligible for, and will receive, a hot meal during the school day. This will have a positive impact on learner attainment, behaviour and sense of belonging. Schools will continue to have significant autonomy over how they choose to allocate funding towards, and deliver, food provision in their settings. The simplification of the Eligibility Checking System (ECS) will help settings identify which of their pupils are eligible for Free School Meals and will allow settings to more effectively support families in applying for provision.

Local authorities: Local authorities will benefit from improved eligibility checking mechanisms, which will allow them to work more closely with schools to effectively identify and support eligible families in applying for Free School Meals. ECS improvements will also ensure local authorities have clarity around a child's pupil premium funding eligibility, and their extended rights home to school transport entitlement.

Inspection and Intervention of Academy Trusts

Policy overview

Policy Intention

Academy trusts play a crucial role in delivering and improving education. As of January 2025, 46.1% of all schools in England were academies, educating 58.4% of pupils.³⁴ Despite this growth, trust accountability mechanisms have not kept pace. Evidence shows significant variation in trust quality, and decisions made at trust level can have wide-reaching impacts beyond the educational outcomes of pupils. To address this, the Government has committed to bringing multi-academy trusts (MATs) into the inspection system. This will drive improvements in provision for pupils by holding trusts accountable for meeting expected standards and incentivising trust level improvements. It will recognise trusts that take a wider system role in improving provision for children in their area. It will also support a self-improving system by facilitating the sharing of best practice across the sector and helping trusts focus their improvement efforts by identifying weaker areas, as well as areas of strength where they may be able to support others. The legislation also introduces new trust level intervention powers, so that, where a trust is identified as underperforming, intervention may (subject to issuing a termination warning notice) include terminating any of an academy trust's funding agreements and moving some or all of the trust's academies into stronger trusts. We will also consider whether, with intervention, the existing trust could improve. Together, these measures will ensure action can be targeted at the right level, whether that is the trust or individual academies.

Frameworks for Inspection

We are overhauling the department's trust quality descriptors to reflect the role of trusts as set out in the Government's vision for schools *Every child achieving and thriving*.³⁵ The new Trust Standards will shape Ofsted's development of its trust inspection framework. This aims to ensure inspections are aligned with acceptable behaviours and standards across a range of important areas, such as governance, workforce, and inclusive education.

Intervention

The inspection system will also be linked to trust level intervention. The Secretary of State's intervention powers rely ultimately on the power to terminate funding agreements. Within a MAT, these powers are set out in both the master funding agreement (MFA) and the supplemental funding agreement (SFA) for each individual academy. MFA

³⁴ [Schools, pupils and their characteristics, Academic year 2024/25 - Explore education statistics - GOV.UK](#)

³⁵ [Every child achieving and thriving - GOV.UK](#)

termination powers are limited to circumstances either where a trust is insolvent, where there has been a change of control, or where a trust has unsuitable members or trustees. Other termination powers sit in SFAs. Single Academy Trusts (SATs), however, operate under a single funding agreement, and therefore all termination powers are contained within that single document.

Under the current accountability regime, the department can take only limited and indirect account of the overall quality of education being provided by a trust. This means that even if a MAT is failing to provide a good standard of education across its academies, the Secretary of State can only take action in relation to individual academies, if they themselves are eligible for intervention, rather than acting directly at the trust level.

How the system will work

The department has been working closely with stakeholders to inform the design of the trust inspection system, ensuring it reflects sector needs and delivers meaningful benefits. Such engagement will continue as system details are developed further, including through secondary legislation.

In terms of implementation, Ofsted will carry out trust inspections using a range of evidence, including academy and trust level data, operational practices, interviews with staff, trust leaders and those involved in trust governance. Ofsted will also have the ability to access and review relevant documents. A key focus of inspection will be on how well a trust understands its academies and drives improvement. Inspectors will assess the trust's strategic approach and its impact across the academies it oversees. Once implemented, the system will deliver regular inspection of trusts, with inspection reports published and publicly available.

Where Ofsted reports that a trust is not meeting an acceptable standard, this will trigger a power for the Secretary of State to be able to intervene by ultimately terminating funding agreements (subject to issuing a termination warning notice). This trigger will be clearly defined in Ofsted's inspection framework, which will undergo formal consultation with the sector. Intervention powers will enable the Secretary of State to transfer one or more of a MAT's academies to an alternative trust or trusts, ensuring that all academies benefit from being part of a high-quality trust. Where Ofsted judges a trust is not meeting an acceptable standard, it will also report on whether the trust has the capacity to improve, allowing the Secretary of State to consider non-structural intervention where appropriate.

Why is legislation needed?

Primary legislation is required as Ofsted does not currently have the necessary powers to inspect at trust level. As highlighted above, this has created an accountability gap in the sector. This legislation will therefore enable Ofsted to inspect trusts, and it will provide related powers to allow intervention in a trust on the basis of an inspection outcome. The current approach to trust intervention relies on the contractual arrangements between the

department and individual trusts. While these contractual arrangements have regard to trust finance and governance issues, they take only limited and indirect account of the quality of education being provided across a trust which mostly sits at individual academy level. This means that where a trust is failing to adequately support pupil outcomes and wellbeing across its academies, the Secretary of State's powers to intervene are limited.

Objectives

The overall objective of trust inspection and intervention is to raise standards in education, by holding trusts accountable for the quality of education they deliver.

To do so, this policy has the following sub-objectives:

1. To deliver independent, expert scrutiny of trust performance against acceptable standards, identifying strengths and weaknesses and supporting a self-improving system,
2. To recognise trusts that fulfil wider sector responsibilities in improving provisions for children in their area,
3. To take a proportionate approach to action and ensure the department can act at the right level where acceptable standards are not met.

Viable policy options (including alternatives to legislation)

As well as the preferred option of introducing trust inspection and intervention through primary legislation, we have considered the following policy options:

1. School level inspection could take greater account of the trust's impact, as part of Ofsted's assessment of school leadership.

This alternative would involve a greater focus on understanding the effectiveness of trust leadership during inspections of individual academies. However, this approach would be inefficient and duplicative, requiring Ofsted to assess trust-level activity repeatedly across multiple academy inspections rather than directly at trust level.

Existing legislation would furthermore limit Ofsted's scope of inspection to the impact of leadership on individual academies, failing to capture the broader influence of a trust across its group of schools or the area(s) within which it operates. Crucially, this option would also not enable the trust level intervention that is required to bring about improvement in underperforming trusts. Without new legislation, the department's powers to intervene in trust wide failings remain limited.

2. Introduce new trust level intervention powers, which could be used on the basis of an assessment by the department about trust performance.

This option would involve the department making an assessment of the trust's performance using data and qualitative information gathered from sources such as local authorities, parents/carers, and staff. While this could offer some increased accountability, it would lack the rigour and independence needed to drive meaningful

improvement. Here, the assessment would not be made independently from the regulator of academies (i.e., the department). Without expert, impartial inspection, assessments may be seen as less credible and risk not providing the depth of scrutiny required to fully understand trust quality across the sector. This is particularly important in helping drive wider benefits in the system, through identifying and sharing best practice.

3. Legislate so that trusts can only be inspected in specific circumstances

This would leave an accountability gap in relation to those trusts that were out of scope of inspection, and reduce the opportunity to bring about improvements through sharing of good practice, and identifying strong performers who may be able to support others.

4. Continue without increased scrutiny and accountability of trusts

This would leave an accountability gap in the sector and miss the opportunity to drive improvement across trusts and deliver the wider benefits set out above. It would limit the department's ability to identify and address trust-wide issues.

None of these options provide a viable alternative to introducing new primary legislation to enable trust level inspection and intervention. This legislation is needed to provide Ofsted with the powers it needs to conduct trust-level inspections. The legislation broadly mirrors existing legal provisions for school and further education institution inspections and extends these to trusts, ensuring consistency and clarity in the regulatory landscape.

Impact on external groups

Pupils – We expect the overall impact on pupils to be positive. These measures are designed to improve school-level provision, by encouraging and incentivising trusts to better support their academies and by holding them accountable when performance falls short of expectations.

We expect trust inspection to have a particularly positive impact for pupils with special educational needs and disabilities (SEND). The inspection system will include consideration of a trust's approach to inclusion and allow trusts to focus their improvement efforts by identifying weaker areas, as well as areas of strength where they may be able to support others. By holding trusts accountable for meeting expected standards, we anticipate a positive impact on outcomes for pupils with SEND.

We recognise that there may be some very short-term disruption to pupils' education in the event the department intervenes to transfer academies from a poorly performing trust to a high-quality trust or trusts, however, this will be to improve educational standards, and therefore the overall impact on pupils is considered to be positive. Furthermore, the power to terminate funding agreements will be permissive, allowing for the Secretary of State to assess the best approach for each trust.

We have further analysed the impact on this group in the published Act summary Equalities and Child's Rights Impact Assessments.

Parents and carers – We expect the overall impact on parents and carers to be positive. Parents and carers will continue to receive detailed information about their child's academy through school inspection. This process will remain, and trust inspection will provide additional information to keep parents and carers informed. In carrying out a trust inspection, Ofsted will furthermore take into account parental views, encouraging trusts to pay equal or greater attention to parental views in the future.

Parents and carers want assurance that their child's education is well-supported. Trust intervention powers will allow the Secretary of State to act when a trust is found to be underperforming. This will ensure that poor performance is addressed swiftly, improving outcomes for pupils. These powers will strengthen accountability at trust level, giving parents and carers confidence that issues won't persist unchecked. Overall, trust intervention is expected to positively impact parents by ensuring their child's academy is part of a well-governed and high-performing trust.

School staff and workforce – We recognise that inspections can create particular pressures for school staff and can affect wellbeing. Trust inspections will consider how effectively trusts support their staff and wider workforce, including their approaches to staff recruitment, retention, and wellbeing. We expect trust inspection to consider how well trusts support their staff and the wider workforce. By holding trusts accountable to departmental standards, including these areas, we expect the overall impact on school staff to be positive.

Once trust inspections are well-established and shown to be effective, we will consider allowing for a lighter burden of inspection at academy level. This has the potential to reduce inspection pressures on school staff. For example, it may be possible to assess cross-cutting issues (such as curriculum and behaviour) at trust level, with academy-level inspections focusing more on implementation.

We recognise the risk that new trust inspections could inadvertently lead to additional demands on school staff, for example by requiring them to provide extra information or assurances. To mitigate this, the department will continue to work closely with Ofsted during the trialling and piloting phases to ensure the inspection methodology avoids placing unnecessary burdens on staff. This considered approach to trialling and piloting will help refine the approach and minimise additional burdens.

In cases where the department intervenes by transferring academies from a poorly performing trust to a high-quality trust or trusts, relevant staff will transfer under TUPE regulations, which protects existing employment rights. This means that while there will be some operational changes, and some restructuring may occur, generally staff terms and conditions will remain safeguarded. In the longer term, we expect staff to benefit from being part of a trust that manages and supports its workforce effectively.

Leaders – We recognise that trust level inspections may have an additional impact on school leaders compared to other staff. While this presents a risk of increased workload, the introduction of trust-level inspection is proportionate given the crucial role trusts play in delivering education and shaping outcomes for young people.

Importantly, trust inspections also offer opportunities to reduce existing burdens on leaders, if implemented thoughtfully. We are therefore working closely with school leaders and Ofsted to mitigate these potential negative impacts and realise these benefits. Stakeholder feedback has highlighted, for example, concerns about the intensity of school level inspections. As trust inspections become established, we anticipate that school inspections may be able to become a lighter-touch process, reducing pressure on school leaders by recognising the impact of approaches at trust level.

The department is also mindful that a negative inspection outcome can impact on school and trust leaders who may be concerned about the implications for their careers. The department has introduced welfare support calls for school leaders following inspection and we will consider how best to extend this approach to apply to executive leaders within trusts.

In cases where a trust is found to be performing below an acceptable standard, it will be eligible for intervention. While this can cause disruption, it may also benefit school leaders by placing them in high-quality trusts that offer better support and leadership. We acknowledge, however, that in circumstances where a trust is closed, there may be consequences for some leaders, including the potential loss of employment.

Ofsted – The introduction of trust inspection will require Ofsted to build additional capacity, including recruiting inspectors with trust sector expertise and training them. We are working with Ofsted to ensure it is well-equipped to deliver this new work effectively, and they have already secured additional funding from the Treasury as part of the Spending Review to help meet these delivery costs. We are also working closely with Ofsted on the design of the inspection system, to ensure it achieves its intended positive impact for stakeholders across the sector.

Trusts – Trust inspection will introduce a new level of accountability which some trusts may find challenging, especially those that feel existing academy-level inspections provide sufficient scrutiny. However, Ofsted's new inspection framework will assess trusts against a broader set of responsibilities, shaped by the new Trust Standards. While some trusts will already be performing well against these expectations, others may require further support. Trusts that have focused primarily on outcomes for their own pupils, but not yet considered the trust's wider impact, may be concerned that this will limit their potential to perform well in the new inspection process.

To support with this transition, the department and Ofsted will ensure there is clear guidance on the standard expectations of all trusts and examples of what good practice looks like. The department and Ofsted are committed to working with the sector on these.

It's important that trusts understand inspection criteria and potential actions that may follow.

Recognising that intervention is sensitive, the department plans to develop public guidance outlining when and how intervention powers will be used. This will ensure that as far as possible trusts will have a clear sense of what to expect following an inspection of their trust. We plan to consult on the policy principles, which will then inform a policy that will be published before the commencement of MAT inspections.

We are also mindful that trusts have been encouraged to innovate, and that the sector includes a wide range of sizes, approaches, and operational models. Most trusts are small with 934 (43%) comprising of only 1 school, and 456 (21%) comprising of 2-5 schools. Larger trusts with 10 or more schools represent a small minority of the sector, with only 290 (13%) overseeing 10-20 schools, and just 101 (5%) having more than 20 schools.³⁶ As highlighted above, crucial stages before rollout will thus involve trialling and piloting Ofsted's approach, to ensure the system is proportionate and takes into account the views and needs of different trusts. The system will therefore allow innovation and diversity in the sector to be supported rather than constrained.

³⁶ Data sourced from [Get Information about Schools - GOV.UK \(get-information-schools.service.gov.uk\)](https://get-information-schools.service.gov.uk) 23rd March 2026



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