Department for Education

Children’s Wellbeing and Schools Act

Policy Summary Notes

June 2026

Contents

Summary

The following policy summary notes provide information on the Children's Wellbeing and Schools Act (2026), which received Royal Assent on 29 April.

These notes provide information on measures in the Act.

Children’s Wellbeing and Schools Act: Overview

What is the purpose of the Act?

The Children’s Wellbeing and Schools Act (2026) is a key step towards delivering the government’s Opportunity Mission to break the link between young people’s background and their future success.

The measures in the Children’s Wellbeing and Schools Act deliver commitments in the Labour Party’s 2024 manifesto on Children’s Social Care by strengthening regulation, improving quality of care to ensure it meets children’s needs, keeping rooted in their families and local communities where possible.

The Act will also deliver on manifesto commitments to remove barriers to opportunity in schools and improve the education system to make it safer for every child.

What are the main benefits of the Act?

The Children’s Wellbeing and Schools Act puts in place a package of support throughout our education and care systems so that every child can achieve and thrive. It aims to ensure safer and more secure childhoods, tackle child poverty, and deliver a core guarantee of high standards with space for innovation in every child’s education.

What are the main elements of the Act?

The Act is comprised of seven key parts:

- **Keep families together and children safe** by requiring local authorities to offer family group decision-making where that is in the child’s best interests so that families with children on the edge of care have an opportunity to form a plan of family-led care, improving information sharing across and within agencies and service providers where agencies engage others to provide services relating to safeguarding or promoting the welfare of children, such as primary care providers, strengthening the role of education in multi-agency safeguarding arrangements and implementing multi-agency child protection teams.

- **Support children with care experience to thrive** by requiring local authorities to publish their local offer for children in kinship care and their carers, extending the virtual school head role to children in kinship care and those with a social worker, and strengthening our offer of support for care leavers by requiring local authorities to provide ‘Staying Close’ support to eligible care leavers where their welfare requires it – this gives support to help find and keep suitable accommodation and access services – and requiring local authorities to publish the arrangements it has in place to support and assist care leavers in their transition to adulthood and independent living. The Act also introduces a new set of corporate parenting responsibilities which will have an impact on the lives of looked after children and care leavers. The Act also recognises the importance of maintaining sibling relationships for children in care by requiring local authorities to allow reasonable contact between children in care and their whole, half and step-siblings, where this is consistent with their welfare.

- **Make a government that puts children first** by facilitating a statutory framework to authorise the deprivation of liberty of children with complex needs in accommodation provided for the purposes of treatment and care; strengthening Ofsted's powers in relation to children's social care providers by giving them the power to issue fines for breaches of the Care Standards Act 2000, including to unregistered providers, and enabling them to hold provider groups to account for quality issues in the provision of care; regulating the use of agency workers in children's social care; protecting children from ill-treatment or wilful neglect; and placing a duty on local housing authorities to notify educational institutions, GP practices and health visiting services when a child is placed in temporary accommodation.
- **Crack down on excessive profit making** by including a backstop law to potentially cap the profit providers can make; supporting the creation of regional care cooperatives to improve the forecasting and commissioning of placements; establishing a financial oversight scheme to increase financial and corporate transparency of 'difficult to replace' care providers and their corporate owners.
- **Remove barriers to opportunity in schools** by expanding free school meals to all children from households in receipt of universal credit as well as delivering manifesto commitments on free breakfast clubs and limiting the number of branded uniform items that schools can require.
- **Create a safer and higher-quality education system for every child** by introducing Children Not in School registers to make sure help can be mobilised for every child that needs it. To help protect children who are most vulnerable, parents will have to obtain local authority consent to home educate in certain circumstances. It also extends the registration requirements, already in place for independent schools, to more Independent Educational Institutions which could be expected to provide all or the majority of a child's education and make changes to improve arrangements for the regulation and inspection of independent schools, and the consideration of cases of serious teacher misconduct. Together, these measures will ensure that fewer children are out-of-sight of the services that are there to support them and more are afforded safe, suitable education. The Act also requires schools to have, publish, publicise and keep under review allergy safety policies, to have regard to statutory guidance, and provision for the Secretary of State to make further allergy safety requirements through Regulations.
- **Drive high and rising standards for every child** by delivering manifesto and Opportunity Mission commitments on school admissions, Qualified Teacher

Status. The Act requires academies to follow the statutory pay and conditions framework and a reformed National Curriculum. It removes the presumption that new schools will be opened as academies and instead allowing proposals for all types of new schools, including giving local authorities the choice of proposing their own new school. The Act introduces Ofsted inspection of academy trusts and linked powers for the Government to intervene at trust-level where necessary. The Act also makes existing guidance on pupils' use and access of mobile phones and other personal interactive communication devices during the school hours 'statutory'.

The Act will also bolster online safety by giving the Secretary of State a power to make regulations to strengthen protections for children online for the purposes of protecting children from physical or psychological harm.

The following documents are relevant to the Act and can be read at the stated locations:

- Keeping Children Safe, Helping Families Thrive 2024: Breaking down barriers to opportunity
- Every Child Achieving and Thriving 2026: White Paper

Part 1: Children's Social Care measures

Family group decision-making (FGDM)

A measure to require local authorities to offer a 'family group decision-making' meeting at the point the local authority is seriously considering applying to the court for a care or supervision order, to give families an opportunity to come together and make a family-led plan in response to concerns regarding the child's welfare. The duty does not apply where the local authority considers that it would not be in the best interests of the child for this offer to be made.

What does this measure do and why do we need it?

Family group decision-making (FGDM) is an umbrella term to describe a voluntary process that allows a family network to come together and make a family-led plan in response to concerns about a child's safety and wellbeing, working alongside skilled professionals. These family-led meetings can include identifying practical support for parents, while prioritising the wellbeing of the child.

The government knows many local authorities already deliver FGDM at different stages. However, offers of FGDM are not consistent across the country.

The *Independent review of children's social care* (2022)[1] reported that too often families enter proceedings without an FGDM meeting having taken place and opportunities may have been missed in identifying family network members who could act as a support system to the parents to promote the wellbeing of the child or be considered as alternative care givers if the need arose.

A family group conference (FGC) is a specific model of FGDM which has strong evidence of diverting children from care, as shown by the findings of a randomised control trial[2] conducted by Foundations, the What Works Centre for Children and Families. Children whose families were referred for an FGC as part of this randomised control trial were less likely to have had care proceedings issued (59%) compared to those not referred (72%) and were less likely to be in care one year later (36%) compared to those not referred (45%).

The government believe that creating a new legal duty for local authorities to offer a FGDM meeting to families at the pre-proceedings stage will bring consistency to the approach and will encourage a family-first culture.

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[1] Independent review of children's social care: final report - GOV.UK

[2] https://foundations.org.uk/wp-content/uploads/Reports/Randomised-controlled-trial-family-group-conferencing.pdf

Unless it would not be in the best interests of the child to do so, every family should be offered the opportunity to make a family-led plan when the local authority is seriously considering bringing care proceedings.

What is the effect of the legislation?

It places a legal duty on local authorities to offer the FGDM process to the parents (or those with parental responsibility) of children whose cases have reached the pre-proceedings stage (i.e. the local authority are seriously considering applying to the court for a care or supervision order), unless it would not be in the child's best interests to offer FGDM. The local authority must include the offer in the 'letter before proceedings' sent in relation to the child.

If the offer is accepted by at least one person to whom it is made, local authorities must arrange for the meeting to be held before making an application for a care or supervision order, unless it would not be in the child's best interests to hold the meeting.

The government will use statutory guidance and best practice support and resources to support local authorities to deliver safe and effective FGDM.

Where the local authority considers it appropriate, the child in relation to whom the FGDM process is held may attend the meeting. In addition, in exercising its functions under this section in relation to the child, so far as is reasonably practicable and consistent with the child's welfare, the local authority must ascertain the child's wishes and feelings and give due consideration to those wishes and feelings, having regard to the child's age and understanding.

Strengthening the offer of FGDM further will reduce applications for court proceedings as well as prevent children from entering the care system. This will improve outcomes for children and families, as well as create significant savings for local government. Building on the excellent practice already offered by many local authorities, through legislation, the duty will bring consistency to the approach across local authorities and will encourage a family-first culture.

How will this work in practice?

The government know that many local authorities already offer FGDM to families at different stages.

However, research[3] has shown that this offer is inconsistent and too often families enter care proceedings without the FGDM process having taken place. This means

[3] A UK-wide survey of family group conference provision (2022) - CASCADE-Family-VOICE-survey-findings.pdf

opportunities may be missed in identifying family network members who could act as a support system to parents.

This measure ensures that this evidence-backed offer of FGDM is offered consistently at this crucial time and will help to divert children from care.

Although the duty requires local authorities to offer FGDM at the pre-proceedings stage (unless not in the child's best interests), the government encourages local authorities to also offer these meetings as early as possible in the child's journey and repeat the offer as necessary to support a 'family first' culture.

This measure underlines that the family's history of FGDM should be considered at the legal planning meeting where it should be discussed and recorded.

To facilitate local authority implementation and support best practice, we plan to update relevant statutory guidance and provide additional best practice support and resources for local authorities.

Key questions and answers

Why are you not prescribing the Family Group Conferencing model as there is strong evidence that it is effective?

Mandating one approach to FGDM in legislation risks stifling innovation as new evidence and best practice emerges and risks limiting professional judgment to meet local needs and family circumstances.

Instead, we will embed clear principles informed by the evidenced-based Family Group Conference model in updated statutory guidance in Working Together[4], published in March 2026, and in updated statutory guidance on pre-proceedings which we will publish later in 2026.

If family group decision-making meetings are mandated, could this put victims of domestic abuse/child sexual abuse/coercive and controlling behaviour at risk from the perpetrator?

Identifying and managing risks is vital to safely conducting FGDM processes. A key principle of this duty is that local authorities have discretion over whether it is in a child's best interests to offer or hold FGDM – given they know families' and children's circumstances best.

Participating in FGDM processes is entirely voluntary. Facilitators work alongside the family's social worker and other professionals to understand risks and how to best

[4] Working together to safeguard children 2026: statutory guidance

support participation. The government will provide best practice support and resources on safe participation.

Research[5] showed that family group decision-making increased family unity and family safety. Following domestic abuse, the same research also showed that these meetings can restore positive communication about the child in a structured setting.

The safety of children and families is vital. The government will use guidance to outline best practice to support safe and effective delivery of these meetings.

[5] Pennell J and Burford, G. (2000) Family group decision making: Protecting children and women. *Child Welfare 79(2)*:131-58.

Strengthen the role of education and childcare in safeguarding

A measure to place duties on safeguarding partners (local authority, police, health) to automatically secure the participation of education providers and childcare settings as relevant agencies as well as ensure that their views are sufficiently included and represented at strategic and operational levels in multi-agency safeguarding arrangements. The aim of this measure is to strengthen the role of education in multi-agency safeguarding arrangements to better protect children from abuse, neglect, and exploitation.

What does this measure do and why do we need it?

This change will see better join-up between children's social care, police, and health services with education and childcare, to better safeguard and promote the welfare of all children in local areas.

Previous legislation outlined that safeguarding partners can name the local education settings they deem appropriate as relevant agencies in their arrangements. However, this was implemented inconsistently nationally and can lead to some settings being left out of arrangements, which can mean opportunities to protect children are missed.

After the 2022 Independent review of children's social care and Child Safeguarding Practice Review Panel's review into the deaths of Arthur Labinjo-Hughes and Starr Hobson, Child Protection in England, recommended that education become a statutory safeguarding partner, alongside local authorities, police and integrated care boards.

The intent behind this recommendation was to ensure that the contribution and voice of education and childcare settings was included when identifying priorities and support for children and families.

The government wants local areas to have a deep understanding of their safeguarding needs and to tailor their multi-agency responses, accordingly, ensuring that children and families receive the right support at the right time.

The government has also heard through multiple expert reviews of the child protection and safeguarding system that current arrangements do not go far enough to ensure that education and childcare settings have an effective and proportionate role. Reports describe inconsistent communication between education providers and childcare settings and children's social care, police and health services, and a lack of strategic connections when making decisions. This means that crucial knowledge and insights of education providers and childcare settings are missed from decision making by safeguarding partnerships. As education providers and childcare settings are where children spend most of their time, these settings often know the children and their families best so their involvement in such decision making is vitally important.

What is the effect of the legislation?

The intention of the legislation in the Children's Wellbeing and Schools Act is to strengthen the role of education and childcare settings in multi-agency safeguarding arrangements to better protect children from abuse, neglect, and exploitation. We are building on previous legislation and recognise that the current system needs to change to ensure education is adequately represented both operationally and strategically. The aim of the legislative change is two-fold, to ensure that:

- Safeguarding partners automatically include all education and childcare relevant agencies in their safeguarding arrangements.
- These arrangements enable education and childcare agencies to have representation at both the operational and strategic decision-making levels of these safeguarding arrangements.

How will this work in practice?

The make-up and needs of a local area differ across the country, meaning legislation will be implemented in a way that works best for each local area.

Practically, this may look like including representatives from a range of different education providers and childcare settings in operational safeguarding boards where day to day decisions about safeguarding are discussed at a local level.

Further to this, it is important to ensure that the full range of education providers and childcare settings are represented on executive boards, so that their views can influence safeguarding decisions within the local area.

The government has a good understanding of different practice across the country on how to include education well in safeguarding arrangements so will look to share this information through guidance and support documents.

The government expect safeguarding partners to outline their arrangements for the inclusion and representation of education in their annual reports.

Key questions and answers

Are you going to make schools a fourth safeguarding partner?

No, the government is not making schools a statutory safeguarding partner with this measure. Introducing a statutory Education and Childcare Safeguarding Partner would create significant accountability and funding complexities, requiring new statutory duties.

The government believes placing duties on safeguarding partners to fully include and represent education providers and childcare settings at all levels of their arrangements will ensure that opportunities to keep children safe are not missed and will give education providers and childcare settings a clear role in safeguarding locally. This is a crucial step in ensuring consistency nationally for how education is involved in multi-agency safeguarding arrangements.

This legislation enables the voice of education to influence the decisions of safeguarding partners and recognises the key role that education plays in keeping children safe.

Is there any support available for us to implement a strengthened role for education?

The government will publish guidance and work with local areas to share good practice.

Through the Families First for Children Pathfinder Programme local areas have been testing a strengthened role for education and we will ensure this learning is shared.

The government knows many local areas will have been working on how education is involved and represented in their local area, and we will continue to work with stakeholders to support this work as part of the national rollout of the Families First Partnership Programme.

Establish multi-agency child protection teams

This measure creates a duty for safeguarding partners (local authorities, police and integrated care boards) to make arrangements to establish multi-agency child protection teams (MACPTs) to support the local authority in the discharge of its child protection duties under section 47 of the Children Act 1989; and require relevant agencies to enter memorandums to set out how they will facilitate the operation of the MACPT.

What does this measure do and why do we need it?

Our ambition is for a child protection system that is decisive and where multi-agency practitioners have the authority, expertise, experience, time, and support to identify actual or likely significant harm quickly and take effective action in response. This will lead to stronger assessment and decision-making, and more children protected at the right time.

Ineffective multi-agency working is a key factor where child protection activity fails to keep children safe. Following a review of child protection practice in England, the Child Safeguarding Practice Review Panel recommended introducing multi-agency child protection units in every local authority area.

In 2025 (as of 31 March), nearly 50,000 children were on protection plans, equivalent to around 1 in every 250 children or 1 in every 8 children in need. Both the number and the associated rate decreased for the third consecutive year in 2025, representing the lowest number since 2014 and the lowest rate since 2013 respectively. There were 338 serious incident notifications in which 162 related to child deaths, down 43 from 2024 and down 69 from 2019.

Through this legislation, safeguarding partners will be under a collective duty to make arrangements to establish and run one or more MACPTs for the local area. MACPTs will consist of a minimum membership, as set out in the primary legislation, to be nominated by the safeguarding partners. This will include a social worker, police officer or police staff, healthcare professional and person with education experience. These integrated teams of child protection experts will deliver child protection activities, which may be further set out in regulations.

The precise membership of MACPTs, beyond the minimum members, should be aligned with local demographics, needs, and patterns of harm including where harm comes from outside the home or online. The local authority will therefore have the flexibility, dependent on local requirements, to add other individuals and agencies to the MACPT as it considers appropriate after consulting with the other safeguarding partners. Where the safeguarding partners identify that the expertise of a specific relevant agency is required, the safeguarding partners may notify that relevant agency and require a memorandum to be put in place. The purpose of the memorandum is to set out a written agreement outlining how the relevant agency will work with the safeguarding partners to facilitate the operation of the MACPT.

What is the effect of the legislation?

Despite previous legislation, day to day multi-agency operations can be inconsistent, resulting in missed opportunities to protect children effectively. This legislation will clarify day to day child protection responsibilities across agencies, bring together multi-agency practitioners, and improve co-operation among safeguarding partners and other relevant agencies.

The government wants a child protection system where the rationale for decisions in relation to children is clear, and decisions focus on the needs and best interests of children, involving parents, family networks and others in a transparent and compassionate way. Safeguarding partners will be under a duty to establish and run one or more MACPTs in their area. MACPTs will balance the local authority's lead role in child protection enquiries with a defined duty for safeguarding partners and other relevant agencies. This ensures safeguarding partners are also accountable for how they support local authorities to deliver their child protection activities.

Clearly defined duties will address inconsistencies and ambiguities in child protection practices and improved joint working will result in:

- Stronger approaches to information sharing and improved consistency.
- Improvements for integrated working, shared identification of harm and proactive work around early intervention, prevention, and family help.
- Better join-up between children's social care, police, and health services and education.
- Improved understanding of the roles of each agency in supporting children and families.
- Effective multi-agency practice.

This clarifies that all agencies are responsible for the protection of children. The government thinks there is the potential to significantly improve outcomes for children and young people, building on early intervention and family help and ensuring that the children that need the highest levels of child protection are identified quickly and efficiently. This duty will ensure a multi-agency child protection system that is expert led, decisive, provides effective and clear decisions focused on the best interests of the child and co-ordinates support from across a range of agencies.

How will this work in practice?

Safeguarding partners (local authorities, police and integrated care boards) will be under a collective duty to establish and run an MACPT. Safeguarding partners will be required to nominate representatives for the local area and relevant agencies must collaborate with the MACPT as required through safeguarding arrangements or specific memorandums.

The MACPT will bring a clear, fresh focus where there are child protection concerns, bringing experts together across agencies to identify actual or likely significant harm and take decisive action to protect children. These teams will work closely with family help teams to ensure support is brought around the child and family in one integrated system. They will offer advice and expertise to local services in relation to the need to protect children from significant harm and monitor and evaluate the effectiveness of multi-agency child protection activity.

Through the Families First Partnership programme, we are delivering the national rollout of Family Help, multi-agency child protection teams and family group decision-making reforms that make a real, tangible difference to children and families. We want local areas to develop a high-quality support system that places children and families at the centre of its design and offers meaningful, consistent support that responds to their changing needs.

We have committed £2.4 billion in total over the next three years for the Families First Partnership Programme.

The aim is for MACPTs to come into force in 2027, subject to parliamentary timings. The requirements for multi-agency child protection teams are being informed by the ongoing findings from the evaluation of the Families First for Children Pathfinder Programme and learning from the Families First Partnership Programme. Government will continue to support local areas to learn from each other and the national programme when implementing changes and will consider the best evidence from this as we prepare for public consultation on the regulations. The government will also use this time to engage with sectors intended to be part of the multi-agency child protection teams.

Statutory guidance, *Working together to safeguard children (2026)*[6], will be updated to support legislative changes.

Additional information on delegated powers

The new provisions include a power for the Secretary of State to set out in regulations further support MACPTs will provide to local authorities. These further functions of the MACPT will all be related to supporting local authorities to carry out child protection work (under section 47 of the Children Act 1989) including making enquiries about the safety of children, gathering information about whether a child is suffering significant harm and putting plans in place to support and protect children. The government will use learning from the Families First for Children Pathfinder, to determine the operational details required. National rollout since April 2025 is also providing learning.

The new provisions include a power for the Secretary of State to set out in regulations requirements for the practitioners who are nominated to be part of the MACPT. This

[6] Working together to safeguard children 2026: statutory guidance

might include examples of the types of "minimum qualifications or experience" that they will need. This has not been included in the legislation as this will require discussion with the relevant workforces, including police, health and education, to understand what would be relevant and to ensure the right levels of expertise. The government will also use learning from pathfinders to inform this.

There are already a group of agencies that are required to support and co-operate with safeguarding partners (police, integrated care boards and local authorities) when it comes to safeguarding and protecting children. These are known as ‘relevant agencies’. These provisions include a power for the Secretary of State to designate in regulations which of these relevant agencies must enter into a memorandum if notified to do so by the safeguarding partners for any local area. The purpose of the memorandum is to set out how the relevant agency will work with the safeguarding partners to facilitate the operation of the MACPT.

Key questions and answers

Where is the evidence for multi-agency child protection teams?

Multi-agency child protection teams respond to recommendations from the Child Safeguarding Practice Review Panel’s review of child protection in England.

Evaluations of Multi-Agency Safeguarding Hubs, the Strengthening Families, Protecting Children and Supporting Families Programme and youth offending teams all evidence how effective multi-agency working can improve outcomes for children and improve trust and relationships between agency practitioners. MACPTs build on this.

The Families First for Children Pathfinder Programme is providing evidence to support policy development of the MACPTs. An early findings implementation and process evaluation report for the Pathfinder was published in July 2025. It identified signs of strengthened multi-agency collaboration and improved co-working between social care, education, health and police. Early results also found MACPTs demonstrated better management of complex issues, reducing crisis points, enabling quicker, effective interventions and improving outcomes for children.

How will this be funded?

Every agency that comes into contact with children and families has existing child protection and safeguarding responsibilities.

Through the Families First Partnership programme, we are committed to delivering the national rollout of Family Help, multi-agency child protection teams and family group decision-making reforms that make a real, tangible difference to children and families.

In 2025-26 we more than doubled direct investment in preventative spend to over half a billion pounds. We then announced at Spending Review 2025, that we will provide over

£1.8 billion for the Families First Partnership Programme over the next three years and committed to an additional investment of £547 million in November 2025. This brings the total funding provided for the Programme to £2.4 billion over the next three years.

We will engage closely with the sector to understand the support required to implement MACPTs and use the evaluation from the Family First for Children Pathfinder.

Information sharing and Single Unique Identifier for children

Measures to improve data sharing between agencies and service providers including where agencies engage others to provide services relating to safeguarding or promoting the welfare of children, such as primary care providers to better safeguard and support children and families. This comprises:

- An information sharing duty that provides a clear legal basis to share information for the purposes of safeguarding and promotion of welfare
- Power to issue information standards
- Provision to enable the specification of a consistent identifier (also known as 'Single Unique Identifier')
- Power to issue a Code of Practice.

What does this measure do and why do we need it?

The duty provides a clear legal duty to share information for the purposes of safeguarding and promoting the welfare of children. This will give practitioners confidence to request and provide information appropriately and in line with data protection legislation, removing barriers to providing targeted, timely and accurate support for families.

Multi-agency information sharing not only protects children from harm but also helps earlier identification of support needs so that children can get the help they need to make the best possible start in life.

Introducing a consistent identifier as part of wider improvements will enable quicker and less burdensome interactions between agencies and greater accuracy of shared information. Provisions for standards and a code of practice support the implementation of the consistent identifier.

What is the effect of the legislation?

Establishing a clear legal framework for information sharing in safeguarding contexts enables professionals to collaborate effectively, ensuring all relevant details are considered to meet a child's needs and prevent instances of abuse or neglect from being missed.

Professionals require a comprehensive view of a child's situation to make informed decisions. Missing information can limit their understanding, but when data from various agencies is combined, it creates a clearer and more accurate picture of the risks and needs. This leads to better assessments, protection, and support for the child.

The legislation also enables specification of a consistent identifier for children by regulations with designated persons required to record the number when processing information about a child in relation to safeguarding and promoting their welfare.

How will this work in practice?

Practitioners will be able to use the new information sharing duty as a clear legal basis to both disclose and request information about a child for the purposes of safeguarding and promotion of welfare. This will promote a more seamless sharing of information so that practitioners can consider the full picture of a child's life.

A consistent identifier (or ‘Single Unique Identifier’) is a consistent number or code for each individual that is included across multiple sets of data to link information together more quickly and accurately. It contributes to ensuring reliable, efficient data linking across systems, improving service delivery and outcomes.

Implementation will be supported by statutory guidance, which agencies must have regard to, alongside a Code of Practice on the Single Unique Identifier and information standards to ensure interoperability and support effective information sharing.

Additional information on delegated powers

We are seeking powers to specify by regulations which number should be used as a consistent identifier (or ‘Single Unique Identifier’) for children and which agencies, from a list set out on the face of the Act, will be required to use the consistent identifier (referred to as “designated persons”).

We have also sought a power to make regulations to require the person or agency who holds or manages the consistent identifier on a national basis to share the identifier with designated persons so that they can comply with their duty under the new subsection 16LC(5) of the Children Act 2004 to record the consistent identifier when processing information about a child. The intention is that the regulations will apply to a person or agency who holds or manages the consistent identifier on a national basis, as opposed to a person or agency who may hold the identifier for a child or group of children for their own purposes.

We consider that it is appropriate to seek a delegated power to specify the number to be used as a consistent identifier as it is not yet known which will be most appropriate for these purposes, and it is prudent to future-proof the legislation by enabling a new number to be specified should a particular designated consistent identifier fall out of use. Having named the consistent identifier, the person or body who holds or manages the identifier needs the power to share the identifier with designated persons, should that not be achievable by other means.

To achieve the benefits of a consistent identifier, it will take time for it to be used by the various agencies that play a role in safeguarding and promoting the welfare of children. Specifying the agencies that must use the consistent identifier by regulations means that agencies will only be required to use the number once they have the appropriate systems in place to make it an effective tool in supporting children and families.

As part of these measures, there is a provision in the Act to issue a code of practice for persons in scope of the consistent identifier. The code would complement the guidance by covering technical and practical matters such as accessing, storing, and using the identifier effectively, and could be updated regularly to reflect technical developments and process changes. The code of practice will be informed by piloting and testing of the consistent identifier, which will involve user testing, as well as engagement with relevant sector bodies, the Information Commissioner's Office, and relevant Government departments.

The Act also introduces a provision to issue information standards that will apply to the processing of data by persons listed in the new subsection 16LA(5) of the Children Act 2004. Those persons must have regard to the information standards when processing information for the purposes of safeguarding or promoting the welfare of children. Information standards set common data rules—such as how names or dates of birth are recorded or data governance requirements—to ensure interoperability and support information sharing. Piloting suggests such standards are likely to be instrumental for the identifier to work effectively and support effective information sharing.

Key questions and answers

Why is the government considering implementing a 'consistent identifier'?

The use of a Consistent Identifier (which was previously referred to as a 'consistent child identifier') has been regularly cited as a potential solution to bring together data on children's interactions with different services. An identifier has potential to increase confidence that practitioners from different agencies are talking about the same child and increase the ease and possibility of linking data together across datasets.

We want appropriate agencies and practitioners to spend less time chasing information and more time acting on the full picture of relevant information about the child. This will enable practitioners to provide the right services at the right time to meet the needs of children and families.

Why are you introducing an information sharing duty if information is already able to be shared for safeguarding purposes?

Although previous legislation permits information sharing to safeguard and protect the wellbeing of children, practitioners have told us they often only felt confident sharing where there are serious child protection concerns.

This led to fragmented information across agencies, leaving practitioners unaware of crucial data that could identify a safeguarding or welfare concern, or indicate where a child needs more support.

This duty provides a clear legal basis to request and share information with other relevant agencies for the purposes of safeguarding or promoting the welfare of a child.

How can people's data be shared if they have not given their consent? This conflicts with the common law duty of confidentiality.

The need to safeguard children is prioritised over any requirement to obtain consent to share information, as already set out by the Information Commissioner's Office and Data Protection legislation. The duty provides a clear legal basis for sharing information on the grounds of safeguarding and promotion of welfare, balanced against any detriment to the child as a result of sharing. Further, the disclosure of information in accordance with the duty will not breach the common law duty of confidentiality. We will cover this further in guidance.

Kinship local offer requirement

A measure to create a duty for local authorities to publish a kinship local offer, to consult relevant persons prior to publishing their first or updating their kinship local offer, and to publish a report of that consultation. This aims to provide clarity and ensure that kinship families are aware of and can access the support they need. This will add a definition of children living in kinship care and kinship carers into the statutory framework for the first time.

What does this measure do and why do we need it?

The kinship local offer measure legislates the requirement for local authorities to publish a kinship local offer. This offer details the support available in a local authority's area to children living in kinship care arrangements and kinship carers.

The duty to consult relevant persons before the publication of kinship local offers or before the publication of any updated kinship local offer, and publish a report of this consultation, aims to ensure that kinship local offers are shaped by the needs of the local population.

Kinship carers often step in to care for children when their parents are unable to do so, often at short notice. This can mean that kinship carers may be unaware of the range of support and services that may be available. This legislation aims to ensure parity of access to information across England, so that all children living in kinship care and kinship carers have access to information about support services they can receive in their local area.

The department has taken a decision to replace the existing statutory guidance expectation to publish a kinship local offer with a legal duty because recently published analysis revealed inconsistent compliance with the expectation. We expect that as a result of this legislation, we will see an increase in local authorities publishing a kinship local offer. The department is working with local authorities to improve the quality of local offers.

What is the effect of the legislation?

The legislation places a statutory duty on local authorities to publish information about services in their area for children living in kinship care and kinship carers, which will be known as a kinship local offer.

The aim in doing so is to promote transparency to ensure kinship families are informed about their rights and the resources available to them.

The legislation also requires local authorities to consult relevant persons about any services offered or that may be offered which may assist to improve outcomes for children living in the authority's area who live in kinship care prior to publishing its kinship local offer. The local authority must publish a report on the consultation. The duty in this clause will not apply to kinship local offers published prior to the Act coming into force.

The aim in doing so is to create more accountability for local authorities and help to ensure that kinship local offers address the needs of local kinship families.

Through these measures, we intend that children in kinship care and their families have greater awareness of the support that is available to them and that they receive the support they need. We also intend to ensure kinship carers receive both the financial and practical support they need throughout the process of becoming and being a kinship carer. Ultimately, this measure aims to improve the overall wellbeing and stability of children who cannot live with their parents.

The new Section 22I of the Children Act 1989 to be inserted by this clause also defines children living in a kinship care arrangement and who will be a kinship carer. A child will be in kinship care arrangement if they live with a relative, friend or other connected person in prescribed circumstances. These prescribed circumstances include where a child lives with a relative, friend or other connected person for all or most of their time than with the parent, and that person provides all or most of the care and support for the child.

How will this work in practice?

The legislation requires each local authority to publish the details of the services and support that are available locally to support kinship children, their carers, and their families. This should include those available from both national and local authorities, as well as relevant services and support from other organisations including in the voluntary sector.

These services may include those relating to health and wellbeing, relationships, education and training, and accommodation. The local authority must also publish information about financial support which may be available to kinship families in their area, and information about the local authority's general approach to supporting kinship families.

Local authorities are also expected to review their kinship local offer from time to time as appropriate.

Before publishing their first kinship local offer or before updating an existing one, local authorities are required to consult relevant persons about any services offered or that may be offered which may assist to improve outcomes for children living in the authority's area who live in kinship care prior to publishing its kinship local offer. Relevant persons could include children in kinship care or those who used to live in kinship care, their parents, kinship carers or former kinship carers, or even pressure groups in the area that focus on kinship; this list is non-exhaustive. The local authority must publish a report on the consultation.

Key questions and answers

What is the effect of the legislation?

The legislation mandates that all local authorities publish a kinship local offer, ensuring transparency and accessibility of information for kinship families. This requirement will standardise the availability of support information, making it easier for kinship families to understand and access the services they are entitled to, regardless of where they live. This will help bridge gaps, and it will also ensure that all kinship carers receive the necessary information and resources to support their caregiving roles effectively.

The duty to consult relevant persons prior to the publication of a new or updated kinship local offer will give local authorities the opportunity to learn more about what their local kinship families need and will give those families the opportunity to help shape their kinship local offer.

By defining kinship care in law, the legislation provides a clear and consistent framework. This will ensure that all local authorities interpret and apply the term uniformly, reducing ambiguity and potential disparities in access to information based on a geographic location.

Virtual school head

A measure to introduce a statutory strategic duty to promote the educational achievement of children with a social worker and children in kinship care (which in practice is likely to be discharged by an officer of the local authority known as a Virtual School Head).

What does this measure do and why do we need it?

Since September 2021 Virtual School Heads have had a non-statutory duty to promote the educational outcomes of all children with a social worker through strategic leadership and support to ensure these children receive the necessary educational opportunities and resources to succeed. This measure makes this role statutory, ensuring that every local authority must have a dedicated strategic lead to champion the educational outcomes of these children, helping to improve their school attendance, engagement, and overall achievement.

This change is needed because these children have worse educational outcomes than their peers at every stage. Children with a social worker are roughly half as likely to achieve the expected standard in reading, writing and mathematics at Key Stage 2 compared to the overall pupil population, whilst at Key Stage 4 they perform less well across all measures. They are also more likely to be persistently absent and permanently excluded from school than the overall pupil population. Furthermore, children with a social worker are over two and a half times more likely to have an Education, Health, and Care Plan than the overall pupil population, whilst around two thirds face domestic abuse or mental ill-health in their families.

Since September 2024 Virtual School Heads have also had a non-statutory duty to promote the educational outcomes of all children in kinship care arrangements. This involves providing strategic leadership and working with schools, colleges, and social care leaders, to champion the attendance, attainment, and progress of these children. It also involves providing information and advice, upon request, to carers and guardians, schools and colleges, and others.

This measure extends Virtual School Head statutory duty to all children in kinship care, regardless of whether they spent time in care or not. This will give Virtual School Heads the legal mandate to continue to support these children, placing the role on the same footing as their duties towards looked-after and previously looked-after children. It will also provide a clear framework that will allow local authorities to prioritise the needs of these children.

What is the effect of the legislation?

It is anticipated that making the Virtual School Head role for children with a social worker and kinship children statutory will have multiple effects. These include:

- Consistent support: The legislation ensures that all local authorities in England provide consistent and dedicated support to promote the outcomes of these vulnerable groups of children and young people, which will help to address the challenges and barriers they face in education.
- Improved educational outcomes: By making the role statutory, Virtual School Heads will have a stronger legal basis to effectively champion the educational progress of these children, supporting better academic outcomes and reduced disparities compared to their peers.
- Enhanced collaboration: The legislation enables greater collaborative working between schools and local authorities, creating a more integrated approach to supporting these children.
- Increased awareness and resources for carers and guardians: Kinship carers and guardians will be entitled to better guidance and resources, increasing their awareness of educational support available for the children they have responsibility for.
- Accountability and oversight: Statutory status brings greater responsibility and oversight for the outcomes of these children, ensuring that the Virtual School Heads' responsibilities are met and that the educational needs of these children are prioritised.
- Greater assurance to local authorities: These measures give Virtual School Heads the authority and mandate needed to support these children, reducing the risk of the role being deprioritised amidst budget pressures of competing duties.

How will this work in practice?

The Virtual School Head role for children with a social worker involves providing strategic oversight to improve educational outcomes for these children. In practice, this includes the effective use of data to monitor their educational outcomes and identify those most at risk of disengagement, enabling early intervention to support them to improve their attendance, attainment, and overall school experience.

The extension of the Virtual School Head role to children with a social worker also includes raising awareness and improving visibility of the needs of this cohort. The involves increasing schools' and social workers' understanding of the educational needs of these children by delivering training on areas such as trauma-informed practices, care experience, and effective interventions and strategies to improve educational outcomes.

The extended role for kinship children has two key functions. The first is to provide strategic, system-wide oversight of the cohort of children in kinship care in the Virtual

School Head's local authority area. Key activities may include raising awareness of the unique needs and disadvantages these children face and promoting practices that support their attendance and engagement in education and improving their educational attainment. This might involve ensuring that kinship care experiences are included in training for school staff, fostering a kinship-friendly culture within the education system, and facilitating partnerships between education settings, local authorities, and organisations that support kinship families.

The second function is to provide information and advice to kinship carers of children subject to special guardianship and child arrangement orders, regardless of whether the child was previously in local authority care. This will help kinship carers navigate the education system, manage behaviour, and address issues such as exclusions and admissions.

What outcomes do you anticipate making the Virtual School Head role statutory will have?

Since the Virtual School Head role was extended on a non-statutory basis in 2021 to include promoting the educational attainment of all children with a social worker we have seen good evidence of impact. The evaluation of the extension shows early signs of improved educational outcomes for these children, with several local authorities reporting improved attendance, reduced exclusions and enhanced collaboration between education and social care services. The extended role has also contributed to increased awareness and understanding of the educational needs of children with a social worker among professionals. By making the role statutory we anticipate that we will continue to see positive outcomes.

We anticipate that this measure will also enhance the support available for carers and guardians of children in kinship care by increasing their awareness of, and access to, the support mechanisms available to help these children thrive academically.

The Virtual School Head's strategic role for these cohorts of children will also continue to raise awareness of the challenges they face in education, which will lead to greater targeted support and, as a result, improved outcomes.

How will you ensure that local authorities are consistent in how they meet these duties?

We will issue statutory guidance to local authorities which will set out the expected Virtual School Head role in relation to these cohorts of children and young people. This will give local authorities the framework to support the outcomes of all children they have a duty towards but will also allow sufficient flexibility that meets local need, reflecting variations in virtual schools in terms of size, demographic and how they are resourced.

The guidance will support Virtual School Heads to raise awareness of the needs of these cohorts, build and enhance partnerships between education settings and local authorities, and promote practice that improved educational outcomes. This will include improving attendance and absence rates and identifying and addressing barriers to educational progress.

Staying Close

A measure to require each local authority to provide 'Staying Close' support to eligible care leavers (where their welfare requires it), which gives support to help find and keep suitable accommodation, and to access services relating to health and wellbeing, relationships, education, training and employment.

What does this measure do and why do we need it?

Care leavers experience significantly worse outcomes than their peers in the general population and are heavily over-represented in the adult prison population, homelessness data, and indicators of poor emotional health and wellbeing.

The transition into adulthood is a crucial opportunity to shape a young person's life. Care leavers need the opportunity to not only be safe and cared for, but the chance to thrive and have access to the building blocks they need to become happy and successful adults.

There was a gap in support nationally for young people leaving residential homes and other forms of accommodation. These young people often found themselves in independent accommodation without support and often find themselves isolated and unable to manage with the challenges that independent adult life brings.

The new duties will replace the previous Staying Close grant funded scheme and will require each local authority to consider whether former relevant children (up to age 25) require Staying Close support. If it is the local authority's view that their welfare requires it, they will then offer support for the purposes of helping them to find and keep suitable accommodation and to access services relating to health and wellbeing, relationships, education and training, employment and participating in society.

This support means the provision of advice, information, and representation. The aim is to help develop confidence and skills for independent living so that young people can feel positive about their future and opportunities as a result of the support they receive. The new clause makes clear that these duties are in addition to those already required under Part 3 of the Children Act 1989.

What is the effect of the legislation?

This new section will require all local authorities to assess whether the provision of Staying Close support to former relevant children (up to age 25) is required in the interests of that person's welfare.

Where the local authority determines that Staying Close support is required, the authority must provide staying close support to the former relevant child having regard to the extent to which the person's welfare requires it.

We want to bring in these new duties, alongside existing duties, to ensure that all local authorities are offering a framework of support into independent living for all former relevant children who require support.

How will this work in practice?

Staying Close works to provide support that is based upon the individual needs of the young person. This covers support to find and keep long-term stable accommodation and access essential wraparound services that help young people to thrive.

These new duties will operate alongside existing ones to require all local authorities to offer a flexible framework of support for former relevant children aged 18-25 who are transitioning into independent living.

New statutory guidance will cover the new requirements alongside areas of good practice that local authorities might want to consider. This will include the support that Staying Close should offer, what forms of accommodation local authorities may want to signpost, such as supported lodgings or transition flats, and how other duties can apply when looking at what practical support needs to be provided.

Key questions and answers

What evidence have you got that this will improve outcomes?

The independent evaluations of the existing grant funding scheme found that the scheme supported young people to develop and build the skills needed to prepare for independent living. Feedback showed that young people's life skills had improved after six months of participating in the project. There was also evidence that young people felt happier in themselves, had better stability in their accommodation and there was increased participation in activities, whether education, employment or getting involved with other activities in the project.

Will the offer differ from local authority to local authority?

The support that each eligible young person will receive will be dependent on what their welfare requires. As each local authority is best placed to know their care leaver cohorts and their specific needs it is likely there will be some variation. They must all however adhere to the duties set out in legislation and the new statutory guidance.

Local offer for care leavers

A measure to require each local authority to publish the arrangements it has in place to support and assist care leavers in their transition to adulthood and independent living.

What does this measure do and why do we need it?

Whilst housing and children's services departments are encouraged in guidance (part 7 of The Children Act 1989 guidance and regulations Volume 3: planning transition to adulthood for care leavers) to work together to achieve the common aim of planning and providing appropriate accommodation and support for care leavers, this is not happening consistently in practice.

Expert reviews have shown that many care leavers face barriers to securing and maintaining affordable housing. Too many young people end up in crisis and experiencing homelessness shortly after leaving care. Care leavers are overrepresented amongst those sleeping rough.

To enable better joined up planning and support for care leavers we want to amend legislation to require local authorities to publish their plans, setting out how they will ensure a planned and supportive transition between care and independent living for care leavers.

What is the effect of the legislation?

This legislation amends Section 2 of the Children and Social Work Act 2017 (local offer for care leavers in England) to require local authorities to publish the arrangements they have in place for the purpose of supporting and assisting care leavers in their transition to adulthood and independent living as part of their published offer for care leavers.

Tackling homelessness will have a significant positive impact on the life outcomes for these young people.

How will this work in practice?

It requires each local authority to publish the arrangements it has in place to support and assist care leavers in their transition to adulthood and independent living as part of their published local offer for care leavers.

This must include information about:

- The authority's arrangements for anticipating the future needs of care leavers for accommodation, co-operating with the local housing authorities in its area and providing assistance to eligible care leavers who are at risk of homelessness.

- What financial literacy services are available as part of their local offer for care leavers.
- The arrangements it has in place for providing financial support to care leavers in its local offer.

Key questions and answers

What is the difference from the Staying Close measure? Why do we need both?

The Staying Close measure requires local authorities to provide support to former relevant children up to age 25 where their welfare requires it. This duty requires local authorities to publish information about the arrangements that the local authority has in place for the purpose of supporting and assisting care leavers in their transition to adulthood and independent living.

How will this benefit care leavers?

Many care leavers do not feel equipped to deal with the challenges of living independently and they do not always have strong support networks and families that other young people rely upon to help them with the transition to independent living. The new legislation will require local authorities to publish certain information, that will allow care leavers to know what services are available to them and aid professionals working closely with care leavers to advise and signpost offers.

Care leavers not to be regarded as becoming homeless intentionally

What does this measure do and why do we need it?

The measure disapplies the intentional homelessness test for care leavers who are in scope of the local authority's corporate parenting duty and who are not being looked after by a local authority. This means that they cannot be found to have become homeless intentionally.

This change will require an amendment to Part 7 of the Housing Act 1996 which is the legislative framework that governs local authorities' homelessness function.

This change in legislation is intended to support successful transition from care to adulthood and is needed in recognition of the fact care leavers have some of the worst long-term life outcomes in society including housing where care leavers are a group that are particularly vulnerable to becoming homeless.

What is the effect of the legislation?

Local Housing Authorities owe various duties to persons who are homeless or at risk of homelessness.

In certain circumstances, Local Housing Authorities have a duty to secure settled accommodation unless, in addition to other criteria, the person is found to have become homeless intentionally. This measure disapplies the intentional homelessness test for in-scope care leavers, that being relevant and former relevant children.

The measure ensures that in-scope care leavers that are, or are at risk, of homelessness can access the support they need, including accommodation where required. We also anticipate that this legislative change, in conjunction with other measures within the Children's Wellbeing and Schools Act, including Staying Close and the Local Offer, will further strengthen joint working between children's and housing services.

How will this work in practice?

The Intentional homelessness test is a stage of the homelessness assistance assessment process where local authority housing services assess whether the reasons for homelessness can be attributed to a deliberate act or omission. If someone applying for homelessness support is found to have made themselves intentionally homeless, this will consequently mean a local authority will not be required to secure them settled accommodation.

In practise, the measure means local housing authorities will not be able to find in-scope care leavers to have become intentionally homeless, and providing all other criteria are met, will have a duty to secure settled accommodation.

Key questions and answers

How many care leavers were found homeless in 24/25, and of those how many were found intentionally homeless?

- Between April 2024 – March 2025 9,280 households owed a homelessness duty reported having a care leaver 'support need'.
- Up to 420 households that included a care leaver were found to be intentionally homeless. '

Will the amendment create a new burden on local authorities?

There will be additional costs to local government in supporting the impacted group.

We will work closely with the Local Government Association (LGA) and local authorities to ensure additional costs are properly understood, in order to support the development of a new burdens assessment related to this measure.

Due to the relatively low numbers of care leavers who were found to be intentionally homeless in 23/24, and the previous strengthening of the Homelessness Code of Guidance that intentional homelessness decisions for care leavers should only be made on an exceptional basis, we do not expect additional costs to be significant.

Sibling contact for children in care

Existing legislation and regulations require Local Authorities (LA's) to endeavour to promote contact between looked after children and their siblings, unless it is not reasonably practicable or consistent with the child's welfare.

This measure will amend the Children Act 1989 (CA 1989) to strengthen duties on LAs to allow reasonable contact between children in care and their siblings. Placing the same emphasis and priority as already exists for contact with parents and others with parental responsibility for or care of children. This differs from the existing duty which requires LAs to endeavour to promote contact between siblings only where it is reasonably practicable.

What does this measure do and why do we need it?

This measure adds siblings to section 34 of the Children Act 1989. Section 34 currently requires LAs to 'allow reasonable contact' between children in care and their parents and others with parental responsibility or previous carers of children unless it is not consistent with the child's welfare. Adding siblings to this section makes clear the expectations on LAs to take action to promote and maintain sibling relationships for children in care.

However, stakeholders report that the existing duty is not strong enough. Groups such as Coram Voice, Siblings Together and Family Rights Group, report that children in care of the LA aren't always fully supported to see or contact their siblings regularly.

Explicitly referencing siblings within the legislation by adding them to section 34 makes the importance of these relationships exceptionally clear and reflects research that suggests siblings are amongst the most important and valued relationships in a child's life.

What is the effect of the legislation?

This change in legislation will strengthen the duties placed on LAs, requiring them to allow reasonable contact between a child in the care and their siblings provided that is consistent with their welfare. It will place the same emphasis on ensuring reasonable contact between children in care and their siblings, as already exists with parents.

Duties to endeavour to promote and maintain relationships between looked after children and any connected person, including other family members and friends, will remain in place. However, this duty is caveated to where it is reasonably practicable to do so.

How will this work in practice?

LAs will need to assess individual circumstances to ensure that they are allowing reasonable contact between children in care and their siblings. LAs already have similar duties to promote sibling contact and this is emphasised throughout guidance. We expect that all LAs are already very clear and supportive of the importance of sibling relationships. The majority will already be meeting the new duty sufficiently, ensuring that siblings maintain contact as far as possible and are supporting children to build these relationships where this is needed. However, they should consider whether this is the case or whether more could be done to support reasonable sibling contact.

What constitutes "reasonable contact" will remain at the discretion of the LA, based on their knowledge of each individual child in their care and their circumstances. What is reasonable in one case, may not be reasonable in another. The legislation does not impose specific criteria for when and how LAs should facilitate contact. It makes clear that reasonable contact must be allowed and that relationships with siblings should be granted the same emphasis and priority as relationships with parents and guardians.

Key questions and answers

You have previously pushed back on this change, why are you introducing now?

It was essential that we gave this proposal thorough consideration, throughout the passage of the Act, we engaged with stakeholders to understand the challenges that can be associated with facilitating contact between siblings. This is why, in addition to making a legislative change we also committed to identifying and sharing best practice to support LAs in delivering on this duty. All of this work has provided the understanding required to make this change and deliver the best solutions for children in care.

Why doesn't this cover all looked after children?

We did not think it was appropriate to extend the duty in section 34 to include all looked after children, some of whom are not in the care of the LA, as a child could be accommodated by the LA in many different circumstances, and a LA does not have parental responsibility for all looked after children, in the way it does for all children in care. Therefore, it is essential to have flexibility in relation to contact arrangements between such children and their siblings, which is already provided for by paragraph 15 of Schedule 2 to the Children Act 1989.

How will you ensure that LAs are doing it in practice?

LAs already have similar duties to promote sibling contact and this is emphasised throughout guidance, however we know that this is not always happening in practice. The measure will establish a clear legal duty on par with what is currently in place for contact between children in care and their parents. To support LAs in delivering on this duty we have also committed to identifying and sharing best practice on promoting sibling relationships.

When will the measure be implemented?

We expect to commence this measure in Autumn 2026. We have already started work to identify best practice for facilitating and supporting sibling relationships and expect to share this along the same timeline to support delivery of this duty. The duty will apply to LAs in England and Wales.

Corporate parenting

The legislation introduces new corporate parenting responsibilities for Secretaries of State and relevant public bodies that seek to improve the poor outcomes children in care and care leavers currently experience across all aspects of their lives.

What does this measure do and why do we need it?

'Corporate Parenting' is the term currently used to describe the local authority's role in caring for and supporting children in care and care leavers, in recognition that these young people may not have the family support networks that others rely on throughout their life.

Local and national government and wider public bodies can all help to break down barriers to good outcomes for care experienced children and young people. The Children and Social Work Act 2017 introduced a requirement on local authorities to 'have regard to' a set of corporate parenting principles when exercising functions in relation to children in care and care leavers. This has resulted in significant improvements to the support that local authorities provide to these cohorts of children and young people. However, while local authorities play a crucial role in delivering services for children in care and care leavers, they do not have all the levers at their disposal to tackle barriers to opportunity to ensure that these children and young people can thrive.

We have therefore introduced a new set of corporate parenting responsibilities that will apply to Secretaries of State and relevant public sector bodies whose services impact on children in care and care leavers' lives. This will create a culture change where Government departments and public bodies actively consider how they can help to break down barriers to good outcomes for care experienced children and young people, for example, by: designing and delivering services that take account of their circumstances; taking reasonable steps to reduce the stigma or discrimination they face; or providing additional support as a parent or family member of a young person might.

This legislation will <u>not</u> change the current legal responsibilities on local authorities to accommodate and care for looked after children, nor the existing requirement for local authorities to support care leavers to transition from care to independent living. These responsibilities are set out in the Children Act 1989.

What is the effect of the legislation?

The legislation is intended to act as a framework for driving continuous improvement in the way in which public bodies support children in care and care leavers.

The new corporate parents include:

- All Secretaries of State
- The Lord Chancellor

- Schools in England
- Further Education Institutions in England
- Ofsted
- NHS England
- Integrated Care Boards in England
- NHS Trusts and NHS Foundation Trusts
- Care Quality Commission
- Youth Justice Board for England and Wales

The corporate parenting responsibilities require corporate parents to:

a. be alert to matters which might, or might not, adversely affect the wellbeing of children in care and care leavers;
b. assess what services and support provided by the corporate parent are or may be available for children in care and care leavers;
c. seek to provide relevant children in care and care leavers with opportunities to participate in activities designed to promote their wellbeing or enhance their employment prospects.
d. take such action as it considers appropriate to help children in care and care leavers:
    i. to access opportunities it provides in regard to (c) above
    ii. to make use of services, and access support, which it provides.

How will this work in practice?

Each corporate parent will have the flexibility to implement their responsibilities in a way that reflects their specific role in supporting children in and care leavers (rather than a one size fits all approach). Corporate parenting will be implemented in a way that is proportionate, affordable within their existing budgets, and compatible with their wider responsibilities and priorities.

We will issue statutory guidance about corporate parenting which will help corporate parents meet the corporate parenting responsibilities.

Additional information on delegated powers

There are two delegated powers:

a. A power for the Secretary of State to make regulations to amend the list of corporate parents, this could be to add a new body to the list, remove a body from the list or amend one of the entries (for example if a body changes its name). This will be subject to the affirmative parliamentary procedure.

b. A power for the Secretary of State to issue guidance about corporate parenting which corporate parents must have regard to. This power will not be subject to any parliamentary procedure

Key questions and answers

What will corporate parents need to do to meet their new corporate parenting responsibilities?

Corporate Parents need to comply with the new duty which may include taking account of factors that could impact negatively on children in care and care leavers when designing policies and delivering services for them; taking steps to help children in care and care leavers to access the services they provide; and seeking to provide opportunities that support them to thrive.

These proposals will provide a framework for driving continuous improvement and are designed to level the playing field for children in care and care leavers who do not have the family support networks that their peers benefit from.

Why are the new corporate parenting responsibilities different from the existing corporate parenting principles that apply to local authorities

Local authorities have specific legal duties to care for and accommodate looked after children and to support care leavers to transition to independent living that do not apply to other public bodies. We therefore believe it is right that local authorities should have a separate set of corporate parenting duties that reflect this position.

This does not mean, however, that other public bodies cannot also play an important role in supporting children in care and care leavers to achieve improved outcomes. We are therefore applying more general corporate parenting responsibilities to wider public bodies whose policies and services impact on children in care and care leavers' lives.

Temporary accommodation

This measure places a duty on local housing authorities to notify educational institutions, GP practices and health visiting services when a child is placed in temporary accommodation.

What does this measure do and why do we need it?

There are record numbers of children in temporary accommodation and the Government is determined to address this. Living in temporary accommodation can have a detrimental impact on a child's health, wellbeing and education outcomes. The change in legislation is intended to strengthen information sharing so that educational institutions and health providers are aware where children may require additional or different support. It requires an amendment to Part 7 of the Housing Act 1996 which is the legislative framework that governs local authorities' homelessness functions.

The notification will only be made with consent from those with parental responsibility, or the child themselves where they are aged16-17 and living independently from their parents.

What is the effect of the legislation?

Local housing authorities have a duty to provide interim or temporary accommodation to homeless families with dependent children, following an assessment on eligibility and intentionality, until more settled accommodation is available.

This measure introduces a duty for local housing authorities to notify specified bodies (educational institutions and health providers) when a child is placed in temporary accommodation and consent to share is provided.

The specified bodies include:

- The general medical practice in England with which the child is registered
- The body in the child's local authority area through which health visiting services are available to the child
- The appropriate authority of a relevant educational institution at which the child is a registered student or pupil

'Relevant educational institution' is detailed in subsection (8). In summary it includes any educational bodies that must have regard to statutory guidance, 'Keeping children safe in education'. This broadly includes schools in the public and independent sectors and publicly funded further education institutions.

How will this work in practice?

When a family approaches their local housing authority for housing assistance, they will be asked for their consent to disclose the child's educational establishment and health providers, and for those bodies to be notified that the child is living in temporary accommodation. This will facilitate the provision of additional or different support to the child as may be needed.

Further guidance will be provided or updated as follows:

- The Ministry for Housing, Communities and Local Government will update the statutory homelessness Code of Guidance to explain the duty on local housing authorities regarding making the notification.
- The Department for Education will update statutory guidance, 'Keeping children safe in education' (KCSIE), to reflect that schools and colleges will be notified where consent is provided, and children are placed in temporary accommodation. No new duties will be placed on education bodies for which KCSIE applies, rather this notification intends to support such bodies to better meet existing requirements or guidance concerning safeguarding and promoting the wellbeing of students.
- The Department for Health and Social Care will provide non-statutory guidance to advise relevant notified health bodies on what they should do when notified of a child placed in temporary accommodation.

Additional information on delegated powers

The legislation contains a delegated power that allows the Secretary of State to add, via secondary legislation, to the list of relevant bodies that local authority housing officers must notify where a child is placed in temporary accommodation.

As is the case for relevant bodies already in scope of the clause outlined above, the regulation making power does *not* mean the Secretary of State can place any new duties on bodies added to the provision in future. If it is exercised, it will only add bodies to the list of those that will be notified.

Whilst the list above reflects those government bodies which the government believes at this time need to receive the notification, this delegated power recognises that:

- Existing bodies may change over time – especially from public sector reorganisation, for example the reorganisation of health services and increase in multi-disciplinary teams
- New bodies may be created and it deemed that the case for sharing information with them to support the safeguarding or promoting of welfare of children is such that they should be included, for example Family Hubs through the rollout of the Families First Partnership programme
- The rationale for existing bodies that are out of scope changes, for example the 'early years' (EY) education sector is currently not in scope of temporary accommodation notifications, because health visiting services in the 0 to 5 years old element of the health child programme will provide support and due to the

challenge in implementation for local housing authorities to notify what is a diverse EY sector. In future, the case for EY providers being in scope may change.

Furthermore, health and education bodies in Wales and Scotland will currently not receive temporary accommodation notification clauses through this clause. Housing is devolved to Wales and Scotland. Should either Devolved Government legislate for temporary accommodation notifications in future, their bodies may need to be added by regulations. This would be to avoid a situation where notifications are *only* not made for children living in England but receiving healthcare or education in Wales or Scotland.

More information about the power and its justification can be found in the Act's Supplementary Delegated Powers Memorandum for Lords Report stage.

Key questions and answers

What future support may be provided or how might support be tailored by the notified bodies once they receive a notification?

The intention of this measure is to strengthen information sharing so that educational institutions and health providers are aware where children may require additional or different support.

The Department for Education and the Department for Health and Social Care will update relevant guidance for educational institutions and health providers so that they know this information will begin to be received, and they can begin to consider how its use can help them to meet existing statutory duties or guidance that they must have regard to, to best support children placed in temporary accommodation.

Will the amendment create a new burden on local authorities?

We are conducting a new burdens assessment for this measure, which is being informed through engagement with the sector.

Regional co-operation arrangements

A measure to regionalise the commissioning, analysis, and sufficiency practices of local authorities, by giving the Secretary of State the power to direct them to join together to make regional co-operation arrangements, harnessing their collective buying power.

What does this measure do and why do we need it?

This measure enables the Secretary of State to direct local authorities to establish regional co-operation arrangements (known as Regional Care Cooperatives or RCCs) where needed.

The Competition and Markets Authority and Independent review of children's social care both recommended a regional approach to planning and commissioning children's care places in their respective reports in 2022. The reports found that local authorities' relatively small sizes mean they can struggle to forecast looked after children's accommodation needs and commission places effectively, particularly for children with specialist needs. This is one of the reasons why too many children live far from home and the costs of their care can be high. The government accordingly set out its proposals for Regional Care Cooperatives in Keeping Children Safe, Helping Families Thrive (2024)[7]. Two pathfinders have been set up in the South-East and Greater Manchester to test this approach. They are being set up under current legislation and have been operational since 2025.

Many local authorities are interested in greater regional working. The government has worked with the sector to design Regional Care Cooperatives and intends to continue working in partnership with local authorities and other services. Three-quarters of local authorities were part of regional bids to be one of the Regional Care Cooperative pathfinders. However, the problems in the children's social care market are significant and Regional Care Cooperatives are one of the steps the government is taking to address them. There are currently 150+ local authorities competing for accommodation for looked after children. Introducing Regional Care Cooperatives nationwide would significantly reduce the number of bodies seeking to procure accommodation and enable greater efficiency. Therefore, as a last resort, this measure would give the Secretary of State the power to direct local authorities to establish regional co-operation arrangements.

What is the effect of the legislation?

The measure inserts a new section, section 22J, into the Children Act 1989. Section 22J is called "Accommodation of looked after children: regional co-operation arrangements".

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[7] Keeping children safe, helping families thrive

The measure describes the strategic accommodation functions that can be carried out by Regional Care Cooperatives along with their local authorities. The legislation refers to regional co-operation arrangements instead of Regional Care Cooperatives but for all intents and purposes they are the same. The scope of these functions has been developed following sector feedback.

The strategic accommodation functions are:

- Assessing current and future requirements for the accommodation of children being looked after by the local authority.
- Developing and publishing strategies for meeting those requirements.
- Commissioning the provision of accommodation for children being looked after by the local authority.
- Recruiting prospective local authority foster parents and supporting local authority foster parents.
- Developing, or facilitating, the development of new provision for the accommodation of children being looked after by the local authority.
- Any other functions relating to a local authority's duties under sections 22A, 22C or 22G of the Children Act 1989 that are specified in regulations made by the Secretary of State.

The measure also gives flexibility around how the Secretary of State can direct for Regional Care Cooperatives to be set up either as joint arrangements between the local authorities, with the strategic accommodation functions to be carried out by a local authority on behalf of the others, or as a corporate body. This will enable the Secretary of State to respond to local areas' preferred ways of working and build on any existing regional arrangements.

The Secretary of State may also specify the type of corporate body to be set up and which of the local authorities is to establish it or require local authorities to determine this for themselves. There is also an option for the Secretary of State to terminate regional co-operation arrangements if they are not working.

How will this work in practice?

We expect Regional Care Cooperatives to gain economies of scale and harness the collective buying power of individual local authorities. This will facilitate greater collaboration with partners to improve services for looked after children. Furthermore, Regional Care Cooperatives will develop expertise in areas such as data analysis and forecasting, as well as targeted marketing, training, and support for foster carers. Working collectively with improved specialist capacities should allow for greater innovation so that local areas are better able to deliver services for children in care. For example, both pathfinders trialled measures to boost the regional workforce for children's homes in response to local and regional recruitment challenges.

The legislation enables the Secretary of State to direct two or more local authorities to make regional co-operation arrangements. If local authorities do not make regional co-operation arrangements voluntarily to carry out their strategic accommodation functions, then this power can be used by the Secretary of State.

Additional information on delegated powers

The measure includes a power for the Secretary of State to direct two or more local authorities to make regional co-operation arrangements. These arrangements could either be (a) to carry out their strategic accommodation functions jointly, (b) for those functions to be carried out by one of the local authorities on behalf of the others or (c) for a corporate body to support the local authorities in carrying out those functions. The power for the Secretary of State to direct two or more local authorities to enter into regional co-operation arrangements is a non-legislative delegated power.

Subsection (2) provides a definition of 'strategic accommodation functions' as:

- Assessing current and future requirements for the accommodation of children being looked after by the local authority.
- Developing and publishing strategies for meeting those requirements.
- Commissioning the provision of accommodation for children being looked after by the local authority.
- Recruiting prospective local authority foster parents and supporting local authority foster parents.
- Developing, or facilitating the development of, new provision for the accommodation of children being looked after by the local authority.
- Any other functions relating to a local authority's duties under sections 22A, 22C or 22G of the Children Act 1989 that are specified in regulations made by the Secretary of State.

Subsection (2)(f) therefore includes a power for the Secretary of State to introduce regulations to add to the definition of local authorities' strategic accommodation functions. The scope of such regulations would be limited to local authorities' duties set out in specific sections of the Children Act 1989, namely:

- Section 22A – the duty to accommodate looked after children.
- Section 22C - how looked after children should be accommodated by the local authority, including the factors that local authorities should take into account when finding the most appropriate place for a child to live.
- Section 22G – the duty to ensure sufficient accommodation in the local area to meet the needs of looked after children.

Such regulations would be made using the affirmative procedure and following consultation with local authorities and any other appropriate persons.

This approach aims to strike a balance between allowing the regional co-operation arrangements to grow over time – for example, to keep pace with future changes in the children's social care placement market – while ensuring input from interested parties and continued parliamentary scrutiny.

Key questions and answers

Why does this measure only apply to local authorities and not to other partners such as health and youth justice?

The measure relates to local authorities' strategic accommodation functions for looked after children. It does not confer duties or functions on other bodies such as Integrated Care Boards. However, there is already a legal requirement under the Children Act 2004 for local authorities to make arrangements to promote co-operation with health and justice partners to improve children's wellbeing.

In *Keeping Children Safe, Helping Families Thrive*, we were clear about our expectations that Regional Care Cooperatives would collaborate with other services to improve children's outcomes. Regional Care Cooperatives will create opportunities for joint working between children's social care, health and youth justice services in areas such as data sharing, joint commissioning of children's care and governance.

Building on learning from the pathfinders, guidance was issued in March 2026[8] which outlines expectations on joint working (in particular with integrated care boards).

How will you ensure children are not placed further from home as a result of Regional Care Cooperatives?

Local authorities will continue to have the same statutory duties to find the most appropriate place for looked after children, including that they should live near home so far as reasonably practicable. Regional Care Cooperatives will assist local authorities in meeting these duties.

Placement shortages is a key driver of children being placed in homes far from where they live. Regional Care Cooperatives should improve this by increasing local and regional sufficiency and making more places available locally for children who need them.

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8 [Apply to set up a regional care cooperative - GOV.UK]

Use of accommodation for depriving liberty

A measure to provide a statutory framework to authorise a deprivation of liberty in accommodation other than a secure children's home, which has the primary purpose of care and treatment and where restrictions that amount to deprivation of liberty, if required to keep children safe, can also be imposed.

What does this measure do and why do we need it?

This measure provides a statutory framework to authorise the deprivation of liberty of children in provision in England, that will provide care and treatment while also being capable of depriving liberty ("relevant accommodation"). The measure only applies where a child absconds from other types of accommodation and is at risk of significant harm or where they are at risk of causing injury to themselves or others.

Section 25 of the Children Act 1989 only allows local authorities in England and Wales to deprive children of their liberty in a placement in England which has been designed for, or has the primary purpose of, restricting liberty; only a Secure Children's Home (SCH) meets this definition. The measure allows children to be deprived of their liberty in accommodation other than a Secure Children's Home, under a statutory framework. The features of the relevant accommodation will not solely or primarily be for the purpose of depriving a child of his/her liberty, reflecting the fact that an SCH is not always the most appropriate placement option for these children. Instead, the care and/or treatment delivered in the accommodation, in combination with the physical features that enable deprivation of liberty, will be the purpose of the accommodation.

This clause extends to and applies in both England and Wales, enabling Welsh and English local authorities to apply for authorisation of a deprivation of liberty in both secure and the new form of accommodation under s.25 CA 1989, in England. In addition, this section ensures that the amendments to section 25 of the Children Act 1989 made in section 15 extend to Scotland. Accommodation in England which can be used to deprive a child of their liberty in connection with care and treatment will be included in the relevant Scottish legislation as a category of secure accommodation and therefore will be available for use in accordance with Scottish legislation when placing children in England.

Due to a lack of sufficiency of suitable placements under the existing statutory mechanism (i.e. in SCHs), many children are currently being placed in unregistered provision under a deprivation of liberty order. This measure will have a positive impact for this cohort of children; they will benefit from placements better suited to their needs and that maintain community links, allowing for long term pathway planning which ensures they are in the right placement for their needs at the right time, and supported by a skilled, multi-disciplinary workforce.

The number of children deprived of their liberty via the High Court inherent jurisdiction has increased from 100 in 2017-18, to around 1200 in 2024-25. Most of these children have multiple needs, which the system is failing to meet. Many of these children are placed in expensive, unregistered placements.

What is the effect of the legislation?

This measure allows for children to be deprived of their liberty in provision other than a SCH under a statutory framework (section 25 of the Children Act 1989). This creates a statutory basis for a court-authorised deprivation of liberty by local authorities in England, Wales and Scotland in registered provision in England that provides care and treatment and has the ability to impose restrictions which amount to a deprivation of liberty, when necessary to keep a child safe. This measure underpins growth in these types of provision, eventually reducing reliance on the use of deprivation of liberty orders under the high court's inherent jurisdiction, unregistered and unsuitable homes; instead giving children access to placements with more appropriate safeguards and rights. This ensures some of our most vulnerable children are kept safe and given the support to get on well in life, improving their lived experience by ensuring there is appropriate support (including with community links, health access etc) to assist them to develop to their full potential. The legislation, alongside the growth in this type of provision, affords children with complex needs greater placement stability, allowing restrictions to fluctuate with their needs to keep them safe while remaining in the same accommodation.

This legislation gives children deprived of their liberty under this framework entitlement to legal aid and regular statutory reauthorisation points to ensure they are not deprived of their liberty any longer than necessary. These are not guaranteed for children deprived of liberty under the existing system via the inherent jurisdiction of the high court.

How will this work in practice?

Where a local authority assesses a child to have a history of absconding and is likely to abscond from other forms of provision, be at risk of significant harm if they abscond, and/or is at risk of causing injury to themselves or others, they will be able to apply to the court for a section 25 order to deprive that child of their liberty within a new type of setting. These settings will be registered as children's homes, provide care and treatment, and be able to vary the different restrictions which amount to a deprivation of liberty, linked to the fluctuating needs of the child. This will enable children with complex needs to access the care that they need, allowing them to get on well in life.

The court order will be made following an application from the local authority that includes (via the child's care plan) the restrictions the local authority deems appropriate for the child's needs that amount to a deprivation of liberty. The court ordered deprivation of liberty will be time-limited and require reauthorisation at regular intervals (as to be defined in regulations) to ensure that it is still in the best interest of the child.

The court order will set out a list of permissive maximum restrictions, based on the needs of the child, to allow the provider to reduce restrictions as appropriate. Of these restrictions, providers will be expected to apply the minimum level required to keep the child safe.

Additional information on delegated powers

Currently the Secretary of State has powers to make regulations in section 25(2) and (7) of the Children Act 1989 for what is currently understood to be secure accommodation – these powers have been used to make the 'Children (Secure Accommodation) Regulations 1991'; the same powers are now being included to make regulations for relevant accommodation.

These provisions give Secretary of State powers that include, for example, the ability to specify a maximum period beyond which a child may not be deprived of liberty in community provision without the authority of the court.

The inclusion of this power is consistent with the existing powers in respect of secure accommodation and will allow for a more tailored and specific approach to the use of this new type of accommodation which is being facilitated through this new measure. Any specific requirements for the new accommodation will be included in regulations that will be informed by learnings from the pilots specifically testing the sort of accommodation and the cohorts of children that local authorities are looking to place in this alternative accommodation using these new powers.

Regulations made under section 25(2) or (7) of the Children Act 1989 (use of accommodation for restricting liberty) as amended by Clause 11, will be subject to the affirmative procedure.

Key questions and answers

Will this encourage the increased practice of depriving children of their liberty?

These children are some of the most vulnerable in our society and we must do all that we can to keep them safe and help them get on well in life. The legislative change, in conjunction with capital investment from His Majesty's Government to build more suitable provision for these children will ensure that when a child needs to be deprived of their liberty, this can occur in the most suitable provision.

The legislation directs more deprivation of liberty cases via a statutory scheme, with the benefits of clearer criteria and mandatory review points that will better promote and protect children's rights and support placement stability. In addition, the capital investment to build more homes will lead to a reduction in the use of unregistered provision – and, in parallel, allow children to benefit from the safeguards provided by the independent scrutiny afforded to children placed in registered children's homes.

To facilitate the use of such new provision, we will amend primary legislation to provide a statutory framework for local authorities seeking to place children in a new type of accommodation, where they may be deprived of their liberty, but where the accommodation is not designed according to the current SCH model.

How does this legislative measure solve the real problems facing the sector: sufficiency of placements, workforce, models of care, etc?

As a result of a lack of sufficiency of places for children with complex needs who need to be deprived of their liberty to keep them safe, as well as some secure children’s homes providers believing some children’s needs are better met in other provision, increasing numbers of children are placed in unregistered, expensive accommodation under a Deprivation of Liberty order via the inherent jurisdiction of the high court. This measure, combined with capital investment in provision which meet these children’s needs, will reduce pressure on sufficiency and ensure that more children get the care and treatment they need to get on well in life.

The changes to legislation are only one part of a significant programme of work to help ensure the wider system is set up to provide these children with the right support. The department is working with NHS England, as well as with partners across national and local government, to support social care and health partners to commission joint care across sectors, which delivers integrated, consistent, and collaborative practice for these children and young people.

This includes via piloting the new, community-based approach to pathways and provision which provides care and treatment, bringing in professionals from children’s social care, health, justice and education.

In addition, we are investing in a Community of Practice (CoP) and supporting portal for local authorities, providers, charities, health practitioners, academics and other professionals to improve cross-sector support for children in complex situations with multiple needs. This is being delivered by the Anna Freud Centre/UK Trauma Council and the voices of children, parents and carers will be a vital part of the community.

To better understand workforce challenges in children’s homes and guide policy decisions, we conducted a children’s homes workforce census in 2023 (published March 2024) and a further workforce census in 2024 (published May 2025).

We have commissioned and published two independent research reports to build evidence around how children's needs escalate as well as the impact of different interventions on children's outcomes. This included:

- A literature, case file and case law review, as well as case studies of existing provision.
- The Office of the Children's Commissioner spoke to children and young people to understand their experiences of being deprived of their liberty.

We will draw on these reports to support the development and testing of evidence-based models of safe, therapeutic care that delivers integrated, consistent, and collaborative practices for these children and young people.

Provider oversight regime

A measure to strengthen Ofsted's powers at provider group level (organisations that own the providers who run children's social care settings) and referred to in the Act as parent undertakings. Provider oversight will give Ofsted the power to require the provider group to drive improvements when needed in the settings they own and ultimately issue a fine to the provider group if it does not implement the improvements required.

What does this measure do and why do we need it?

Previous legislation did not allow Ofsted to take enforcement action against provider groups (organisations that own providers who run settings), yet these provider groups influence how children are cared for in those settings.

It is imperative Ofsted can take action at pace when they reasonably suspect two or more of a provider group's settings are not meeting regulatory requirements.

The provider oversight measure will enable Ofsted to require a provider group to implement an improvement plan, led by a senior person in the provider group. If the provider group does not adequately implement improvements, Ofsted will be able to issue them with a fine.

The measure also allows any notices and documents that are to be served under Part 2 of the Care Standards Act (i.e. by the Chief Inspector for Education, Children's Services and Skills (Ofsted for shorthand), the Secretary of State for Education, or Welsh Ministers, to be served by email.

What is the effect of the legislation?

The legislation gives Ofsted the power to require the provider group to prepare and implement an improvement plan, which must be approved by Ofsted, to deal with issues that have been identified in two or more of the provider group's settings, where Ofsted reasonably suspect that there may be grounds to cancel the provider's registration.

This supplements the existing robust inspection regime of individual settings and allow Ofsted to look across settings and take action at provider group level, ensuring the provider group is accountable for the quality of the settings that they own.

Provider oversight allows Ofsted to issue a fine to the provider group if it does not implement the improvements that are required.

This measure allows Ofsted to work at scale and pace to help safeguard and protect vulnerable children, reduce risks and improve their experience.

The legislation also amends Section 37 of the Care Standards Act 2000 (“the Act”), to enable notices and documents issued under Part 2 of the Act to be served by email. This gives Ofsted, Secretary of State for Education and Welsh Ministers the option to choose between delivering notifications by post, by hand and/or by email

How will this work in practice?

Where Ofsted reasonably suspects that standards are not being met in two or more settings owned by a provider group, they are able to issue an improvement plan notice to the provider group which will require the provider group to make improvements across multiple settings where there are concerns.

The provider group will be required to develop and implement an improvement plan, which Ofsted will approve if it is satisfied the plan will be effective in ensuring quality improves. Ofsted will be able to take enforcement action for non-compliance and issue the provider group with a fine.

Key questions and answers

Do these measures go far enough?

Ofsted already had powers at registered provider level. These new measures are proportionate and allow Ofsted to act at scale and pace to hold provider groups to account when Ofsted reasonably suspect two or more of the provider group’s settings are not meeting their regulatory requirements.

Ofsted will still be able to take enforcement action against individual providers under the Care Standards Act if required.

Why are you not introducing inspection of provider groups?

Inspection is not necessary at provider group level (the organisation that owns the providers who run settings) given the existing robust regime for inspection of individual settings.

Inspecting provider groups would add substantial burden to the public purse and would not necessarily result in prompt improvement to the quality of care for children, or be effective in holding provider groups to account, without establishing a burdensome inspection system.

Ofsted now have the power to serve an improvement plan notice, which will require provider groups to take action to resolve issues in their settings where Ofsted have concerns about quality of care in two or more settings.

Ofsted was already able to cancel registrations in respect of settings if necessary. Provider oversight seeks to address concerns across multiple settings, by requiring the provider group to take action to improve across all settings where issues have been identified. However, cancellation or suspension of registration remains an option where it is necessary.

How will introducing an option to send notices by email improve things?

The previous requirement to deliver notices by hand or post risks delays or loss to vital notices which could impact the delivery of children's social care services and children in care.

This measure gives relevant authorities, Ofsted, the Secretary of State and Welsh Ministers, the option to choose between delivering notifications by post, by hand and/or by email to those on whom notices and documents are to be served.

Ofsted powers to issue monetary penalties

A measure to expand Ofsted powers to issue monetary penalties for breaches of requirements imposed by or under the Care Standards Act 2000 – including non-compliance of the registration requirements (where the only current enforcement power is prosecution). The power will also apply to non-compliance with the new provider oversight legislation.

What does this measure do and why do we need it?

This measure gives Ofsted the power to impose monetary penalties for breaches of the Care Standards Act, including to persons for not registering their children's social care establishment (e.g. a children's homes) or agency (e.g. an independent fostering agency).

Registration is vital, and ensures that children are safe, and staff are checked the right level of oversight through regular inspections. There are far too many vulnerable children living in settings where there is no oversight [between April 2023 and March 2024, Ofsted investigated 1,000 unregistered settings].

Ofsted could already prosecute people who run unregistered children's services. However, this is a resource intensive process and can take a very long time. This legislation gives Ofsted alternative, faster enforcement powers to tackle unregistered settings.

This power also extends to new provider oversight legislation, with Ofsted being able to fine provider groups who do not comply and improve quality in settings when required.

What is the effect of the legislation?

Strengthening Ofsted's enforcement powers will act as a deterrent to those who seek to breach the Care Standards Act and allow Ofsted to act more quickly and proportionately.

There is no limit to the fine Ofsted will be able to issue for those who do not register – they will take into account the provider's previous record, severity of the breach and impact on children.

This means that more children are placed into registered settings, where Ofsted, the local authority, and the public can be assured that the child is in a home that meets all the requirements set out in legislation.

Ofsted are not able to prosecute and fine a person for the same offence. A monetary penalty is an alternative to prosecution.

How will this work in practice?

Ofsted will act proportionately and take into account a number of factors when deciding what action to take – this will include the persons or provider groups previous record, severity of the breach and impact on children when deciding whether to issue a fine or use other enforcement action.

The processes for monetary penalties will ensure transparency and fairness. Ofsted will need to issue a notice of intention, with the person or provider group having 28 days to make representations which Ofsted will consider before deciding to issue the fine. The person or provider group will also have the right of appeal against the fine.

Key questions and answers

Why are you not doing anything about local authorities who place children in unregistered children's homes?

Local authorities have a duty to place looked after children in their care in registered children's homes. We understand that sometimes authorities need to place a child quickly, including when there are no suitable registered places immediately available, so children are temporarily placed in unregistered accommodation. But the government is clear that all providers of accommodation for children should register with Ofsted.

We are helping local authorities meet their sufficiency duty by investing over £560 million in capital between 2026-27 and 2029-30 to reform the children's social care system and expand and modernise the children's homes estate.

What are you doing to support less burdensome, faster registration of settings?

Registration has to be a thorough process to ensure the suitability of those choosing to run any service providing care to the most vulnerable children in our society.

Ofsted have published clear guidance on the steps needed and information required ahead of any application to register. This guidance is updated regularly.

Ofsted work with providers who want to register their provision. Ofsted are clear though that, while registering the services, provision should cease.

We are always looking at ways to improve the registration process, as long as it does not compromise the safety of those children receiving care.

Financial oversight scheme

A measure to increase financial and corporate transparency of 'difficult to replace' children's social care providers and parent undertakings within their wider corporate group, allow for an accurate, real-time assessment of financial risk. This provides advance warning to local authorities if there is a real possibility that establishments or agencies will cease to be carried on due to risks to their financial sustainability.

What does this measure do and why do we need it?

To promote the stability of children's care placements, we will introduce a new Financial Oversight Scheme led by the department.

There are different types of organisations that offer placements for looked after children and young people. Many fostering placements, children's homes or supported accommodation placements are run by private companies, which can be very large. As of 31 March 2024, more than 4 in 5 children's homes were owned by private companies, or 2,748 homes, 83% of the total.

Previous, local authorities had no way of knowing if a provider of placements for children, or their corporate owners is at risk of failing financially. If one of these large or 'difficult to replace' undertakings was in financial trouble, they could suddenly close their doors and stop providing a home for the children living in their provision. Those children might have to move somewhere else at very short notice. If new placements had to be found for large numbers of children at once this could be very difficult for local authorities and mean some children ended up in placements that are unsuitable for their needs.

The previous system left open the risk of financial difficulty going undetected. The Financial Oversight scheme increases financial and corporate transparency by monitoring the financial health of the most 'difficult to replace' providers. This could be because of their size, geographical concentration and/or market share, applicable to private, voluntary and charity providers of children's homes (including dual registered special schools), independent fostering agencies and supported accommodation operating in England.

If a provider or a person within the same corporate group is experiencing financial difficulty, we want to be able to let local authorities know quickly so they have as much time as possible to plan and prepare. The Financial Oversight Scheme provides for an advance warning to local authorities where there is a real possibility an establishment or agency will cease to be carried on due to risk to their financial sustainability. This will give local authorities more time to plan and find new homes that are the best fit for impacted children and young people.

What is the effect of the legislation?

The legislation allows the government to bring forward a new statutory Financial Oversight Scheme for the children's social care market.

This enables the department to:

- Increase financial and corporate transparency among the most 'difficult to replace' providers and their owners to enable the department to actively monitor risk of financial failure and cessation of service that could impact stability of placements.
- Increase contingency planning requirements by requiring providers to have a 'Recovery and Resolution Plan' (RRP) on entry to the Scheme. This aims to ensure that if providers do exit the market, they do so in an orderly manner that considers the needs and outcomes of the children they accommodate.
- Introduce an advance warning system to allow local authorities and the sector to better prepare for and manage market exit as a result of risks to provider financial sustainability.
- Share information with and request information from Ofsted and to notify Ofsted of concerns where they can play a role in assuring quality and supporting stability through periods of transition.
- Allow information to be shared between the Secretary of State and the Care Quality Commission (CQC) for use in connection with the CQC's Market Oversight scheme in adult social care[4] and in connection with the Secretary of State's Financial Oversight function in children's social care.
- Impose monetary penalties to enforce compliance of providers to adhere to the requirements of the Scheme.

How will this work in practice?

The Financial Oversight Scheme includes a new requirement on children's social care providers who meet a set of conditions relating to their market significance to provide regular financial and business information to the department. This will inform a real-time assessment of financial risk.

If we judge that it is a real possibility that the provider will cease to be carried on due to risks to financial sustainability, the department will provide an advance-warning notice to adversely affected local authorities and Ofsted, so they can take swift action and minimise disruption to children.

The legislation allows the department to make an ongoing assessment of market health and promote financial stability in the sector.

Additional information on delegated powers

The Secretary of State will have the power to:

- Set ‘financial oversight’ conditions by regulations, which, if met, would require a provider to enter the Financial Oversight Scheme and comply with its requirements.
- This ensures that children’s social care providers, and their parent owners, will be entered on the Financial Oversight Scheme if they meet a set of conditions which will be designed to mean that the provider is ‘difficult to replace’, as prescribed by the Secretary of State. These conditions may relate to, for example, a provider’s size (e.g., the number of establishments and agencies they run), the number of looked after children they accommodate or provide services for, and their market share either nationally or by reference to a particular geographic area. The Secretary of State must be able to set the conditions for the application of the scheme in regulations to allow the flexibility to adjust these conditions in line with any changes in the market.
- The Secretary of State will have the power to impose a civil monetary penalty on a person who is in breach of the Financial Oversight Scheme. A monetary penalty may be of any amount determined by the Secretary of State. The Secretary of State will use discretion when determining an appropriate amount by considering the below factors set out in primary legislation:
    - the nature and seriousness of the failure to comply, or the act or omission, for which the penalty is to be imposed;
    - whether there are any mitigating or aggravating factors;
    - whether the person has previously failed to comply with, or committed offences under the financial oversight scheme or regulations made under it;
    - the likely impact of the monetary penalty on the person.
- Amend the power to make regulations to provide that a person is not fit to carry on an establishment or agency if their parent undertaking has failed to comply with the Financial Oversight Scheme.

- This fits in with the broader powers in the Care Standards Act 2000 for Ofsted to regulate those carrying on and management of establishments and agencies by way of regulations rather than having regulatory requirements set out in primary legislation. Before making any regulations, which regulate how establishments or agencies are carried on and managed, the Secretary of State must consult with persons he or she considers appropriate, where they are considered to effect a substantial change.

Key questions and answers

What impact do you think this change will have on the placements market?

The Financial Oversight Scheme guards against sudden or disorderly market exit of ‘difficult to replace’ providers or their corporate owners. If a large provider were to fail and suddenly exit the market, it would be very disruptive for children living in those placements and it could be difficult for local authorities to find enough appropriate alternative placements for those children.

The scheme’s advance warning system ensures that local authorities are alerted if there is a real possibility that establishments or agencies will cease to be carried on due to risk to their financial sustainability. This will give local authorities more time to minimise negative impacts on children living in that provision and find new homes that meet their needs.

Local authorities have a statutory duty to ensure there is sufficient provision in their area for children in care and to make placements that best meet the needs of the child. Without sufficient time to manage the impact of large-scale market exit, finding new and sustainable like-for-like placements for lots of children simultaneously would be challenging.

Without the scheme in place, local authorities would be more reliant on readily available or emergency placements that may be ‘spot purchased’ and expensive, and that may not be a good fit for a child’s needs. This in turn could lead to additional placement breakdown and another move, which would be more damaging for the child.

Advance warning will support local authorities to meet their statutory duties and find alternative and sustainable like-for-like placements at a reasonable cost.

Given sufficiency issues, what do we expect local authorities to do with the advance warning they receive?

Previously, local authorities had no way of knowing if a provider of children’s social care placements is at risk of failing financially. If a large or ‘difficult to replace’ provider did fail, it could lead to them closing their provision suddenly, causing huge disruption to children who could lose their home. This could leave local authorities having to find appropriate placements for a significant number of children at very short notice, making it challenging to meet their statutory duties.

The Financial Oversight Scheme requires the department to give advance warning to local authorities and Ofsted if there is a real possibility that establishments or agencies will cease to be carried on due to risk to their financial sustainability and the local authority or children looked after by the local authority might be adversely affected. This will give local authorities more time to find new, permanent placements for affected children at a reasonable cost, ultimately reducing the risk of negative impacts on children and promoting sustainable local government spending.

Future profit cap

A measure to enable the Secretary of State to cap the profits, using secondary legislation in the future, of non-local authority Ofsted-registered providers of certain children's social care placements. This includes a power for the Secretary of State to issue civil sanctions on registered providers in the form of a fine where the profit cap is breached.

What does this measure do and why do we need it?

We are taking a power, through the Children's Wellbeing and Schools Act, to cap the profits of non-local authority Ofsted-registered providers of children's homes and independent fostering agencies. We expect to include supported accommodation within the scope of the potential cap in the future. This power, exercisable through regulations, is one of a number of measures designed to rebalance the children's social care placements market and drive down excessive profits made by some private providers. It is intended only to be used as a last resort should other measures not have the expected impact in reducing profiteering in the market.

We have taken action because local authorities are facing rising costs to place children in care. The Competition and Markets Authority's 2022 report[9] described the Children's Social Care market in England as 'dysfunctional' and found that the 15 largest providers of placements for looked after children were making (on average) profits of 19.4% on fostering, 22.6% on children's homes and 35.5% on supported accommodation. This level of profiteering is unacceptable - taxpayer funds should be focused on delivering outstanding outcomes for children and young people. Our strategy contains a range of measures which we believe will curb profiteering and ensure we have the right types of homes in the right places to meet the needs of the children.

Alongside this power, we have introduced a range of measures to bring profiteering under control, by increasing transparency, improving our understanding of how the market operates, boosting the supply and diversity of provision, improving local authority commissioning, forecasting and the way that local authorities influence the development of the market to fulfil their needs (market shaping). While we expect that these measures will help to drive down profiteering, it is important that government has the means to take regulatory action if they do not have the expected impact.

We will consult publicly before a profit cap is implemented, including specifically with local authorities and representatives of providers.

[9] Children's social care market study final report - GOV.UK

What is the effect of the legislation?

The legislation allows the Secretary of State to cap the profits of non-local authority Ofsted-registered providers of children's homes, independent fostering agencies and in the future, supported accommodation. It also allows the Secretary of State to issue financial penalties for breaches of the profit cap.

The legislation sets the framework for how a future profit cap will work but necessarily leaves some of the important details to be defined at a later date, through secondary legislation. This includes how profit will be determined for the purposes of the cap and the level at which the cap will be set. The legislation allows the Secretary of State to require, by regulations, non-local authority Ofsted-registered providers to submit an annual return for the purposes of administering the profit cap. It also allows the Secretary of State to request additional, supplementary information about the contents of the annual return if needed for the purposes of administering the profit cap.

There will be no immediate direct impact from introducing these powers. This is because the profit cap will not apply immediately. We also have a broad package of market reforms which we hope will tackle unacceptable profiteering and rebalance the market. Regulatory action to cap profits would only be imposed if these other measures fail to have the desired impact.

As required by the legislation, consultation with local authorities and providers' representatives would also take place before this power was used.

How will this work in practice?

When the profit cap is implemented, non-local authority registered providers of children's homes, independent fostering agencies and, in the future, supported accommodation, will be required to complete an annual financial return to the Secretary of State enabling their levels of profit to be assessed.

The information to be included in these returns will be set out in regulations at a future date, following consultation, but it will be limited to information necessary for the Secretary of State to be able to administer the profit cap effectively. The Secretary of State will also be able to require additional information to be provided where she judges it necessary and makes regulations to that effect. The Secretary of State will then assess whether the registered provider has breached the profit cap in the relevant financial year.

We are aware that the administration of the profit cap will be a retrospective look back at whether or not the profit cap has been breached in a past period. It will therefore not necessarily prevent breaches in itself, but it will allow action to be taken retrospectively if such breaches have occurred and act as a disincentive for further breaches.

Should enforcement action need to be taken against registered providers in relation to a breach of the profit cap, the Secretary of State will have new civil enforcement powers that can be used to issue a fine (a maximum amount may be set out in regulations). In determining the level of the fine, the Secretary of State will have regard to a range of factors including the amount of the breach, whether it is a repeat breach or a first-time breach and whether there are any mitigating or aggravating factors.

The Secretary of State will be able to publish details of any civil sanctions issued.

Additional information on delegated powers

There are a number of reasons why some of the important details like the level of the profit cap and its method of calculation are not set out in the Act itself. The first of these is that the profit cap is a measure that we only intend to use if the range of other market interventions that we are introducing do not have the intended impact in terms of reining in profiteering. Until these other measures have had time to be implemented and have effect, we will not know whether regulatory action in the form of a profit cap is necessary. Of course, the critical information on the level of the cap and its method of calculation will be vital to get right if the profit cap is introduced in the future. These details will also influence the information that the Secretary of State will require providers to submit as part of their annual profit cap return. This is why the legislation requires the Secretary of State to consult before making secondary legislation which would give effect to the cap. This includes specifically consulting with local authorities and representatives of providers.

Before the Secretary of State can use this power to cap profits, the legislation requires her to be satisfied that it is necessary to do so on the grounds that children’s social care placements are provided on a basis that represents value for money to the public. She must also consider the interests of both local authorities and registered providers and, crucially, the welfare of looked after children.

Key questions and answers

When are you going to bring the profit cap in? How will you decide when to bring this in?

Our strategy will rebalance the market through a broad package of legislative and non-legislative measures, to ensure children receive the care they need at a fair and reasonable price for taxpayers.

Placements for children in care – foster homes, children's homes and supported accommodation – are, first and foremost, homes for young people to live in. Through our package of measures, we will rein in excessive and exploitative profit making in a sector which supports our most vulnerable children.

We are acutely aware of the importance of not destabilising the market by doing too much too soon at the risk of causing significant disruption to the care our most vulnerable children and young people receive and so we are taking a measured approach. We will continue to keep the market under close review. If our wider reforms do not have the anticipated impact, we will not hesitate to implement a profit cap.

We will make sure that a full consultation is carried out prior to implementation to ensure that all views are considered and that providers are given sufficient notice before the profit cap is implemented.

At what level will you set the profit cap?

The level of any future profit cap would depend on a number of factors, including market conditions at the point that we make a decision that a cap is needed. We are clear that we are not introducing a profit cap immediately and we are not therefore setting out the level at which it might be set at this stage.

We are clear that we are not seeking to eliminate profit-making entirely. There will continue to be a place for profit making providers in the market. As the Act sets out, one of the factors that the Secretary of State must have regard to before making regulations that would cap profits is the interests of providers within scope of the legislation, which includes the opportunity to make a profit.

In advance of making regulations, the Secretary of State will consult fully. The Act specifically requires such consultation to include both local authorities and providers' representatives. Such consultation activity would include looking at what the appropriate level for any future cap on profits might be.

Children’s social care agency workers

A regulation making power to govern the use of agency workers in English local authority children’s social care.

What does this measure do and why do we need it?

This legislation allows the Secretary of State to introduce regulations on the use of agency workers in English local authority children’s social care services.

Quality social work transforms lives, but relationships and trust take time to build. Whilst agency workers are an important part of local authority children’s social care, they cannot be a long-term replacement for a permanent stable workforce.

Strengthening the regulatory framework for the use of agency workers within local authority children’s social care services will further improve the stability and quality of the agency workforce and support workers to build quality relationships with children and families.

Reducing local authority spend on agency workers will also allow local authorities to invest more in services supporting children and families and enhance the offer to permanent employees.

The aim of the regulatory framework is not to prohibit the use of agency workers in children’s social care but to alleviate significant affordability and stability challenges.

This will help to create a more sustainable workforce in children’s social care, by enabling local authorities to invest more resource in developing and maintaining the permanent workforce, to improve outcomes of children and families.

What is the effect of the legislation?

This legislation allows the Secretary of State to introduce regulations on the use of agency workers in English local authority children’s social care services.

The regulations will not ban the use of agency workers, instead they will set conditions on their use in children’s social care services to alleviate significant workforce affordability and stability challenges faced by local authorities.

It is important for everyone working in children’s social care to build lasting relationships with children and families. This is why we are looking at regulating a broader cohort of agency workers than child and family social workers including, but not limited to, social workers.

How will this work in practice?

We will engage extensively with the sector ahead of introducing secondary legislation on the detail of the regulations. Following public consultation, we will introduce regulations by affirmative procedure as Parliamentary time allows.

The regulations are likely to include similar provision to the current statutory guidance which currently applies to social workers only, but to a wider cohort of workers – this could include local authority oversight and accountability for direct work with children and families, pay and labour costs, and quality assurance provisions such as pre-employment checks and minimum experience needed.

When introduced, the regulations and related guidance will replace the guidance *Agency Rules for Local Authority Children's Social Care (2024).*[10]

Additional information on delegated powers

This legislation allows the Sectary of State to introduce regulations on the use of agency workers in English local authority children's social care services.

The power is limited to making regulations in respect of 'agency workers' only – individuals who are not in direct employment of a local authority and have been supplied by a third party to carry out children's social care services.

Using secondary legislation ensures the financial requirements relating to pay and labour costs remain relevant and robust.

There is a statutory duty to consult, and the power must be taken by the affirmative procedure. This will ensure that Parliament can debate and approve the introduction of regulations and any subsequent amendments to which local authorities will be subject.

Key questions and answers

Isn't there a risk agency workers will just leave rather than return to direct local authority employment?

Many local authorities have already demonstrated success in transitioning agency workers into their permanent workforce. For those who wish to remain in agency work, the regulations will not prevent local authorities using agency workers in their children's social care departments where it is the most appropriate resourcing option and in line with the regulatory framework.

[10] https://assets.publishing.service.gov.uk/media/66e1738bcaa02d92e72c8d45/Agency_rules_statutory_guidance_for_local_authorities.pdf

We also understand that people working in children's social care need the right environment to thrive personally and professionally, and that regulation alone is not the answer. To that aim, the government is supporting local authorities to attract and retain children and family social workers and provide positive working environments for all those who work in children's social care.

Why just regulate agency use in children's social care, what are you doing about agency costs in other local authority workforces?

We are working with colleagues in the Department for Health and Social Care to align efforts across both children's and adult social care where appropriate. We know that similar issues are facing the Special Educational Needs and Disability (SEND) workforce. We will consider how to build a sustainable SEND workforce as we take forward our work to ensure we have specialists in the right areas to support children and young people with SEND.

Different labour markets bring different challenges across local authority workforces. We do not think it is appropriate within the scope of this Act to take a 'one size fits all' approach to regulation that would draw in other roles and professions working across local government.

Ill-treatment or wilful neglect

There were previously gaps in the legal framework affecting regulated children's social care establishments and youth detention accommodation. These gaps mean it is not possible to prosecute:

- care workers for ill-treatment or wilful neglect of 16 and17 year olds
- care providers where there has been a gross breach of duties contributing to the ill treatment or wilful neglect of under 18s in their care

This measure closes these gaps to make ill treatment and wilful neglect a prosecutable offence.

What does this measure do and why do we need it?

This measure extends protections for children against ill-treatment and wilful neglect within the Criminal Justice and Courts Act 2015 (CJCA 2015).

The Kisimul group case highlighted a legislative gap, which meant that prosecution could not be pursued because of the ages of the children, despite there being evidence of abuse towards the children. Current legislation to protect children against ill-treatment and wilful neglect includes:

- The Children and Young Persons Act 1933 (the 1933 Act). This protects those under 16 from cruelty by those 16 or over who have responsibility for them.
- The Criminal Justice and Courts Act 2015 (CJCA 2015), which contains two relevant offences:
    - The **care worker offence** holds care workers liable for the ill-treatment or wilful neglect of adults (over 18) in social care settings, and both adults and children in health care settings.
    - The **care provider offence** relates to the same cohorts and holds care providers liable where there has been a gross breach of duties which contributed to the occurrence of the ill-treatment or wilful neglect**.**

Under previous legislation it was, therefore, not possible to prosecute care workers that perpetrate ill treatment or wilful neglect of 16 and 17 year olds in a children's social care setting or youth detention accommodation.

There are also no offences pertaining to care providers within the 1933 Act. Therefore, it is not possible to prosecute providers for offences relating to any child under 18 in children's social care settings or youth detention accommodation.

To address this, we have extended the CJCA 2015 **care worker offences** to include 16 and 17 year olds. We are also extending **care provider offences** to include those under 18.

What is the effect of the legislation?

These changes in legislation mean that the right legal protection is in place for all children. The law supports action against care workers for ill treatment or wilful neglect of 16 and 17 year olds in regulated establishments in England and Wales, which includes children's social care settings, such as children's homes and youth detention accommodation; and make it possible for care providers to be held liable in relation to all children under 18, where there has been a gross breach of duties which contributes to the ill-treatment of all children within their care.

How will this work in practice?

Under section 20 of the Criminal Justice and Courts Act 2015, it is possible to prosecute individuals involved in the ill treatment or wilful neglect of 'a child aged 16 or 17 at a regulated establishment'. This offence carries a penalty of a fine or maximum sentence of 5 years imprisonment.

The extension to section 21 of the Criminal Justice and Courts Act 2015 will mean that where ill-treatment has occurred and the care provider is found to have grossly breached their duty of care - insofar that if the breach had not occurred the ill-treatment or wilful neglect would have been less likely - they could be liable for a fine, remedial order and/or a publicity order. This will be extended to include where the ill-treatment has been perpetrated against any child under 18, not just 16 and 17 year olds.

The "regulated establishments" to which this measure applies are children's homes, residential family centres, accommodation where holiday schemes for disabled children are provided, supported accommodation settings, and youth detention accommodation in England and Wales.

Key questions and answers

Why have you not addressed the legal gap in ill treatment or wilful neglect earlier?

Leaders of regulated children's social care settings and youth detention accommodation are responsible for implementing policies and procedures to safeguard children from abuse or neglect. This includes policies covering allegations involving staff.

It is important that we address the legal gap in protection for young people to ensure that care workers involved in ill treatment or wilful neglect of 16 and 17 year olds can rightly be prosecuted, and care providers can be held to proper account.

We are acting now as we have the opportunity through primary legislation to make these changes.

What is the maximum associated fine and/or custodial penalty for this offence?

Offences under section 20, 21 and 25 of the Criminal Justice and Courts Act 2015 are already ‘either-way’ criminal offences which means that they can be tried in the Magistrates’ Court or the Crown Court.

Under section 20, the maximum sentence for cases tried in the Crown Court is 5 years imprisonment. In the Magistrates’ Court, it is up to 6 months for a single offence, or 12 months for multiple offences.

Under section 21, care providers could be liable for a fine, remedial order and/or a publicity order.

The 2015 Act does not stipulate a maximum fine. The fine amount will be determined by the relevant court.

Employment of Children

Sections 30 and 31 gives more flexibility to children and employers in relation to when children can work. This gives children more opportunities to take up suitable employment while ensuring their health, development and education are not adversely affected. The power local authorities currently have to make byelaws will be replaced with a similar power for the Secretary of State to make regulations in relation to the employment of children in England, Welsh Ministers in relation to Wales, and Scottish Ministers in relation to Scotland, to ensure greater consistency, and make it easier for, children and young people, their parents and employers to know what regulations apply to them.

What do these measures do and why do we need them?

It gives children the ability to benefit from additional employment opportunities that could be suitable for them by removing outdated restrictions.

Part II of the Children and Young Persons Act 1933 (CYPA 1933) makes provision for the employment of children in England and Wales. Section 18 of the CYPA 1933 sets out age limits and restrictions on the hours that children can work and the type of work they can do. Section 28 of the Children and Young Person's (Scotland) Act 1937 (CYPSA 1937) makes equivalent provision for the employment of children in Scotland.

These restrictions apply to children who are under compulsory school age, as defined in Section 8 of the Education Act 1996 for children in England and Wales, and to children not over school age, for the purposes of the Education (Scotland) Act 1980 for children in Scotland. They also apply where a child assists in a trade or occupation carried out for profit even where the child is not paid for their work.

The measure removes the restriction for children to only be allowed to work for two hours on a Sunday (it will be treated the same as a Saturday) and allow children to work until 8pm instead of 7pm on any given day. This change will give children greater opportunities to take up suitable employment. This will also give businesses greater flexibility in scheduling children to support their demand. The limit on hours worked over a week, and the total number of weeks children can work over a year, will remain.

Children will only be able to work with a work permit, to allow for a greater focus on safeguarding, and only be permitted to work for an hour before school, to ensure their education is prioritised. Most, if not all, local authority byelaws already require a work permit and allow children to work for up to an hour before school.

The main restrictions contained in the CYPA 1933 and the CYPSA 1937 will remain. In particular, children will still only be permitted to do light work which means work that is not likely to be harmful to their safety, health or development or to their education or participation in work experience.

The measure also replaces the power in the CYPA 1933 for local authorities in England and Wales to make byelaws, with a similar power for the Secretary of State to make regulations in relation to children employed to work in England and Welsh Ministers in relation to Wales. In Scotland, the measure also replaces the power in the CYPSA 1937 for local authorities in Scotland to make byelaws with a power for Scottish Ministers to make regulations in relation to children employed to work in Scotland.

The regulation making power will ensure that we are able to keep a consistent approach within England, Wales and Scotland in relation to the employment of children. We will also be able to amend them to bring them into line with future societal attitudes and technological advancements. In addition, where new and unsuitable employments emerge, we will be able to restrict children from doing them or allow employment of currently restricted jobs if new practices mean they are now suitable for children.

What is the effect of the legislation?

All children who are employed will be required to have a permit issued by a local authority, to take up suitable employment.

Sunday employment restrictions will be amended so that a Sunday is treated the same as a Saturday.

Children will be able to work for up to an hour before school and until 8pm on any given day, giving greater opportunity to meaningful suitable employment, while still allowing children to be children and have access to education.

Current caps on weekly hour limits, as well as a restriction to not be allowed to work during the school day will remain.

The Secretary of State will be able to make regulations in relation to child employment in England which will replace the power local authorities currently have to make byelaws, ensuring a consistent approach. The same will be true for Welsh Ministers in regard to Wales and Scottish Ministers in regard to Scotland.

This will ensure that children can continue to take up suitable employment, while ensuring that their health, development and education are not adversely affected.

How will this work in practice?

Local authorities have a duty to assess applications and, where appropriate, to issue permits for all children who are employed to work in England, Wales and Scotland, for them to take up suitable employment. Children will be required to have a work permit issued by a local authority if they are employed to work. Currently most local authorities have byelaws in place which require children to have work permits.

Children continue to have strict limits on hours worked over a week and still only be permitted to undertake ‘light work’ as defined in both the CYPA 1933 and CYPSA 1937.

A child that is employed to work in England, Scotland or Wales will be permitted to work until 8pm on a school day, for an hour before the start of school and for more than two hours on a Sunday. On any day a child is required to attend school, the two-hour total in the day will remain.

Additional information on delegated powers

Regulations made under the new power may:

- Prohibit the employment of a child to do work of a specified description. This is important as it may become necessary to add new types of work to the list of prohibited employment if that work is unsuitable for children. Conversely, if the way in which work is carried out changes, such that new processes mean certain types of work become suitable for children, previous restrictions may need to be removed.
- Make provision in relation to child employment permits, including in relation to the application process, granting, suspending or revoking permits, appeals against a decision to reject an application or revoke a permit and record keeping.
- Authorise the employment of 13-year-old children in specified descriptions of light work.
- Specify the number of hours in each day, or in each week, and the times of a day at which a child may be employed (subject to the restrictions in the CYPA 1933 (England and Wales) or CYPSA 1937 (Scotland)).
- Specify the intervals to be allowed to children for meals and breaks when in employment (subject to the restrictions in the CYPA 1933 (England and Wales) or CYPSA 1937 (Scotland)).
- Make provision about entitlement to leave.
- Specify other conditions to be met in relation to the employment of children.

The powers for the Secretary of State, Welsh Ministers and Scottish Ministers to make regulations in relation to child employment will replace a power which is currently conferred on local authorities to make byelaws. It will therefore ensure greater consistency as the same regulations will apply within each country, rather than having an approach which can lead to variation across different local authorities.

The power is necessary to ensure that the regulation of child employment keeps pace with social change and allows children to take up suitable employment while ensuring that their health, development and education are not adversely affected. The overall safeguards in the CYPA 1933 and CYPSA 1937 will remain.

Key questions and answers

Why are you making these changes?

By making these changes we will be giving flexibility to children and employers in relation to when children can work, which will give more opportunities to take up suitable employment while ensuring their health, development and education are not adversely affected.

Replacing the power for local authorities to make byelaws with a power for the Secretary of State, Welsh Ministers or Scottish Ministers to make regulations will ensure consistency within each country.

The main restrictions in relation to child employment found in the CYPA 1933 and CYPSA 1937 will remain, including the restriction on the number of hours allowed to work in a week and children only being able to carry out light work.

What will this power mean the Secretary of State, Welsh Ministers or Scottish Ministers will do?

The Secretary of State, Welsh Ministers and Scottish Ministers will be able to make regulations in relation to child employment in their respective countries. This will allow them to standardise the approach and the restrictions to child employment within each country.

The Secretary of State, Welsh Ministers and Scottish Ministers will also be able to ensure that if new job roles become available in the future that are not considered appropriate for children, they will be able to be quickly added to the prohibited employment list to protect children and young people.

Social Media and Online Harms

This section amends the Online Safety Act 2023 to give the Secretary of State the power by regulations to make provisions which require internet service providers to prevent or restrict access by children to either an entire internet service, or specific features or functionalities of the service. It also amends the UK GDPR to give the Secretary of State the power to make regulations on how a child's age is verified for the purposes of Article 8 or change the age of consent under Article 8.

What does this measure do and why do we need it

This measure gives the Secretary of State a power to make regulations to strengthen protections for children online for the purposes of protecting children from physical or psychological harm. In particular, the power can be used to:

- restrict or prevent children of certain ages from accessing certain internet services such as social media, gaming platforms and AI chatbots;
- restrict or prevent children's access to specific features or functions that are harmful on these services (which may be limiting the amount of time on a service over the course of a day or at different times of day);
- limit children's use of circumvention measures; and
- raise the age of digital consent under UK GDPR

In exercising the regulations, the Secretary of State must also have regard to:

- the fact that children of different ages may be affected differently by services; and
- how services, features or functionalities may impact children's use of a service (e.g. by making them more "addictive" or compelling), and how that usage may increase the risk of harm to children.

The power is needed to ensure that the Government can act swiftly and effectively in response to evidence about online harms to children. A regulation-making power allows targeted, proportionate action to be taken without the delay of further primary legislation.

The power will be exercised following the Government's consultation, *Growing up in the online world: a national conversation*, which seeks evidence on where harms arise and how best to address them. The consultation covers issues including minimum age requirements for social media, circumvention via VPNs, compulsive design, emerging risks from AI chatbots, and whether the digital age of consent should change.

What is the effect of the legislation

This measure inserts new powers into the Online Safety Act 2023 enabling the Secretary of State to make regulations to strengthen protections for children online. In effect, it allows the Secretary of State to require providers of internet services to prevent or restrict children's access either to entire services or to specific features and functionalities of those services.

Using these powers, regulations may restrict or prevent children of certain ages from accessing services such as social media platforms, AI chatbots or gaming platforms; limit or prevent children's use of particular features that are harmful or addictive (for example, features that encourage excessive use or expose children to contact from unknown users); and address certain technologies used to circumvent existing safeguards.

The legislation establishes a flexible framework for how this regulation-making power can be used. Subsection (8) sets out that a provision made under this section may set out what steps providers must take to comply, how compliance is monitored, and how requirements are enforced. They may also include exceptions, time limits for compliance, references to technical standards. Any such requirements may be made enforceable as part of Ofcom's existing enforcement powers and responsibilities under the Online Safety Act 2023.

When exercising the power, the Secretary of State must have regard to the fact that children of different ages may be affected in different ways, and to how the design and use of services and their features influence children's exposure to harm.

At the request of Secretary of State, Ofcom must provide research or advice to support the development of regulations insofar as reasonably practicable, and must then publish any advice provided. In addition, a progress statement must be laid before Parliament within three months of Royal Assent of this Act, and the first regulations must be made within 12 months of that statement. In exceptional circumstances the Secretary of State can extend this by six months by making a statement to Parliament. Regulations must be made by statutory instrument using the draft affirmative procedure.

Also, the measure inserts a new regulation-making power into the UK GDPR enabling the Secretary of State to make provision about how a child's age is verified for the purposes of consent to data processing by information society services or change the age of consent under Article 8.

How will this work in practice

The government will use the new powers to develop further protections for children online based on evidence from the public consultation *Growing up in the online world: a national conversation*. This consultation is gathering views from parents, children, experts and industry on where online harms arise and which interventions are most effective. The Secretary of State must take these findings into account before deciding what regulatory action is appropriate.

Once the consultation has concluded, the Secretary of State must make the first regulation requiring providers of internet services to prevent or restrict children's access to entire services or to specific features and functionalities that pose risks of harm to children's wellbeing. This could include, for example, limiting access by age to social media services, gaming platforms or AI chatbots, restricting features that encourage excessive use or facilitate contact from unknown users, or placing limits on children's use of VPNs where these are used to bypass safeguards. These requirements will apply to a broad range of “internet services”, including user-to-user services, search services and other relevant online services.

The regulations will set out clearly what providers must do to comply, the timescales for doing so, and any exceptions that apply. They may also refer to technical standards, require specific systems or processes to be put in place, and confer functions on Ofcom or other bodies.

Ofcom will support the development of regulations by providing research or advice at the request of the Secretary of State insofar as reasonably practicable and must then publish any advice provided. Once regulations are in force, it is intended that Ofcom will monitor compliance and can enforce requirements using the existing Online Safety Act regime, including supervisory action and sanctions where necessary.

Additional information on delegated powers

Delegated powers and subsequent regulations would apply UK wide.

Key questions and answers

When will you lay regulations following this consultation?

The government intends to act swiftly on the outcome of its current consultation; *Growing up in the online world: a national conversation*. A short, sharp consultation is the right thing to do to make sure that we take the right approach. We have been clear it is not a question of if but how we act.

The new regulation making power stipulates that after three months the Secretary of State must lay before Parliament a progress statement, following which the Secretary of State must then make first regulations within 12 months.

We are committed to working as quickly as possible to deliver additional protections.

What do the powers enable the government to do?

These powers allow the government to prevent or restrict access to internet services for the purposes of protecting children from physical or psychological harm.

Following the outcome of the consultation ‘*Growing up in the online world: a national conversation*’, the government will have a range of options in the use of this power, including to:

- Restrict or prevent children of certain ages from accessing certain internet services such as social media, gaming platforms, and AI chatbots;

- Restrict or prevent access to specific features that are harmful on these services (which may be by limiting the amount of time on a service over the course of the day or at different times of the day);
- Raise the age of digital consent under UK GDPR and/or;
- Limit children’s use of circumvention measures.

What is the government doing to understand more about children’s mental health and wellbeing and the links to social media?

This government published the research by Professor Amy Orben on Tuesday 20 January which looked at existing scientific literature and found this evidence inconclusive about causal links between social media use and mental wellbeing.

That does not mean it does not exist. We will look at what is happening in Australia, and there are further trials happening, including one led by Professor Orben on limiting screen time and whether that helps children’s mental health.

We have also announced short sharp trials, to test different interventions, running in parallel with the consultation, and in collaboration with experts, so we will have the best available evidence to act on.

The question is not if we will act, but rather how, because we need to get this right, for the safety and wellbeing of our children.

Part 2: School measures

Free breakfast club provision in primary schools in England

These measures require state-funded schools to ensure that all children on roll in reception class to year 6 are provided with access to a free breakfast club before the start of each school day which lasts for at least thirty minutes and includes food. The aim of these measures is to give all children, regardless of their circumstance, a great start to the school day, helping to break down barriers to opportunity. This builds on evidence that breakfast clubs can boost children's academic attainment and attendance, driving up life chances. The free club, with food, will also support parents with the cost of living and support parents to work the jobs and hours they choose.

What does this measure do and why do we need it?

This measure delivers the government's manifesto commitment to introduce free breakfast clubs in every state-funded primary school, accessible to all children.

Currently the landscape is fragmented, with some children being able to access paid-for childcare before school but not all are able to benefit. The case for primary legislation for new free breakfast clubs is to ensure:

- **consistency and availability across England** which complies with minimum requirements (that schools will have available a club of at least thirty minutes providing nutritious food);
- **accessibility:** providing funding and support so that all state-funded schools in England in scope have breakfast club provision with capacity to meet demand from parents, and ensure the most in need pupils benefit; and
- **longevity of provision and future certainty for schools**: ensuring investment in and commitment to delivering this policy effectively and with impact.

Legislation and government support will help remove the barriers for children, parents, and schools that currently exist when accessing wraparound childcare provision, by requiring a minimum expectation of free breakfast club provision which is accessible and meets the needs of families, regardless of their financial situation or employment status. Building on the success of the test-and-learn phase involving 750 early adopter schools, the national rollout of free breakfast clubs began in April 2026.

The department is committed to helping schools deliver successful free breakfast clubs and have taken learnings from the test and learn phase to design a three-tier support offer. This includes support materials, guidance and practical tools, as well as peer to peer networks and bespoke, tailored support from advisors.

What is the effect of the legislation?

This measure places a legal duty on all state-funded schools with registered pupils from reception class to year 6 to secure free from charge breakfast club provision which lasts at least thirty minutes and includes a free breakfast. Provision must be made freely available to all registered pupils at the school within the scope of this measure. The duty will be placed on:

- Maintained schools
- Academy schools
- Non-maintained special schools
- Alternative provision Academies
- Pupil referral units

This measure places a duty on the Secretary of State to issue guidance to schools in scope of the free breakfast club duty to aid them in the implementation and delivery of free breakfast club provision. Schools must have regard to this guidance when delivering the programme. We are also legislating to ensure that regulations known as the School Food Standards apply to all food provided at all academy and maintained schools in England equally. This closes a regulatory gap, whereby a small number of academies are required by their funding agreements to comply with the school food standards for their lunchtime provision only, whilst most academies, and all maintained schools, must comply throughout the school day, including at breakfast clubs. This will not only secure consistency in the standard of food provided in breakfast clubs established as a result of this duty.

How will this work in practice?

State-funded schools with pupils from reception to year 6 will be able to set up a breakfast club themselves, or work with Private, Voluntary, and Independent (PVI) childcare providers to meet their duty to secure breakfast club provision. In this measure, “secure” means to arrange the availability of breakfast club provision.

Funding will be provided directly to schools in scope of this measure (listed above) in order for them to meet this duty. The Secretary of State will issue statutory guidance which will inform schools how they could use their funding to secure free from charge breakfast club provision for pupils from reception to year 6 on roll at the school.

Attendance at breakfast clubs will be optional and free to all parents and children regardless of income. Breakfast clubs will be accessed by parents directly from the school or the PVI provider. The provision will not form part of the compulsory school day or qualify as a ‘school session’. In November 2025, non-statutory guidance for the schools joining phase 1 of the national rollout from April 2026 was published. The learning gained from a staggered roll-out to national delivery will enable us to continue testing the programme across all school types and will support the development of the statutory guidance issued by the Secretary of State.

Statutory guidance will be published in advance of commencement of the duty to secure breakfast club provision, and the commencement date will be decided by Ministers in due course.

The government recognises that some schools will still face barriers, so we will work with those schools in order to support and overcome them and ensure they are able to meet this duty. A comprehensive support package has been built on by learnings from the early adopters scheme.

Alongside non-statutory guidance, we have already provided schools with a 'Breakfast Clubs Blueprint', a constantly developing toolkit that will help support the schools throughout their journey to implement the programme. We will continue to facilitate peer-to-peer support networks between schools through the use of free breakfast clubs Champions Schools (early adopter schools chosen to support other schools locally with their clubs) and will ensure access to specialist advisors to help them work through implementation barriers.

The department will regularly monitor delivery, including the roll-out and take up of breakfast clubs through the School Census. We will also conduct an evaluation using a range of data to enable both qualitative and quantitative analysis. And we are working with leading academics to ensure our processes are robust. This approach will enable us to understand how these schools are implementing breakfast clubs, what barriers and enablers exist, what the perceived outcomes are, and will gather data to allow an assessment of impact.

Additional information on delegated powers

It is envisaged that there may remain some exceptional circumstances in which a school cannot meet the duty as it would seriously prejudice the efficient use of resources or not be in the best interest of their pupils. We have, therefore, built into the legislation the power for the Secretary of State to grant an exemption to such schools, following a robust application process with the final decision resting with the Secretary of State.

This measure also places a duty on the Secretary of State to issue statutory guidance which will inform schools how to meet their own duty and how to apply for an exemption to the duty. It is important that schools are supported to secure breakfast club provision, so guidance will cover key principles the school should follow in designing the breakfast club; how schools should go about meeting the school food standards; minimum childcare standards; SEND and allergies advice. Within this document will also be guidance on the exercise of the power for the Secretary of State to grant an exemption to the breakfast club duty.

The measure will also grant the Secretary of State a power to issue regulations which will set out the steps of the application process a school must adhere to when applying for an exemption to the duty to secure breakfast club provision. This is to ensure that the process is fair, transparent, and efficient.

Key questions and answers

What happens in schools that already have a breakfast club that lasts longer than 30 minutes?

We understand that many parents and carers will continue to need more than 30 minutes of before school childcare to help them with their working day.

The new free breakfast clubs should not reduce the availability, or affordability, of wider childcare offers or displace existing provision that is meeting the needs of children and families. It will enhance existing provision through increasing the availability and affordability of breakfast clubs with schools required to offer at least 30 minutes for free and to all.

In November 2025 we updated published guidance for schools ahead of national roll out from April 2026. Learnings from early adopters have been used to inform our approach for national rollout, including a refined funding model. DfE continues to learn from their experiences, sharing best practices to support new schools joining the programme.

We have updated our guidance to reflect what we have learned from early adopters to provide clearer practical information, including:

- expanded detail on delivery models
- the support model for schools, including the role of local authorities

Parents and carers should pay a lower cost for this provision to incorporate the 30 minutes government-funded element.

What funding will schools receive as part of national rollout? Are you going to increase the funding from 60p?

We have listened to schools and are increasing the mainstream funding rate. An average sized mainstream school with 50% take-up is expected to receive £6.5k more, for a total of £29,500 annually, up from £23,000.

From April 2026, mainstream schools will be funded at a new increased rate of:

- **£25 a day guaranteed**, no matter how many pupils attend; plus
- **£1 per pupil per day** that attends the free breakfast club

Special schools will continue to be funded at a rate of:

- **£18.95 a day guaranteed**, no matter how many pupils attend; plus
- **£3.23 per pupil per day** that attends the free breakfast club

All schools new to the programme will also receive a **£1000 start-up grant** to purchase the equipment and materials they need to run their club.

Why aren’t you rolling it out to all 18,000 schools at once?

The government is committed to delivering its pledge to provide a free breakfast club in every state funded school with primary-aged children. However, we want to ensure that we do this in a manageable way so that every school joining feels properly supported and we continue to learn as the programme develops.

Free School Meals

This measure will ensure that all pupils at a state-funded school (Maintained Schools, Academies or Non-Maintained Special Schools) in England who have a parent (or who are themselves) in receipt of Universal Credit are eligible for free school lunches. It does this by creating a new additional category of free school meals (FSM) known as 'Expanded FSM', for pupils at state-funded schools in England who are in households that receive Universal Credit and have an income above £7400.

A further measure allows the Department for Education to process data from other government departments in order to communicate to local authorities, parents and schools whether a child is eligible under the current FSM criteria (known as 'Targeted FSM') or the new 'Expanded FSM' and subsequently determine whether they are eligible for other benefits.

The measure will also allow schools and parents to check a child's eligibility for FSM through the FSM Eligibility Checking Service for the first time.

These changes will lift 100,000 children across England out of poverty by the end of this Parliament and put £500 back in families' pockets per child per year.

What does this measure do and why do we need it?

State-funded schools in England are under a duty to provide FSM to eligible children. Free lunches are currently provided to 2.2 million disadvantaged children, 90,000 low-income students in Further Education, and around 1.3 million infants under Universal Infant Free School Meals.

Where a child (or their parent) is in receipt of certain income-related benefits, they are eligible for free school meals. This includes families in receipt of Universal Credit whose annual net household income is no more than £7,400. On 5th June 2025, the government announced its decision to expand eligibility for free meals to all children from households in receipt of Universal Credit from September 2026. This will mean that all children whose families are in receipt of Universal Credit will be eligible to apply for FSM. This change will be delivered by the creation of a new category known as 'Expanded FSM'. Children from families that receive Universal Credit and have a household income above £7,400 will be entitled to 'Expanded FSM', which will be a separate, second, category of FSM.

Over half a million more pupils will become eligible for free school meals as a result. 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 chance to succeed in work and life.

What is the effect of the legislation?

Under the benefits-based criteria, a child attending a state-funded school is eligible for FSM if a request is made for FSM and the child falls within s.512ZB(4) or s.512ZB(4A)[11] of the Education Act 1996 or both. S.512ZB(4) sets out the benefits a child or their parent must be in receipt of, in order to be eligible for FSM. These are:

- income Support
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- support under Part VI of the Immigration and Asylum Act 1999
- the guaranteed element of Pension Credit
- Universal Credit – for applications made on or after 1 April 2018, household income must be **less** than £7,400 a year (after tax and not including any benefits received)

S.512ZB(2)(b) of the of the Education Act 1996 stipulates that to be eligible for free lunches, in addition to being within s512ZB(4) or (4A), a claim for FSM must be made by the child or on the child's behalf to the local authority.

From September 2026, this legislation will now make children in all families that receive Universal Credit but have a household income of more than £7,400 a year, eligible for what will be known as the separate category of 'Expanded FSM'.

This legislation will also include allowing the Department for Education to process data from other government departments in order to identify which category of FSM a child is eligible for, 'Targeted' or 'Expanded' FSM. This will enable us to determine eligibility for other education benefits and funding.

The Department will be permitted to communicate the results of these eligibility checks to local authorities, but also now to schools and parents, via the FSM Eligibility Checking Service. Once schools are informed of a child's eligibility and a request for FSM has been made, they will be able to provide free school meals to that child.

[11] S.512ZB(4A) sets out the eligibility criteria for Universal Infant Free School Meals

How will this work in practice?

The new FSM Eligibility Checking Service is being rolled out during the 2025 to 26 summer term to all local authorities who can run checks on behalf of schools. As of the 2026 to 2027 school year, the checking service will be extended to provide a more flexible model for local authorities or schools to make checks, including a model where schools can make checks directly on the system.

The Eligibility Checking Service will confirm a child's household income level and that they are in receipt of Universal Credit. The eligibility check will also determine if a child is eligible for 'Targeted FSM' or 'Expanded FSM'. Once schools have confirmation that a household is in receipt of Universal Credit, they can then provide free school meals if a child or their parent requests them.

Making all children in households claiming Universal Credit eligible for FSM makes it straightforward for parents to know whether they are eligible and that they can apply for free school meals.

Key questions and answers

How much is this going to cost?

As a result of the change in FSM policy, we have set aside over £1 billion in funding over the multiyear spending review period to cover additional meal costs. Additional funding for school-based nurseries, sixth forms and further education colleges will be provided on top of that.

Schools fund benefits-related FSM from core funding, at a rate set by the national funding formula at £495 per eligible pupil in 2025/26. The current meal rate for Universal Infant Free School Meals and Further Education Free Meals has increased to £2.61 for 2025/26.

Will this same support extend to students in Further Education institutions?

Students in further education institutions whose households are in receipt of universal credit will also be eligible for free school meals (as a condition of FE funding agreements).

School uniforms: limit on branded items

This section creates a limit of three on the number of branded items of school uniform and PE kit that schools can require pupils to have (i.e. compulsory uniform items) over the course of the school year.

Secondary schools and middle schools will be allowed to require an additional compulsory branded uniform item, so long as one of the branded items they require is a tie. In effect that means secondary schools and middle schools have a limit of four compulsory branded items where a tie is listed as one of the required branded items.

This will bring down costs for parents and remove barriers from children accessing sport and other school activities.

What does this measure do and why do we need it?

Where schools choose to have a uniform, they must have regard to *Cost of school uniforms statutory guidance* (2021)[12] which was designed to ensure the cost of school uniforms is reasonable and secures the best value for money. It states that schools should ensure their uniform is affordable.

Despite this, too many families continue to report that the cost of school uniform remains a financial burden. On average parents are paying £442 to kit a child out for secondary school and £343 for primary school.[13] The data also shows a clear pattern of significantly lower uniform costs where items can be bought from a range of retailers. In some cases, parents buying items from a designated shop have paid around twice that of parents able to buy items from anywhere.

Whilst more schools are ensuring uniform items can be purchased from a range of retailers and have put second hand uniform schemes in place, too many schools still require pupils to have an excessive number of branded items which can only be purchased from specific suppliers. It is clear that the statement in the statutory guidance (first published in 2021) that branded items should be kept to a minimum is not resulting in a significant reduction in the number of branded items schools are requiring e.g. in secondary schools the most common number of compulsory branded items is five and the median figure is just over six. There remains large variation in the number of branded items different schools require, from zero to up to 20.[14]

A legislative limit on the number of branded uniform and PE kit items schools can require is the most effective way to target those schools requiring excessive amounts. This limit

[12] Cost of school uniforms - GOV.UK

[13] Cost of School Uniforms Survey, carried out November 2023-January 2024. A survey by the Children's Society in June 2023 had similar findings (an average spend of £422 a year on secondary and £287 on primary uniforms).

[14] Cost of School Uniforms Survey, carried out November 2023-January 2024

enables more parents to buy more items from a range of retailers – including low-cost retailers – allowing them to better control the cost of uniform.

What is the effect of the legislation?

Schools have a legislative limit of three on the number of compulsory items of branded uniform and PE kit that they can require. A commencement order brings this limit into force from 1 September 2026.

Where pupils are receiving secondary education, or receiving education at a middle school, schools are allowed to require an additional compulsory branded uniform item, so long as one of the branded items they require is a tie. In effect that means secondary schools and middle schools have a limit of four compulsory branded items where a tie is listed as one of the required branded items.

The limit removes any ambiguity about the expectations placed on schools to keep branded uniform items to a minimum. It means that more parents are able to buy a greater number of uniform items from a range of retailers – including those on the high street - which will help parents control the cost of uniforms.

The legislation does not restrict the ability of schools to make optional branded uniform items available for parents to buy. It just places a limit on the number of branded uniform and PE kit items they can require as compulsory items.

How will this work in practice?

Schools are able to decide which of their compulsory uniform and PE kit items they want to require are branded, up to the limit.

On 23 October 2025, the department published updated *Cost of school uniforms statutory guidance*[15]. The guidance contained draft statutory guidance to support schools to adhere to the limit on compulsory branded uniform and PE kit that schools can require, which will take effect from 1 September 2026.

An item of branded uniform is considered compulsory if a pupil is required to have it to participate in any lesson, club, activity or event facilitated by the school during that school year – so includes items required for PE and sport. This applies whether the lesson, club, event or activity is compulsory or optional (i.e. even if an activity is optional, if a pupil requires a branded item of uniform to participate in that activity, the item will count towards the cap). The definition of branded items includes items with a school name or logo on or attached to it (including items where sew on badges are used - whether by manufacturers or by parents sewing them onto a generic item of clothing) - and items that

[15] Cost of school uniforms - GOV.UK

have a non-standard design, for example a blazer with coloured piping, which means it is only available from a small number of suppliers.

The limit applies to all clothing items listed as compulsory in the school's uniform policy and include any bags (such as bookbags or rucksacks) and footwear required.

The limit covers the total uniform that pupils are required to have over the school year and includes any items that may only be worn for part of the year (for example, summer dresses). This means that a secondary school pupil cannot be required to have, for example, a branded skirt for the winter and a branded dress for the summer where they are also required to buy a branded blazer, tie and PE top because the total number of branded items required for the school year would be five.

All loaned or gifted branded items are captured within the limit if they are required to be worn. However, schools can lend, give out or make available for sale additional branded items without them counting towards the limit, as long as wearing those items is optional. Schools can also still lend or give out for free additional branded uniform items such as a netball or rugby kit for activities, such as sports competitions. However, schools cannot require pupils to wear branded items to take part in an activity unless these items count towards the limit on such items. This means that a pupil should also be allowed to wear a suitable alternative, such as a plain sports shirt in a similar colour or a different branded item that is already part of their usual PE kit or school uniform.

It should be noted that schools will still have to have regard to statutory guidance which states that they should keep branded items (optional and compulsory) to a minimum and that if a school offers optional branded uniform items, it should ensure that wearing an equivalent unbranded version of that item is also permitted.

The limit comes into effect on 1 September 2026, in time for the 2026/27 school year. From 1 September 2026 pupils can only be required to have a maximum of three items of branded uniform and PE kit (or a maximum of four items for any child in secondary school or middle school if one of those items is a tie).

Key questions and answers

Why are you continuing to allow any branded uniform items?

A small number of branded items can play a valuable role in creating a sense of common identity among pupils and reducing visible inequalities. However, branded items are often more expensive, so it is right to limit their use.

This measure balances reducing costs for parents, with ensuring schools, parents and pupils can continue to experience the benefits that allowing a small number of branded items can bring.

How will the limit be enforced?

We expect all schools to comply with the law. The limit will be clear, and it will be obvious if a school has more compulsory branded items than permitted.

Any concerns about a school's uniform policy should be raised with the school in the first instance, via the school's published complaints procedure where necessary.

If, having completed the school's complaints process, a parent is not satisfied, they can make a complaint to the department. The department will be able to act where it is found that a school has not complied with the limit.

Children not in school

This measure helps ensure that children not in school are receiving a suitable education and are safe. The measures will introduce in England and Wales:

- Compulsory Children Not in School registers in each local authority area.
- A duty on local authorities to provide support to the parents of children on their registers.
- Changes to the School Attendance Order (SAO) process to make it more efficient.
- A requirement whereby parents of children who are:

    - on child protection plans or were previously on child protection plans in the previous five years
    - subject to section 47 child protection enquiries or
    - attend special schools

  will need local authority consent to home educate (and where children subject to some child protection processes are already being home educated, the local authority will be able to require them to attend school).

- A requirement for local authorities to consider the home and other learning environments at the point of Children Not in School registration and when considering whether children should be required to attend school.
- The piloting of mandatory meetings in selected local authorities, for parents wishing to withdraw their child from school for home education

What does this measure do and why do we need it?

All parents have a legal responsibility to ensure their child receives a suitable, efficient, full-time education. Most parents choose to fulfil this responsibility by ensuring their child regularly attends school, but some choose to educate them otherwise than at school (for example, by home-educating them).

Most parents who choose to home educate do so in their children's best interests, and many home educated children receive a suitable education that supports them to achieve and thrive.

However, the number of children in home education has accelerated since the COVID-19 pandemic, with an estimated 126,000[16] children believed to be home-educated in England as of October 2025, and a further 7,176[17] believed to be home educated in Wales. The statistics show an increase in parents reporting that they are moving their

[16] Elective home education, Autumn term 2025/26 - Explore education statistics - GOV.UK https://explore-education-statistics.service.gov.uk/find-statistics/elective-home-education

[17] Pupils educated other than at school: September 2024 to August 2025 [HTML] | GOV.WALES

children into home education due to mental health concerns or special educational needs/ additional educational needs. In some instances, parents may not be well-equipped to provide a suitable education, and some of these children may also be at risk of harm.

Some children have been seriously harmed or died due to abuse or neglect whilst not in school or having been removed from school for the purposes of home education.[18] Children in social care, including those on child protection plans, also experience poorer educational outcomes at Key Stages 2 and 4 than the overall general pupil population.[19]

Education settings can be a protective factor for children[20], particularly those at risk of harm. Local authorities have duties to keep children in their areas safe and to make arrangements to identify those children of compulsory school age who are not in school and are not receiving a suitable education. As parents currently do not need to notify the local authority that they are home-educating, it is difficult for local authorities to fulfil these duties and take action to support and protect children where necessary.

The proposal to introduce compulsory Children Not in School registers in every local authority area in England and Wales will help local authorities to identify all children not in school in their areas[21]. This will be bolstered by the accompanying duties on parents of eligible children and certain out-of-school education providers to provide information for the registers. Making the SAO process more efficient and broadening it to require local authorities to consider the home and other learning environments when determining suitability of education will ensure that local authorities can, where necessary, take prompt effective action to help the child access a suitable education through regular attendance at a school.

The measures will ensure that the most vulnerable children or those with the highest needs cannot be withdrawn from school until it is confirmed that this would be in their best interests, and that the education to be provided outside of school is suitable.

Parents will need local authority consent to home educate if a child registered at a school is:

- Subject to an enquiry under section 47 of the Children Act 1989

[18] Safeguarding children in Elective Home Education – Panel Briefing 3; The Child Safeguarding Practice Review Panel - Annual Report 2023 to 2024; Sara Sharif Local Child Safeguarding Practice Review published - Surrey County Council

[19] *Outcomes for children in need, including children looked after by local authorities in England, Reporting year* (2024) Explore education statistics

[20] "Children who are educated at home and where there is a risk of abuse and neglect, will not be able to benefit from the protective care that school can provide." – p.22, *Safeguarding children in Elective Home Education – Panel Briefing 3*

[21] The 2018 call for evidence on home education highlighted that local authorities could not be certain that they know of all children not in school in their areas as parents are not required to notify them: Elective Home Education: Call for Evidence 2018.

In the 2019 consultation on Children Not in School, 96% of local authorities agreed that a compulsory system of registration was needed to help them fulfil their existing education and safeguarding duties towards these children: Children not in school - GOV.UK

- On a child protection plan
- Previously on a child protection plan within the last 5 years
- At a special school maintained by a local authority, special academy or non-maintained special school, or at an independent school which, in the case of a school in England, is specially organised to make special educational provision for pupils with special educational needs, or in the case of a school in Wales, makes additional learning provision for pupils with additional learning needs, and where the child became a registered pupil at that school under arrangements made by the local authority (hereafter referred to as "at a special school").

If children subject to Section 47 enquiries, on child protection plans or previously subject to child protection plans in the last five years are already being home educated, the local authority will be able to require them to attend school, where this is in the child's best interests.

The measures also enable the piloting of mandatory meetings in a small number of local authority areas – no more than 30% of local authorities in England and no more than 30% in Wales. The pilot scheme will operate for a minimum of two years but no more than five years. In participating local authority pilot areas. Parents will need to attend this meeting before their child's name can be removed from the school roll for home education. This is not the same as the consent requirement for vulnerable children or those with high needs. Regulations will make provision for how mandatory meetings would align with the consent requirement for those children on child protection plans (or previously on child protection plans in the last five years), subject to section 47 enquiries or at special schools who live in pilot areas. The purpose of these pilots will be to understand whether requiring attendance at an initial meeting could better support parents to make fully informed decisions about home education, strengthen collaborative relationships between families and local authorities, improve the ability to identify educational or wellbeing needs early so that appropriate support can be offered, and provide an opportunity to discuss the safeguarding and welfare of the child. Evidence from these pilots will help assess whether this approach delivers benefits for children's education and wellbeing, and for parents, before any wider decisions on potential national rollout, or cessation are considered.

What is the effect of the legislation?

The legislation places new requirements on parents, local authorities, schools and out-of-school education providers with the intention of improving visibility of and support for children not in school.

The clause on Local Authority Consent for Withdrawal of Certain Children from School will bring into effect a new requirement for parents to obtain consent from the local authority to withdraw their child from school to home educate them if their child is:

- Subject to an enquiry under Section 47 of the Children Act 1989

- On a child protection plan or has previously been on a child protection plan in the last 5 years
- At a special school.

The local authority must decide promptly whether to grant consent. They must refuse to do so on the grounds that it is not in the child's best interests to be educated otherwise than at school or no suitable educational arrangements have been made for the child outside of school. The legislation also provides a process by which parents can appeal to the Secretary of State (in England) or Welsh ministers if they disagree with the local authority's decision.

The inclusion of children who were on child protection plans within the last five years within the scope for consent is because such plans are put in place when a child is suffering or likely to suffer significant harm. Schools can often act as a protective factor for these children, and removing them from school soon after a plan has ended could be destabilising for the child, potentially making the child vulnerable to harm again. Given the high threshold for placing a child on a protection plan, and the continued support families often receive, even after the plan is discharged, the government believes it is appropriate that the local authority has the opportunity to consent to the child's removal from school.

This clause also requires the piloting of mandatory meetings in no more than 30% of local authorities between local authorities and parents, prior to a child being withdrawn from school for home education. Parents will be required to attend this meeting with the local authority responsible for the child before their child's name can be removed from the school roll. The child being withdrawn for home education will also be required to attend the meeting, unless exceptional circumstances apply (examples of relevant exceptional circumstances will be outlined in statutory guidance). A representative of the school at which the child is a registered pupil must attend the meeting if the parent consents to their attendance.

The local authority must ensure that the following matters are discussed with the parent during the meeting:

- parents' legal duty to secure a full-time, efficient education that is suitable to their child's age, ability and aptitude and any special educational needs the child may have; and how the parent(s) plan to meet this duty
- the duties of the local authority, including the duty to provide advice and information to parents of children on their Children Not in School registers, where requested to do so by the parent.
- the parent(s)' reasons for wishing to home educate their child
- any support needs the child may have and how those needs could be met
- the safeguarding and welfare of the child
- anything else relevant to the parent(s)' decision to withdraw the child from school

National rollout or cessation of the pilot scheme could only take place following a consultation and parliamentary agreement via affirmative regulations, and only once the pilot has operated for a minimum period of two years.

The Registration clause will make it mandatory for a child to be registered on their local authority's Children Not in School register if they are of compulsory school age, living in the authority's area, and are either:

- Not registered at a relevant school.
- They are registered as a pupil or are a student registered at a relevant school but do not attend full time and it has been agreed that they can receive some or all of their education otherwise than at a school (for example, they are flexi-schooled or the local authority has placed them in an alternative provision setting).
- They are a student registered at a further education setting that provides education for children aged 14 and above but they attend that setting on a part-time basis and do not also attend a school.

The registration system will require:

- Each local authority in England and in Wales to maintain a Children Not in School register.
- Parents of children who are eligible for inclusion on the register to provide certain information for it, including:
  - the child's name, date-of-birth, current addresses(s) and, if the child has lived at their current address for less than 12 months, their previous home address.
  - Details about the education provided, such as estimated amount of time being educated by a parent and by other persons or organisations; and information on out-of-school education providers that are educating the child above a prescribed threshold of time. Parents will be required to update this information on request from the local authority at least once a year, but not more frequently than every 3 months. Certain providers of out-of-school education to provide information to local authorities in cases where they are providing education to a child for more than a prescribed amount of time without any parent of the child being actively involved in the tuition or supervision of the child.
- Local authorities to provide support to families on their registers, where it is requested by the parent. This support duty will:
  - Require local authorities in England to offer bi-annual engagement forums to home educating parents on their registers
  - Make clear that, as part of the support duty, local authorities may offer advice and information on how home educated children can access GCSE examinations, and must do so if requested unless unreasonable
  - Local authorities to include relevant information about the child's circumstances (where held or possible to obtain). This may include, for example, whether the child has special/additional educational needs, are a young carer or whether

there is current or historic children's social care involvement, subject to this being prescribed through affirmative regulations.

- Local authorities will be required to make an assessment of the child's home and other learning environments at the point of registration on the Children Not in School registers. Linked to this, local authorities will also have the power to request to visit the child in their home.

The changes to the School Attendance Order (SAO) process included in the legislation will:

- Introduce statutory timeframes for issuing and processing SAOs.
- Align the SAO process for academies with maintained schools, creating consistency and simplifying the process.
- Make it an offence for parents to withdraw a child subject to an SAO from school without following the proper procedure. Parents convicted of breaching an SAO can be prosecuted again if they continue to breach it without local authorities having to begin the process again.
- Align the maximum penalty for breaching an SAO with the offence of knowingly failing to ensure a child attends school.
- Require local authorities to consider the home and other learning environments when deciding whether education is suitable or for children subject to child protection processes, whether it is in their best interests to attend school.
- Enable local authorities to request to see the child in their home(s) and where this request is refused, consider this a relevant factor when determining whether to serve a preliminary notice.
- Enable local authorities to use the SAO process for children who are subject to Section 47 enquiries, on child protection plans or have previously been subject to a child protection plan in the past five years to require them to attend school where it is in their best interests to do so.

How will this work in practice?

Local authority consent for withdrawal of certain children from school

Currently, parents should notify their child's school that they wish to withdraw their child to educate them otherwise than at school. Children can then be withdrawn from school immediately without any checks, such as whether home education is a safe or suitable educational environment for them. Local authorities and safeguarding partners have raised concerns that the current system makes it easy for vulnerable children to slip under the radar of the professionals that are there to protect them.

As well as requiring local authorities to keep registers of children not in school, this legislation will require schools to check with the local authority if the child can be removed from the school roll immediately, or if the child falls into one of the categories which require parents to obtain local authority consent before they can be removed from the school roll to be home educated.

Where it is the case that local authority consent is required, we envisage that the local authority will write to the parent requesting information from them to help with their decision making. The local authority will also sometimes need to gather information from other relevant persons, such as the school or the child's social worker. Where the child is subject to a Section 47 enquiry, on a child protection plan, or previously on a child protection plan in the last five years, the local authority will consider the request in the context of the wider child protection processes.

After considering this evidence, the local authority must decide whether to grant consent. They must refuse consent if, having reviewed the evidence, they determine that home education is not in the child's best interests, and/or they do not consider that suitable education arrangements are in place for the child outside of school. The local authority must inform the parents and the school of their decision. If consent is granted, the school will remove the child from its register. Parents can appeal to the Secretary of State (in England) or Welsh ministers if they disagree with the local authority's decision to refuse consent, and the Secretary of State or Welsh ministers can overturn or uphold the decision or refer it back to the local authority for reconsideration. If one of the child's parents did not support the application for consent, they may appeal against a decision to grant consent; and the Secretary of State or Welsh ministers can uphold the decision to grant consent or refer it back to the local authority for reconsideration.

Children who are no longer the subject of a Section 47 enquiry because it has concluded without the child being placed on a child protection plan will not be required to get the local authority's permission to be withdrawn from school for home education, unless they need consent under a different category (i.e. they had previously been on a child protection plan within the last 5 years, or were enrolled at a special school). The local authority will not be able to place such children into school on the grounds that it would be in the child's best interests to attend school. If a SAO has been issued on these grounds only and the Section 47 enquiry has concluded without a child protection plan being put in place, then the Order is automatically revoked.

Where children who are subject to a section 47 enquiry, or who are on a child protection plan or previously on a child protection plan in the last five years are already being home educated, we will set out in statutory guidance that local authorities should conduct a review to consider which children may be better served by being in school. Local authorities will then be able to use the SAO process to require these children to attend a named school.

The provision in the Act that requires the piloting of mandatory meetings for parents who wish to remove their child from school for home education is not the same as the consent requirement for children subject to child protection processes or who are at special schools. Parents in pilot areas will be required to meet with local authorities prior to the child's name being removed from the school roll, but once this meeting takes place the child's name must be removed if the parent still wishes to home educate them. In cases where children subject to the consent requirement live in pilot areas, regulations will make provision for how the pilot scheme should operate.

Children Not in School Registers

Each local authority will keep a register of all children not in school in their area. These are likely to mainly include home educated children but could also include children who are flexi-schooled or are in certain forms of alternative provision. Registers will need to include for each child: their name, address, date-of-birth, and their parents' names and addresses, as well as details of how they are receiving their education. Parents will be required to provide this information. If they do not provide the correct information then the local authority can begin the SAO process, which requires parents to provide evidence that their child is receiving a suitable education. Regulations may make it compulsory for other information to be included on registers if held by the local authority or reasonably obtainable; and local authorities can also include any other information they think is relevant – however, although encouraged to do so, parents will not be required to provide this additional data.

Certain out-of-school education providers will be required to provide information for the registers. Out-of-school education providers will be in scope of the provider duty if they are providing education to a child for more than a specified proportion of their education and without the parent being actively involved in the tuition or supervision of the child.

The exact proportion of education that a provider needs to deliver to fall into scope of the provider duty will be set in regulations; and this will be consulted on to ensure it is set at an appropriate level. There may be some providers that meet the threshold but where it would be inappropriate to require them to comply with the duty – for example, provision that has a drop-in, drop-out nature or that happens irregularly (such as museums that offer workshops for children, public lectures that are open to any family or individual to book; and periods of work experience). It is the government's intention to exempt these types of organisations and activities through regulations.

If a provider is in scope of the duty and a local authority serves a notice requiring information, the provider will need to give: all eligible children's names, dates of birth, and home addresses; the amount of time each child spends receiving education from the provider, and the amount of time the child spends receiving that education without any parent of the child being actively involved. Providers will need to give this information for eligible children that were being educated at the provision at the time of the request and any eligible children receiving education in the previous three months. We would expect providers to already hold this information for health and safety and safeguarding purposes, so the duty should not introduce undue burdens on providers. Those providers who do not hold that information will be required to obtain it. Local authorities will have discretion to impose a monetary penalty (the amount will be set in regulations) on providers who refuse to provide information or provide incorrect information, but the legislation sets out that local authorities cannot do this within the first three months of the law coming into effect. This will give out-of-school education providers time to adjust to their new duty. The provider duty will be crucial in supporting local authorities to check that the information on their registers is accurate and identifying children who are not currently included in their registers but should be.

Support Duty

Local authorities will be required to provide support to the parent of a child that is included in their register by giving advice or information about the child's education, if requested by the parent. Local authorities have discretion over what advice and information they think is appropriate to provide based on what the parent has requested. This can include, for example, advice about the child's education and information about other sources of support for the child's education. Local authorities must provide advice and information on access to GCSE examinations if requested by a parent unless it is unreasonable to do so. As part of the support duty, local authorities will also be required to proactively offer to hold bi-annual engagement forums. If parents accept the offer, the event must be held.

Local authorities can still offer other forms of support if they wish to do so, but this duty places a minimum requirement on authorities to offer advice and information to parents who want it.

Changes to School Attendance Orders

Local authorities will have discretion to trigger the SAO process if a parent of an eligible child does not provide information for Children Not in School registers. The proposals also place specific timeframes on parts of the process to minimise the time a child is potentially not in receipt of suitable education. The first step of the process is that the local authority issues a preliminary notice to the parent. This notice requires parents to demonstrate that their child is receiving a suitable education or, for children subject to S47 enquiry, on a child protection plan or on a child protection plan in the last 5 year, to demonstrate that it is in the best interests of their child to receive their education outside of a school. Where parents do not provide evidence of the above, the local authority usually must issue an SAO without delay. An SAO remains in force until revoked by the local authority or a court, or when the child is no longer of compulsory school age. This legislation will ensure that parents can be prosecuted and convicted for ongoing failure to comply with an SAO.

Considering the Home and Other Learning Environments

The local authority will be required to make an assessment of the child's home and other learning environments and consider:

- where the child lives within 15 days of the child being registered on their Children Not in School register.
- the other settings where the child is being educated within 15 days of recording this information on their registers. Local authorities will only need to consider the settings they know about (for example, those that parents have provided information on as part of their registration duties). We will also make clear in statutory guidance that local authorities should re-assess the child's home and learning environments when the child's address changes or the child attends a new education provider or a current education provider's address changes.
- a child's home and other learning environments which it is aware of when deciding whether a preliminary notice should be served

As part of these requirements, the local authority will be empowered to request to see the child in their home(s) to help decide whether education is suitable or, for children subject to section 47 enquiry, or on a child protection plan or previously on a child protection plan in the last 5 years, that it is in the best interests of the child to receive their education outside of a school.

The assessment of the home will be based on whether the environments are conducive to the child receiving a suitable education or where relevant, whether it is conducive to education outside of school being in their best interests. In making this assessment, we expect local authorities to record any known risks with the home environment or other learning environments that might impact a child receiving a suitable education – this could for example include reports of overcrowding, excessive noise, etc.

If the child's parent refuses the local authority's request, then the local authority will need to take this into consideration as part of their overall decision-making process. As the home environment is an integral part of the child's ability to receive a suitable education or the education being in the child's best interests, if access to the home is refused, the local authority may conclude that they do not have sufficient evidence of the above and therefore need to issue a preliminary notice or a SAO. Local authorities will not be empowered to request that parents grant them access to see other learning environments which the child may attend – for example, tuition centres—as parents may not be able to organise access to these, but other learning environments will be a factor when assessing whether education is suitable or, in the case of children subject to child protection processes, in the child's best interests.

Additional information on delegated powers

The government is seeking the following powers to make regulations as part of these measures. In all but one case[22], these regulations will need to be approved using the

[22] The power to prescribe the form of a School Attendance Order is subject to the negative procedure because the regulations made will be purely administrative.

affirmative procedure the first time and each time changes are made to them, ensuring that parliament has the opportunity to scrutinise their content.

Regulations on when a child is to be regarded as falling or not falling within eligibility for registration relating to children not in school

Local authorities in England and in Wales must keep a register of eligible children. Eligible children include those of compulsory school age who:

- Are not registered at relevant schools.
- Are registered at relevant schools (including FE) but do not attend full time and receive education outside of school or college.

The second category mainly intends to cover flexi-schooled children and those in unregistered alternative provision. However, it could also include children who are absent on a very short-term basis for school trips or swimming lessons that take place away from the school site. We intend to use this power to ensure children who are absent on a very short-term basis are not brought into scope – so as not to cause an unnecessary administrative burden on both local authorities and parents.

Regulations prescribing specific details to be included in registers

This power allows the Secretary of State and Welsh ministers to specify additional information to be included in local authority registers if held by the local authority. This power will be used to require local authorities to gather more detailed information about a child's background and needs, such as ethnicity, special educational needs, and safeguarding concerns and any related local authority and partner agency action. Local authorities can request this information from parents, but parents will not be under a duty to provide this additional information. The intention behind this is to ensure that local authorities have a fuller picture of each child’s circumstances so they can target support – and, where necessary, protection - effectively. The ability to adjust data requirements through regulations ensures that they can be adjusted in a timely manner if new circumstances arise, or if feedback is received from local authorities following implementation of the registers that certain categories of data would be useful to have consistently collected across individual local authorities’ registers.

Regulations about the keeping of registers and how time is to be recorded by a parent or carer

This power will allow regulations to be made setting out how local authorities deal with administrative elements of their registers. This may include how amendments should be made to information on the registers, the format of registers, whether standard information collection forms should be used to populate registers with the required information, and how the amount of time a child spends receiving education is to be recorded on registers.

Our intention is for there to be consistency across all local authorities to ensure that all registers are kept to an appropriate standard, as well as helping to create the most accurate national picture of electively home educated cohorts. Greater consistency will help make the system easier to navigate for parents. These administrative matters may require adjustment over time, for example to account for differences in local authority structure or internal processes, and so regulations are appropriate.

Regulations setting a threshold for providers of out-of-school education to provide information

This power will be used to set the threshold for when out-of-school education providers will be required to comply with the provider duty. This is likely to be based on the amount of time that an eligible child would need to be provided with out-of-school education by a particular provider without any parent of the child being actively involved in their tuition or supervision. It is appropriate to put this in regulations as changes to the threshold may be needed in time as local authority and department data improves and authorities develop a clearer picture of educational arrangements and the impact on providers in their area as well as nationally.

Regulations making exceptions to duty to provide information

This power is linked to the new power set out above which sets the threshold at which a local authority is able to require out-of-school education providers to provide information for their registers.

Providers of some types of out-of-school education may become inadvertently subject to the duty to provide information, by virtue of the threshold being set, for example, at a particular number of hours per day or week. As an example, if the threshold were set as 9 hours per week, this might capture a museum that offers an extensive educational programme for children, which is open to all members of the public, or periods of work experience. Without being able to exclude such cases from scope, we could place undue requirements on such providers, and that might serve to discourage the provision of these activities.

Therefore, this power will be used to prevent cases like these, and potential unforeseen providers being brought into scope of the duty, and to adjust the exceptions to eligibility due to any changes to the threshold.

Regulations to set a monetary penalty for failure to provide information and setting the increase in the penalty if provided late

This power will be used to set the level of the monetary penalties that in-scope out-of-school education providers could be subject to if they refuse to provide information for local authority registers on request, or if they provide incorrect information. The power will be available to adjust the level of the penalties as may be needed from time to time, such as to keep in line with inflation and to keep in line with other comparable penalties. It may also be necessary to adjust the level of the penalty in light of experience of the system in operation, as the out-of-school education sector is varied, and it is not easy to predict what level of penalty will be most effective.

Regulations prescribing information local authorities must provide to the Secretary of State/ Welsh ministers

The government will use this power to stipulate which information contained within the registers must be provided by local authorities to the Secretary of State or Welsh ministers upon request. This could include the provision of information such as:

- The number of children on register.
- Details of the child's education provision.
- Ethnicity.
- Sex.
- Reasons for electing to home-educate (if applicable).
- Whether the child has any SEND/additional learning needs (ALN).
- Whether the child has an EHC plan or Individual Development Plan.
- Whether the child is or was a child in need, looked after child, subject to a Section 47 enquiry, or on a child protection plan.
- Whether the child is missing education.

The government will use this data to evaluate the impact of the registration system on local authorities and eligible families. The information will help inform policy development, for example in relation to the types and level of support needed by families and the resources of local authorities to deliver that support, and whether particular groups need more support than others and why. We will use the data to understand the reasons why parents home educate a child or why the child has been placed in alternative provision and identify any trends or common issues within a particular area. This could help improve understanding of SEND/ALN or issues like off-rolling, bullying or mental health.

Regulations prescribing persons to whom Secretary of State/ Welsh ministers may provide information

This power will allow the Secretary of State and Welsh ministers to share information from registers with prescribed persons in certain circumstances. This is to ensure that professionals, organisations or education settings that are there to support – and, where necessary, protect - children on the registers have a full and accurate picture of a child. The powers will enable the department to create a consistent view of a child's education – particularly if they have moved across different education settings — and share this information back to relevant local authorities, education settings or professionals so that the child could benefit from more tailored support. The Secretary of State and Welsh Ministers will therefore need to be able to share certain information with relevant persons – for example, relevant local authorities, education providers, or other organisations connected with promoting the education or wellbeing of children in England and Wales.

Prescribed form of School Attendance Order

Regulations will set a requirement for a standardised form for a School Attendance Order (SAO) that is issued by a local authority in England and Wales, including the format and wording used within it.

Prescribing a standard form for SAOs will ensure that such orders contain the right information for the parents on whom they are served and achieve the aim of consistency across all issuing local authorities, making the process clearer for local authorities and parents. Once the new form of SAOs has been prescribed and begun to be used in practice, it may be necessary to review the form to ensure it's as clear as possible for parents and local authorities.

Guidance to be given on registration of children not in school and use of School Attendance Orders, consent requirement and mandatory meetings.

The power gives the Secretary of State and Welsh ministers the ability to issue statutory guidance to local authorities on how they must exercise their duties in relation to: keeping registers, the SAO process, parents of certain children needing local authority consent before the child can be withdrawn from school, and mandatory meetings.

The final contents of the guidance will be subject to consultation with stakeholders; however, we would expect it to include information such as:

- How local authorities should engage with home educating families in relation to Children Not in School registers.
- Entering / recording of information on registers.
- Procedures for changes to registers (amendments, deletions).
- Information sharing practices.
- Guidance on the minimum requirement of support to offer to home educators.
- Considering the home and other learning environments.

It is intended that this guidance will be issued when the relevant provisions of the Act come into force.

Regulations to prescribe the threshold at which the parental duty to provide information on external education providers is triggered

This government intends to use this power to set out in regulations a threshold at which parents will be required to give information on other persons or organisations that are providing education to their children (for example, private tutors and supplementary schools). This means that parents will not be required to give information on all education providers the child attends (unless all met the threshold). We intend to set the threshold at a level that avoids requiring parents to report on providers which do not constitute a substantial proportion of their child's education. We will consult on the threshold with local authorities and parents to ensure that it is set at the appropriate level in the regulations ahead of implementation of the registers. It is appropriate to put this in regulations as changes to the threshold may be needed in future – for example, in response to learning from implementation of the system.

Regulations prescribing pilot scheme whereby parents seeking to withdraw their child from school for education otherwise than at school must attend a meeting.

The government will be required to use this power to set out in regulations the detail of the pilot scheme of mandatory meetings. For example, the regulations will detail which local authorities will be involved in the scheme and the duration of the scheme. The regulations could also be used to exempt certain groups of children from the scheme. The regulations will also set out the matters to be discussed at the meeting (as written on the face of the Act).

Regulations to amend the home education consent requirement provisions and the pilot scheme for the purpose of ensuring that the pilot can operate for children in- scope of the consent requirement.

The government may use this power to amend the consent requirement clause for the purpose of ensuring that the pilot scheme can operate in relation to children in scope of that requirement; and to amend how the pilot scheme works for children in scope of the consent requirement, so it can operate alongside the consent requirement. This ensures that parents of children in scope of the consent requirement could also be required to attend these meetings. However, further consultation is needed to determine whether and how the pilot scheme should apply to these children.

Regulations to end the pilot scheme; regulations to extend mandatory meetings to all other local authorities after the expiry of the pilot scheme.

Further to a consultation and after the pilot scheme had operated for a minimum of two years—the government intends to use these powers to either:

- end the mandatory meetings pilot scheme or
- end the pilot but extend the mandatory meeting scheme to all local authorities in England and/or Wales (exemptions can be made for certain categories of children)
- Make provision for any arrangements necessary for the above provisions to work effectively.

The regulations are subject to the affirmative parliamentary process, and we will publicly consult on any proposal to nationally roll out the scheme prior to regulations being made.

Regulations to apply the mandatory meeting requirement to parents of children subject to the consent requirement.

This power could be used to require parents of children in scope of the consent requirement to attend meetings on a non-pilot basis before these children can be withdrawn from school for home education. This power will only be used further to analysing the outcome of the pilot scheme and further to consultation. The regulations are subject to the affirmative procedure.

Key questions and answers

Is the intention of the Children Not in School measures to criminalise home-educating parents?

No. The measures aim to support local authorities to identify all children not in school in their areas, so they can – with partner agencies - fulfil their existing education and safeguarding duties.

Most parents who home educate do so in their children's best interests, and many home educated children receive a suitable education that supports them to achieve and thrive. These measures are not intended to criminalise the parent, but to provide children with a route to suitable education and protect those at risk of harm.

Will parents be fined or imprisoned for refusing to give information for Children Not in School registers?

No. If a parent fails to provide required information, or provides incorrect information, the local authority may commence the school attendance order process.

As is the case now, parents of children subject to a school attendance order will only be required to pay a fine if found guilty in court of the offence of breaching the order. We would only expect the Court to impose imprisonment in the most severe cases; and sentencing decisions remain at the Court's discretion.

Parents may be found guilty of breaching the order if, for instance, they do not enrol their child at the named school, and are unable to demonstrate that they are providing a suitable education for their child and/or (where relevant) that education outside of a school is in their child's best interests.

These sanctions are a last resort. The inclusion of information on Children Not in School registers is vital in supporting local authorities to identify children who are not receiving a suitable education, and it is therefore in the interests of all parties to comply.

Why are you requiring consent to home educate for children on Child Protection Plans, or who are subject to Section 47 enquiries?

While home education is not a safeguarding risk in itself, school can be a protective factor for children who are at risk of harm. The measure requires local authority consent for children on child protection plans, or who were previously subject to child protection plans in the past five years, or who are subject to Section 47 enquiries, before they can be home educated will help ensure that the most vulnerable children do not slip under the radar of services that are there to protect them.

Additionally, broadening the SAO process to consider suitability of home and learning environments will support all children to receive suitable education in safe settings.

These measures complement wider government action to keep children safe and help families thrive, including:

- Almost doubling - to over £500m - direct government investment in preventative services for children and families from April 2025.
- Testing, through the £45m Families First Partnership Programme, new ways to reform every part of the children's social care system, helping children to stay with their families in safe and loving homes, whilst protecting vulnerable children where needed.
- Strengthening the role of childcare and education settings in local safeguarding arrangements.
- Improving information sharing between agencies, including through a consistent identifier for children.
- Establishing multi-agency child protection teams.

Why are you requiring consent to home education to children who were previously on child protection plans in the last 5 years?

- Children are placed on child protection plans because they are suffering or likely to suffer significant harm.
- Removal from school shortly after a plan has ended could be destabilising and removes the child from a key line of sight, potentially making the child vulnerable to the previous harm again.

- Given the high threshold at which a child is placed on a plan; and the support often provided to the family even after the plan has been discharged (recognising continued vulnerability), it is also right that those children can be required to attend school if it is in their best interests.

Is the government going to accept the recommendations on home education from the LCSPR into Sara Sharif's death?

- The measures go further than some of the recommendations in the report.
- For example, parents will be required to attend mandatory meetings before they can withdraw their child from school for home education; this is to be piloted in selected local authorities.
- Local authorities will be required to consider the child's home within 15 days of the child being registered on the Children Not in School registers and, as part of this, be empowered to request to visit the child in their home.
- Local authorities will also be required to consider the other settings where the child is being educated that they know about within 15 days of recording this information for their Children Not in School registers.
- If the environments appear unsuitable or a request for a home visit is refused, the local authorities will be required to consider this in deciding whether to begin the School Attendance Order process.
- As part of the implementation of the measures, we intend to review the current Elective Home Education guidance and to make clear in statutory guidance when and how parents with parental responsibility should be consulted about a child's home education.
- We will continue to consider the findings of the review with the support of the National Child Safeguarding Review Panel.

Registration of full-time settings

This measure makes changes to section 92 (s.92) of the Education and Skills Act 2008 (“the 2008 Act”) and, as a result, changes the settings regulated under Chapter 1 of Part 4 of the 2008 Act. In practice, this measure extends the regulatory regime found in Chapter 1 of Part 4 so that it applies to more full-time educational settings in England in addition to independent schools.

What does this measure do and why do we need it?

S.92 of the 2008 Act defines what constitutes an independent educational institution, a type of institution that is regulated under Chapter 1 of Part 4 of that Act and as a result is required to register with the Secretary of State. The definition includes “independent schools”.

Independent schools are settings which satisfy the definition found in section 463 of the Education Act 1996 - any school at which full-time education is provided for (a) five or more pupils of compulsory school age, or (b) at least one pupil of that age for whom an EHC plan is maintained (or an individual development plan) or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989 or section 74 of the Social Services and Wellbeing Act (Wales) 2014) and (c) which is not a school maintained by a local authority or a non-maintained special school. However, there are some full-time educational settings which because they offer a very narrow education, are not covered by the definition of “independent school” and so operate without being regulated under Chapter 1 of Part 4 of the 2008 Act.

This proposed change will amend s.92 to bring these full-time educational settings into the regulatory regime which already applies to independent schools.

Settings captured by this change will be required to apply to register with the Secretary of State and once registered, will be subject to regular inspection against standards which will need to be set out in regulations.

Proprietors of settings who do not wish to register will be required to either change their provision and operate part-time (and so allow the children to receive a suitable full-time education elsewhere) or cease operating. Those proprietors who continue to operate a full-time independent educational institution, without registering, will be committing a criminal offence.

This change promotes the principle that full-time independent educational institutions, those responsible for children’s educational wellbeing, should be regulated to ensure that they help children achieve and thrive. It extends the protections which already apply to children who attend registered independent schools to more children.

What is the effect of the legislation?

Chapter 1 of Part 4 of the 2008 Act imposes certain obligations on proprietors of independent schools. Among other things, they are required to register with the Secretary of State (because in running an unregistered independent school they will be committing a criminal offence under s.96 of the 2008 Act) and their schools are subject to regular inspection against the independent school standards (s.109 of the 2008 Act) - which are currently prescribed in the Education (Independent School Standards) Regulations 2014.. The 2008 Act also provides mechanisms which allow the Secretary of State to act in cases where there is a threat to children's wellbeing. This system gives assurance that the proprietors of independent schools are providing an education which helps children achieve and thrive.

The effect of this legislation is to extend this existing regime so that it applies to full-time independent educational institutions which are not "independent schools" and so extend the protections found in Chapter 1 of Part 4 of the 2008 Act to the children attending these settings. The changes to section 92 do not, in themselves, turn any setting brought into regulation into an independent school.

This legislation also removes from the scope of the 2008 Act part-time educational settings, which at present may be regulated under the 2008 Act. In practice, however, these provisions have never fully been in force and so educational settings which do not operate on a full-time basis will not be impacted by this change.

How will this work in practice?

This measure extends the existing regulatory regime found in Chapter 1 of Part 4 of the 2008 Act, and which applies to independent schools, to other full-time educational institutions that provide full-time education for at least five children of compulsory school age, or for one or more such child who is "looked after by a local authority" or who "has special educational needs" (as defined in the Bill). In the absence of regulations determining the question of whether a setting is providing "full-time" education for a child, the Bill lists (non-exhaustively) a number of factors that will need to be taken into account in deciding whether that test is met:

- the number of hours per week that education is provided to children and activities incidental to that education are provided.
- the number of weeks per academic year that education is provided, and
- the time of day that education is provided.

The government intends to produce guidance to assist proprietors understand how these factors interact with each other to constitute full-time education. This will provide clarity to proprietors of educational settings, and others, on whether the regulatory regime found in Chapter 1 of Part 4 of the 2008 Act applies.

Additional information on delegated powers

There are three sets of regulation-making powers associated with these measures.

The first set concerns the meaning of “full-time” education, one regulation-making power permits the Secretary of State to, in the Act, change the list of factors to be taken into account and prescribe how they are to be interpreted (so-called “Henry VIII powers”). Other regulation-making powers permit regulations to be made specifying amounts of time that are to be treated or not treated as “full-time" and to provide that time spent on certain activities is or is not to be treated as time during which education is being provided. The powers are, amongst other things, intended as an anti-avoidance measure and to allow the regulatory regime to respond to novel educational approaches taken in future and so ensure that the aims of the legislation are fulfilled.

The second set concerns “excepted institutions”. “Excepted institutions” are those which despite meeting the other requirements of being an independent educational institution are not to be regulated under the 2008 Act, usually because they are more appropriately regulated in other ways. This delegated power allows the Secretary of State to designate other types of setting as “excepted institutions”. This power, amongst other things, is intended to be used to address novel approaches to educational provision which it would be inappropriate to regulate via Chapter 1 of Part 4 of the 2008 Act.

The third delegated power will permit other legislation which applies to “independent schools” to be applied to independent educational institutions. This will ensure, for example, other regulatory obligations which protect children in independent schools can be applied to protect children in other independent educational institutions once Parliament has agreed in principle to the regulation of these under Chapter 1 of Part 4 of the 2008 Act.

Key questions and answers

Will changes to the registration requirement prevent parents from securing the faith-based education that they want for their children?

Every child should receive an education that allows them to achieve and thrive. That is our aim in bringing forward this measure. This does not prevent parents securing a faith-based education for their children, if that is their wish. Neither does it presuppose that the settings to be brought into regulation are unsafe or unsuitable.

Many registered independent schools already provide a faith-based education which combines a substantial focus on religious education with the broad education required to meet the independent school standards.

If you think these settings are unsafe or unsuitable, why are you not closing them down?

The government does not have evidence that the settings to be brought into regulation are actively unsafe or physically unsuitable for children, although some may be.

This measure is aimed at giving greater assurance with regards to the education offered to children in these settings and their welfare there and so extend protections which apply to children who attend independent schools to more children.

The government already has many options to intervene against a setting which is actively unsafe or unsuitable for students and will consider these in all cases as appropriate.

Independent education setting and safeguarding: due diligence and standard setting

Proprietors of independent schools are required to ensure that they meet the Independent School Standards ("ISS") at all times. This measure, among other changes, enables the Secretary of State to set standards that require an individual proprietor or those with certain significant roles in a proprietor body to be, in the opinion of the Secretary of State "fit and proper" i.e. pass "a fit and proper test". Such standards could supplement the existing due diligence checks which are already taken before an individual proprietor, or Chair of a proprietor body, is approved for the running of an independent school.

The second measure within this clause allows a standard to be prescribed by reference to whether or not the proprietor of an independent educational institution has regard to guidance issued, or a document published, by the Secretary of State from time to time

Connected to the first type of standards, the measure allows the First-tier Tribunal ("FTT") in certain appeals or application to it, to decide for itself whether a person is "fit and proper" and therefore, about compliance with standards made under this new power.

What does this measure do and why do we need it?

Under section 94 of the Education and Skills Act 2008 ("the 2008 Act"), the Secretary of State is required to make standards. These are the ISS that proprietors of independent educational institutions are required to comply with, and if they do not, then they face the possibility of regulatory or enforcement action.

This measure introduces new powers relating to the suitability of proprietors of independent educational institutions. In particular, new standards may be made which will require that an individual proprietor, or an individual with control or legal responsibility for a proprietary body must be a person who is, in the opinion of the Secretary of State, a fit and proper person to be involved in the running of an independent educational institution.

This proposal addresses an identified gap in our regulatory regime. At present the Secretary of State is required to make specified 'due diligence' checks on prospective proprietors. Broadly speaking this consists of identity checks, Disclosure and Barring Service (DBS) checks and checks whether a section 128 bar has been made. These checks are narrow in scope and in some cases allow individuals who may not be suitable to become a proprietor. For example, this may include individuals who have engaged in serious financial misconduct. The change will allow the Secretary of State to make judgements about who is fit and proper, apart from mandatory criteria already set out in the standards.

Our planned change is targeted at preventing, in the small number of cases like these that are received annually, unsuitable individuals being involved in the running of independent educational institutions and so be responsible for students' wellbeing and education.

Our second measure will put beyond doubt that the Secretary of State may make standards requiring that proprietors must have regard to guidance, or a document published by the Secretary of State.

The measure allows for determinations by the FTT as to whether persons are fit and proper.

What is the effect of the legislation?

The changes to the legislation will give the government the power to prescribe, by regulations, a standard requiring a proprietor to be 'fit and proper' in the opinion of the Secretary of State, meaning that an application to register a new independent school, or make a material change to change a proprietor, can be refused on the basis that the Secretary of State considers the new proprietor is not suitable to be involved in the running of an independent school.

The measure allows the FTT to take a different view to that of the Secretary of State in determining certain applications or appeals where compliance with these standards is in issue.

In addition, the measure will put beyond doubt that standards can be made requiring proprietors of independent schools to have regard to guidance, or a document published, by the Secretary of State.

How will this work in practice?

The fit and proper person changes are an extension of the existing power to make provision about the suitability of proprietors. In particular, they allow for discretion to be conferred on the Secretary of State to decide whether someone is fit and proper to participate in the management of an independent educational institution. This will allow the Secretary of State to exclude those who are unsuitable to be involved in the running of independent educational institutions.

This measure will also put beyond doubt that standards can be made requiring proprietors to have regard to other guidance, and documents published, by the Secretary of State.

The FTT may determine that for the purpose of certain applications or appeals, that a proposed individual proprietor (or, for example, Chair of a new proprietor body) is fit and proper even if that opinion differs to that of the Secretary of State.

Key questions and answers

How will suitability be determined?

It is important that proprietors of independent educational institutions are suitable to carry out the role. Guidance will be published which sets out what will be considered in determining suitability in terms of a fit and proper person.

Will there be a right to an appeal against a decision to deem someone not fit and proper?

Existing rights of appeal open to proprietors and prospective proprietors will remain. Full guidance will be published, which will set out what will be considered in determining suitability, which should assist individuals in deciding whether or not they may be deemed fit and proper to be running such a setting.

Independent education setting and safeguarding: suspension of private school registration and boarding

Private schools are primarily regulated under Chapter 1 of Part 4 of the Education and Skills Act 2008 ("the 2008 Act"). Section 120 (s.120) of the 2008 Act permits the Secretary of State to apply to the Magistrates' Court for an emergency order which, amongst other options, would de-register it (effectively close it permanently) in cases where a "student at the institution in question is suffering or is likely to suffer significant harm". This measure supplements this existing emergency power by allowing the Secretary of State to suspend the registration of a registered independent educational institution temporarily where the Independent School Standards ("ISS") (or EYFS if applicable) are not being met and as a result one or more students will or maybe at risk of harm at the setting. Outright permanent closure under s.120 may be considered inappropriate even in an urgent situation – for example, if it appears that the setting has the capacity to improve quickly.

What does this measure do and why do we need it?

Currently, the only statutory power in the 2008 Act that the Secretary of State has available to immediately and effectively address risks at a private school with serious safeguarding failings is the emergency power under s.120 of the 2008 Act. Under s.120, the Secretary of State may apply to a Magistrates' Court for:

- An order imposing a relevant restriction on the proprietor.
- An order that an institution is removed from the register.

The court may only grant an order where it appears that a student at the institution in question is suffering or is likely to suffer significant harm.

In the type of situations where this action is typically appropriate, issues relating to an institution are rarely limited to a specific concern about its operation or part of its premises. An institution will generally have a widespread set of failings. Therefore, often practically, an application under s.120 would be for de-registration (rather than the imposition of a relevant restriction). However, given its impact on the proprietor, staff, students and parents, because de-registration in essence means immediate and permanent closure, it is a severe option, which in some circumstances may not be appropriate.

The Secretary of State can also take enforcement action against private schools under s.115 and 116 of the 2008 Act whereby a relevant restriction may be imposed on a private school (for example, in order to motivate improvement) or a school may be removed from the register. However, this process takes a considerable amount of time as it requires the school to have previously been given the opportunity to produce an action plan and implement it and often a number of inspections can be required during the course of the process. Further, an appeal against this decision suspends the enforcement action until the appeal is resolved.

This measure will allow the Secretary of State to temporarily suspend the registration of an independent educational institution (and also put in place a temporary stop boarding requirement if appropriate). This would effectively allow a proprietor a period of time to make the necessary changes/improvements to ensure the safety of students attending the setting. If those improvements cannot be made within the initial suspension period, then it may be extended to allow the proprietor more time. Equally, if the proprietor can demonstrate that the necessary changes have been implemented ahead of the end of the suspension period, then the suspension must be lifted in order that students can return to the setting.

This measure therefore is necessary to give the Secretary of State more flexibility to respond to risks of harm while, where necessary, minimising disruption to students' education.

What is the effect of the legislation?

This measure allows the Secretary of State to suspend the registration of an independent educational institution where it appears that one or more students at the setting will or may be exposed to a risk of harm due to a breach of the Independent School Standards (or EYFS). During the period of suspension, in broad terms, it would no longer be lawful to provide education or other supervised activity at the institution. In effect the institution will be required to close for the period of the suspension. In addition, where an institution provides boarding accommodation, where the Secretary of State suspends the registration, she may also impose a requirement to "stop boarding". Again, in essence this will require the boarding accommodation to be closed for use to students.

A proprietor commits an offence where a suspension or a stop-boarding requirement is "breached" (subject to certain defences); There is an existing offence of conducting an independent school without registration. The new offences would be summary offences and punishable by up to six months imprisonment and/or an unlimited fine.

How will this work in practice?

This proposed power may only be used if the Secretary of State is satisfied that one of more of the standards prescribed under section 94(1) of the 2008 Act (or any of the requirements in the Early Years Foundation Stage, if applicable) is or are not being met, and has reasonable cause to believe that a student at the institution will or may be exposed to the risk of harm as a consequence.

The Secretary of State will be able to suspend the registration of an independent educational institution by giving notice of that decision to the proprietor of the institution.

Any suspension, or a stop boarding requirement if appropriate, will be, in the first place, for a period up to a maximum of 12 weeks. The initial period of up to 12 weeks should in most cases give a proprietor adequate time within which to address any failings.

If before the end of the 12-week period the proprietor can demonstrate to the Secretary of State that necessary improvements have been made, then the suspension will be lifted.

There will be a duty on the Secretary of State to lift the suspension if (in effect), the proprietor manages to rectify the failings or instead, where the Secretary of State no longer believes that there is a risk to students.

Key questions and answers

Is this the government taking a power to close good schools?

No, the new power of suspension will only be available where the Secretary of State has evidence that there is a risk of harm to students.

The only current emergency action open to the Secretary of State is to apply to the Magistrates' Court, for a permanent deregistration or a relevant restriction (under s.120 of the 2008 Act). The power of suspension is more flexible, giving institutions with problems an opportunity to improve (and reopen), falling short of permanent deregistration, where a setting needs to close to remove students from harm's way.

We only expect to consider using this power in relation to the very small fraction of independent schools where we currently consider the application of s.120 each year (c. 5 schools per year out of c. 2,450).

The action this measure allows us to take, accords with the concerns arising from the *Independent Inquiry into Child Sexual Abuse*'s in its residential school's investigation report (2022) that stated, "There are also weaknesses in systems of enforcement in respect of schools which fail to meet requisite standards, including safeguarding".[23]

If a school is suspended, what happens to the students?

Students will not be able to be educated at the school for the period of suspension. The Secretary of State will always work with relevant local authorities to ensure that options are clear to parents and alternative places are found where this is appropriate. While the registration is suspended, all the normal education options (away from the setting) will be available to those students, such as applying for a state school place, seeking a school place in a different private school or elective home education.

Suspension is a very serious step that will inevitably disrupt students' education. In deciding whether to suspend the registration of a setting, the effect of this disruption will

[23] The Report of the Independent Inquiry into Child Sexual Abuse | IICSA Independent Inquiry into Child Sexual Abuse

be balanced against the risk of harm to students. The Secretary of State only intends to use these powers in the most serious cases.

Where students board at a setting, the Secretary of State will work with relevant local authorities to ensure that students are able to return home safely.

Once the suspension is lifted on the school, students can resume their education at that setting if their parents wish.

Independent education setting and safeguarding: private school deregistration – appeals

In a relatively small number of cases, the Secretary of State determines that a private school's very serious and/or very long running failures to meet the Independent School Standards (ISS) and/or the Early Years Foundation Stage (if applicable, EYFS) justify the de-registration (effective closure) of that school in order to promote the wellbeing of the students currently attending the setting. This measure changes how appeals against these decisions are determined by the First Tier Tribunal. There will be a requirement in these cases that the Tribunal has due regard to whether the school will meet the ISS (and EYFS if applicable) on an ongoing basis. It also puts the burden of proof on the appealing proprietor to demonstrate that there is likely to be future compliance.

What does this measure do and why do we need it?

An enforcement decision to deregister a private school is very serious, as it effectively requires the school to close. It is very common for a proprietor to appeal a deregistration decision, although in some cases they withdraw their appeal if a further inspection shows that little progress has been made in meeting the ISS. The Secretary of State ordinarily withdraws from defending deregistration appeals if re-inspection finds that significant progress in meeting the ISS has been made, because her aim in operating the regulatory and enforcement regime is to secure improvements at schools so that they are again providing a safe and suitable education; not to close them down.

Currently, a proprietor may successfully argue that a decision to de-register should be overturned, by making sufficient improvements to meet the ISS by the time of the appeal hearing. However, the improvements may be short-lived, with the Secretary of State returning to regulatory and enforcement action because the school does not have the capacity or willingness to sustain long-term compliance with its regulatory obligations. This creates a number of difficulties in that schools with severe and/or persistent, long-term failings are able to avoid deregistration by making temporary improvements to meet the ISS by the time of the appeal hearing, even if their history suggests they will relapse quickly. Further, the time it takes for deregistration decisions to take effect means that persistently failing schools can remain open for lengthy periods. This is very damaging to the interests of students, some of whom may be attending such schools for many years while it goes through repeated cycles of improvement and deterioration.

The government believes that to tackle this issue at its root it is necessary to change how these de-registration appeals are determined. It should be the case that the Tribunal has due regard to future compliance and, therefore this measure imposes an express obligation to do so, whilst in addition it places the burden of proof on the appealing proprietor to demonstrate that there is likely to be compliance with the ISS on an on-going basis. This is to mitigate against the risk of failing schools continuing to provide a poor education or to inadequately safeguard their students by not putting in place sufficiently robust measures to continuously meet their regulatory obligation.

A separate change is being made as part of this measure. This change, found in clause 49, provides clarity that a registered setting may be voluntarily de-registered with the written agreement of the proprietor.

What is the effect of the legislation?

This measure will change how the Tribunal considers de-registration appeals. It reverses the burden of proof so that it is for the appealing proprietor to demonstrate they have capacity to sustain compliance with the ISS (and EYFS as relevant) in the future – rather than it being for the Secretary of State to demonstrate the contrary.

This legislative change will ensure more consistent compliance with the ISS (and EYFS as relevant) and provide a mechanism so that the Secretary of State can more effectively de-register settings which are not consistently meeting the ISS over a long period of time and are putting students at risk.

How will this work in practice?

The burden of proof will be on the proprietor, who is appealing, to demonstrate to the Tribunal (on the balance of probabilities) that there is likely to be future compliance with the ISS (and EYFS when appropriate).

Amending the legislation in this way should, in the fullness of time, have a deterrent effect and therefore result in a reduction in de-registration appeals in due course.

Key questions and answers

Is this the government taking a power to close good schools?

This change to the appeals regime will only apply where an independent educational institution has been found to have failed to meet one or more of the standards, and an enforcement decision has been taken to de-register that institution. This does not relate to institutions that are consistently compliant with their obligations.

This measure will allow the government to better secure the timely closure of institutions that, over time, are unable to fully meet the standards (often they will show some improvement then relapse). It is also likely to provide certainty for parents and other stakeholders more quickly after a deregistration decision has been taken because proprietors at a failing institution will be aware that they are less likely to succeed on appeal and therefore, not appeal or withdraw from one more quickly.

Why can schools not be given a further chance to improve before being deregistered under these circumstances?

For private schools, this measure will only apply where schools have failed to meet the ISS (and/or the EYFS) to the extent that a decision to de-register has been taken. The school will have been required to provide an action plan(s) and therefore, been given the opportunity to improve. Schools may show some improvement over such a period, but if they are unable to address their underlying leadership and management issues and meet the required standards, improvement will not be secure. This measure is aimed at, amongst others, schools with longstanding failings and limited scope for the necessary improvements to be made in order to achieve consistent compliance with the ISS and/or EYFS. In these circumstances, it is appropriate that schools are required to close as quickly as possible. While this will disrupt the education of students attending the school, they will be able to secure an alternative place elsewhere at a registered school that does provide a suitable broad and safe education.

Independent education setting and safeguarding: material changes

An application for registration of an independent educational institution must contain certain information, which is set out in the Provision of Information Regulations 2018. Once an application for registration is approved, certain details of the institution's registration will be added to the register of these settings kept by the Secretary of State. If an institution wishes to amend some of these registered details, prior approval must be sought through a material change application.

The measures will redefine what is a material change, introducing three new types. The first relating to where an institution makes a building (or part of building) available for student use – meaning that students need to be routinely present there to be provided with meals, accommodation, or education by the institution. In the latter case, where education is to be provided, the building must also be under the control of the institution. Some exceptions are provided for – for example, where the change is for less than six months or where the new building is at the registered address of an independent educational institution. The second concerns where an institution becomes, or ceases to be, a "special institution" — i.e., specially organised to make special educational provision for students with special educational needs (SEN). The third covers changes to the type or types of SEN that a special institution is specially organised etc for, as may be prescribed in regulations.

The measures will also allow the Government to make it clear, in regulations how an institution must apply for a material change approval and will ensure the Government has suitable discretion to approve material changes, based on the interests of students and whether relevant standards will be met after the change.

The measures will also allow proportionate action to be taken, if an institution makes an unauthorised material change, which in some cases may put students at risk of harm.

What does this measure do and why do we need it?

The current regime includes a requirement that an institution needs to apply for material change approval, when it starts to admit any students with SEN – which is a low bar. This measure will redefine the regime so it will instead become a material change where an institution becomes or ceases to be a "special institution" (an institution specially organised to make special educational provision for students with special educational needs). It will also be a material change when a special institution changes the type or types of SEN for which it is specially organised to make such provision

Whilst a change of an institution's registered address is currently a material change, starting to make use of buildings elsewhere, away from the registered address, (either to provide education, accommodation or meals to pupils) is not directly regulated – in the absence of an institution providing accommodation for the first time. This means there is no prior assurance that new buildings, elsewhere, are safe for use and that the requirements of the Independent School Standards will be met in relation to them. The measure therefore introduces a new type of material change, related to where buildings are made available for student use for six months or more. The buildings need to be located away from the registered address of any independent educational institution or other address that has been registered following an approval for this new type of material change. This should ensure that, in appropriate cases, where an institution starts to provide meals, accommodation, or education to students on new premises, that this is first approved by the Department. This should in turn provide assurance that they are safe, suitable for students, and compliant with the Independent School Standards.

The measure also adjusts the discretion that the Secretary of State has to approve a material change. The Secretary of State will be able to approve a material change, where it is in the best interest of students' education, welfare or safety, even if the institution will not immediately meet all relevant Independent School Standards following the change. This may help struggling settings seeking to reorganise to facilitate future improvement.

Finally, the measure will also increase the Secretary of State's options to take proportionate action against institutions that make unauthorised material changes.

Currently, for example, if a school were to exceed its registered capacity, without applying for and receiving approval the only "enforcement" option currently available to the Secretary of State is to deregister the school, which would require students to find new school places. This measure will enable the Government to impose a relevant restriction, for example prohibiting new admissions. This would require the school to go back to its registered capacity, over time, as students leave and without there being a disproportionate impact on current students.

Overall, the measures will create a material change regime that is clear, proportionate and enforceable. This will provide parents with greater assurance that independent educational institutions are safe and suitable, operating within registration requirements and can be inspected before the new changes are made.

What is the effect of the legislation?

Currently, material changes are regulated under the Education Act 2002 ("2002 Act"), with the provisions on material change in the Education and Skills Act 2008 ("2008 Act") not fully commenced. The provisions in the 2008 Act do not cover as many types of material changes as the 2002 Act, if an institution is not a special institution. Legislation will redefine what is a material change for the purposes of the 2008 Act, so that all those things (with one set of exceptions) that are material changes in the 2002 Act are material changes in the 2008 Act irrespective of whether an institution is a special institution. The exceptions mean that it will also be a material change for an institution to become or cease to be a special institution and for a special institution to change the type of special educational needs it makes special educational provision for.

It will redefine what constitutes a material change by also adding a new type of material change related to a change of buildings and provide an alternative remedy for an unapproved material change, in broad terms, the placing of a restriction on how an institution operates.

It will enable material change approval to be granted where an institution is not meeting (or is not likely to meet) the Independent School Standards at the time the application for approval is considered, but where making the change would likely assist the institution's performance against the Independent School Standards to the benefit of students.

It will provide a power to the Government to prescribe, by regulations, how an application for material change approval is made and what information such an application must contain.

How will this work in practice?

The introduction of an amended regulatory regime will apply to all institutions. Material change guidance will be updated to provide further details in relation to the options available to the Secretary of State to act against institutions that make unauthorised material changes and further explain the criteria as to what constitutes a material change under the redefined regime.

The Enforcement and Policy statement will be updated to explain how the department will consider using its new power, where an institution has made an unauthorised material change.

Key questions and answers

Why is it important that independent educational institutions are required to seek approval to make certain changes through a material change application?

Before institutions are registered, they are subject to a pre-opening inspection that tests whether they are likely to meet the Independent School Standards once registered. This allows parents, local authorities, and others to have confidence that an institution provides a suitable broad education and is safe.

Material changes may affect an institution's ability to meet relevant standards. For example, an unsuitable new proprietor could create safeguarding risks, the institution may not be prepared to provide a suitable education to new year-groups and increasing capacity could create health and safety risks. The Government, therefore, needs to be able to do appropriate due diligence before approving such changes, which can include inspection.

Why is there a need for regulatory reform?

The proposed measures will mean that it is a material change for an institution to become or cease to be specially organised to make special educational provision for students with SEN (a "special institution") or for a special institution to change the type or types of SEN for which it is so organised and, on a more than temporary basis, to start to regularly use certain buildings for particular purposes.

The latter is important because, whilst a change of an institution's registered address is currently regulated, taking on new buildings away from that address is not something that is directly regulated (or would be under the 2008 Act) – unless a setting is starting to provide accommodation. As a result, there is insufficient prior assurance that new buildings that a school may use away from its registered address are safe, suitable for student use, and compliant with the Independent School Standards. The reform ensures that in appropriate circumstances the use of new buildings by an institution must be considered through the material change process, providing assurance on safety and welfare and about the standards before they are opened for student use.

In addition, the measures will create a vehicle to specify in regulations what kinds of special educational needs are relevant for the purposes of the new provisions related to the material changes specifically about special institutions. This will provide greater clarity and transparency to parents, commissioners and inspectorates when both choosing and inspecting independent educational institutions.

Additional detail on Delegated Powers

There are two regulation-making powers associated with these measures. They relate to:

- Applications for registration: power to prescribe types of special educational need
- Applications for approval for material change: power to prescribe information

Applications for approval of material change and for initial registration: power to prescribe types of special educational need

What does this delegated power do?

This power enables the Government to prescribe, in regulations, the types of special educational need that an application to register a special institution must contain details about, and the types of such need that are pertinent for the material change regime.

How does the Government intend to use this power?

Section 98 of the 2008 Act will be amended to provide these regulation-making powers. Should regulations be made, the Government intends that these will reflect the categories already used when registering an independent special school.

Applications for approval for material change: power to prescribe information

What does this delegated power do?

This power enables the Government to prescribe, by regulations, how any application for material change should be made and what information such an application must contain.

How does the Government intend to use this power?

Section 102 of the 2008 Act will be amended so that regulations may specify the information that must be contained in an application for material change approval and the manner in which such an application must be made. The Government may make regulations to specify what information is required and the manner in which an application should be made.

Independent education setting and safeguarding: Ofsted powers of entry and investigations

Chapter 1 of Part 4 of the Education and Skills Act 2008 ("the 2008 Act") already contains several criminal offences that may be committed by those responsible for independent schools. The most common offence in this area is the offence under section 96 of the 2008 Act – conducting an independent educational institution which is not registered ("unregistered independent school"). His Majesty's Chief Inspector (HMCI) may already carry out no-notice inspections of settings suspected of being the site of this offence. These measures increase HMCI's ability to carry out these inspections and identify criminal behaviour which may be putting children at risk of harm.

What does this measure do and why do we need it?

HMCI may already inspect suspected unregistered independent schools. The purpose of these inspections is to gather evidence to determine whether a criminal offence is being, or has been, committed and, in turn, to help determine whether criminal prosecution is justified. The current powers available during these inspections are found in section 97 of the 2008 Act.

The government's experience is that these powers are too limited to allow effective investigations of some settings which are operating unlawfully; it is too easy for those committing a criminal offence to prevent the discovery of evidence of this and so avoid prosecution. A stronger investigation regime is needed to allow inspections of suspected unregistered independent educational institutions or breaches of relevant restrictions in registered independent educational institutions to proceed and find evidence of wrong-doing, and those responsible to be identified and prosecuted where this is appropriate.

What is the effect of the legislation?

This legislation broadens and strengthens HMCI's existing powers of entry and investigation in this area. These strengthened powers will be available to determine whether one (or more) of the specified 'relevant offences' is being, or has been, committed on the premises to be entered, and the powers are extended to premises where evidence of the commission of a relevant offence may be found.

In these cases, the legislation permits HMCI to act in stronger ways than at present. Among other things, the legislation provides for mechanisms to allow HMCI to apply for a warrant to facilitate entry into settings, and act in a more thorough fashion once present in a setting under such a warrant; for example, HMCI may "search" rather than inspect, and may require people present during an investigation to provide specified information or assistance; new criminal offences are introduced in support of these new powers.

These powers will not apply during HMCI's routine activity during inspections of a school's performance.

In addition, a separate clause introduces new preventative orders designed to stop those who have been found guilty of conducting an illegal unregistered independent school from again holding positions of responsibility over children's educational wellbeing. These orders can impose positive or negative obligations on the recipient, and a breach of these orders will be a criminal offence.

How will this work in practice?

HMCI may inspect settings suspected of being the site of one (or more) of the relevant offences in Chapter 1 of Part 4 of the 2008 Act. This measure broadens and strengthens HMCI's powers for this purpose and permits HMCI to enter and investigate premises where there is reasonable cause to believe that a relevant offence is being or has been committed or that evidence of the relevant offence may be found on the premises.

These powers should ensure that in all cases HMCI is able to determine whether one of the relevant offences which could put children at risk of harm is taking place.

Key questions and answers

Will these powers apply to all inspections of independent schools?

No. The legislation is clear that these powers are only available to investigate the commission of the relevant offences specified in the legislation. These powers will not be available to Ofsted when inspecting independent schools against the Independent School Standards or any other routine activity.

Some part-time provision is very unsafe. Why don't these powers allow inspections of these?

These powers are aimed at improving Ofsted's capacity to inspect settings suspected of being the site of a relevant criminal offence (or which contain evidence of the committal of a relevant offence).

These will, in the main, be full-time settings which are operating in breach of their regulatory obligations.

Separate powers already exist to allow the government and partners to intervene where unregulated part-time provision is unsafe.

How many unregistered independent schools are there and how many children attend unregistered schools?

Those conducting an unregistered independent school are committing a criminal offence and do not maintain a relationship with the department. Accordingly, the department does not retain data about the number of unregistered independent schools operating in England nor the number of children attending these settings.

Since 2016 Ofsted has identified 190 unregistered independent schools. The real number is likely higher but limitations in the existing inspection powers mean that these go undetected.

Independent education setting and safeguarding: Ofsted information sharing

Under section 106 (s.106) of the Education and Skills Act 2008 ("the 2008 Act") the Secretary of State may approve (or withdraw approval from) a body to carry out inspections of registered independent educational institutions (instead of by His Majesty's Chief Inspector of Education, Children's Services and Skills – HMCI – who heads Ofsted). Approved bodies are known as 'independent inspectorates'.

At present, the Independent Schools Inspectorate (ISI) – a body approved to inspect "association" independent schools – is the only independent inspectorate.

This measure facilitates joint working between ISI and Ofsted by clarifying that information held by HMCI can be passed to ISI (or another independent inspectorate if there were one) for the purposes of assisting inspections by the latter. This measure also varies the existing obligation placed on HMCI Ofsted to report at least annually on the performance of inspectorates approved under s.106, and a similar obligation already placed on Ofsted through the Children Act 1989. These obligations, found in s107 of the 2008 Act and s87BA of the Children Act 1989, are being replaced with a more flexible approach, allowing the Secretary of State to require such reports as and when she wishes and on all independent inspectorates or only one. This will allow more frequent and/or precise reports to be commissioned if necessary.

What does this measure do and why do we need it?

This measure makes two changes to the relationship between Ofsted and the independent inspectorates, currently only ISI. The need for these measures is informed by the government's experiences of how best Ofsted and ISI interact. Two distinct changes are proposed to that relationship, both with the aim of facilitating closer working between Ofsted and ISI.

First, the existing obligation on Ofsted to report at least annually on the other independent inspectorates is being replaced with a more flexible obligation which permits the Secretary of State to require such reports as she desires – either more or less frequently. Second, any ambiguity about whether Ofsted (as a public body) can share information directly with ISI is being removed. This will allow the freer flow of information between both inspectorates and facilitate closer and joint working for the purpose of keeping children safe.

Both measures aim at clarifying and strengthening the relationship between both inspectorates, to improve the performance of both.

What is the effect of the legislation?

This proposal, amongst other things, makes changes to s.107 of the 2008 Act (and a similar change to s.87BA of the Children's Act 1989), which change how HMCI is required to interact with the independent inspectorates and report on the performance of both the 'independent inspectorates' of private schools and inspectors appointed under s87 of the Children's Act 1989.

How will this work in practice?

It is already the case that Ofsted and the Independent Schools Inspectorate ("ISI") work closely to ensure the protection and wellbeing of children in independent schools. These changes facilitate the smoother working of that relationship.

The first practical impact will be to remove HMCI's existing obligation to report annually on the Independent Schools Inspectorate. Instead, HMCI will be required to report as and when commissioned by the Secretary of State.

The second practical impact will simplify how information held by Ofsted on an independent school, for instance, information on historic safeguarding risks, is passed to ISI to inform their inspection work. At present, the department must act as a conduit for such information meaning that information-sharing can be inefficient. This measure removes this unnecessary step in the process.

Key questions and answers

Why is a private organisation like the Independent Schools Inspectorate involved in inspecting schools?

The current system of inspection has its genesis in the Education Act 2002 ("Act 2002") which introduced regular inspections of independent schools against standards set out in regulations.

At that time the Independent Schools Inspectorate (ISI) had been successfully inspecting schools under an informal agreement for over four years. The 2002 Act recognised ISI's experience in this area and provided the statutory basis for it to continue to inspect certain independent schools.

ISI approval as an inspectorate is kept under review and ISI was most recently approved to inspect certain independent schools in 2023.

Are inspections by Ofsted and ISI the same?

Both inspectorates inspect against the Independent School Standards (ISS) which all independent schools are required to meet at all times.

Inspectorates are responsible for developing their own inspection frameworks. Ofsted and ISI operate different frameworks, with different quality judgements but we are content that each inspectorate provides schools with a vigorous inspection which prioritises students' wellbeing. ISI's framework must be approved by the Secretary of State as a condition of its approval.

No matter which inspectorate or framework is used for independent school inspection the consistent element is judging whether schools meet the standards laid out in regulations – the ISS. All independent schools must meet these standards at all times or face regulatory and enforcement action.

Academy trust inspection

These provisions introduce Ofsted inspection of academy trusts, and new discretionary intervention powers for the Secretary of State for Education to take action where inspection identifies that a trust is not performing to an acceptable standard.

The policy forms part of the wider reform set out in the Government's [Every child achieving and thriving White Paper](). Trust inspection will consider how trusts drive educational quality, and how they contribute to an inclusive, collaborative system, that supports all children to achieve and thrive.

The policy intention is to provide for routine inspection of trusts. This approach will improve standards. It will help all trusts to identify their strengths and areas for improvement. Where a trust would benefit from support from peers, they will be able to identify strong performers in the relevant area. It will also identify trusts that need urgent improvement and enable intervention.

The provisions also allow for inspection to take place outside of the regular inspection cycle, so that where specific concerns arise, they can be investigated quickly.

The provisions form the underpinning legislative framework, and the Department and Ofsted will continue to work closely with the sector to develop the detail and policies that will sit within it, to ensure the system works well and delivers the benefit that we expect. This will include engaging with the sector on work to overhaul the existing trust quality descriptors to create new Trust Standards that reflect the vision set out in the Every child achieving and thriving White Paper and which will shape Ofsted's inspection framework. Ofsted will be building its capacity to prepare for its new role, including recruiting from the trust sector. With regards to intervention, we will develop a supporting policy outlining how the Secretary of State will use the intervention power and plan to consult on the proposed policy principles prior to commencement of trust intervention.

What does this measure do and why do we need it?

These measures are required because the existing inspection regime focuses – and reports - on the quality of education provided in individual academies. However, academy trusts are legally and contractually responsible for the academies they operate. The responsibilities of trusts are set out across legislation, their funding agreements, the Academy Trust Handbook, and other published guidance. These responsibilities include ensuring the quality of education provided, identifying and acting effectively where there are areas that need improvement, managing and allocating resources for all the academies within the trust, ensuring the safe and effective management of the academies' estate, supporting and developing its workforce, and ensuring that the organisation is working well with local partners in the best interests of all children in the area. These are important areas and it is not right that, even where some decisions may be delegated to individual academies, the overall approach taken at trust-level by members, trustees and senior executives is not eligible for independent inspection. The government committed in its manifesto to closing this gap in accountability.

The existing intervention framework relies primarily on contractual provisions operating through individual funding agreements with each academy and is, therefore, focused on addressing failure in individual academies rather than systemic failure across a trust. These limitations can constrain the Department's ability to act swiftly and proportionately where there is evidence of widespread underperformance, as intervention action must typically be taken in relation to each academy individually once they each fall into scope. Once operational, the new intervention power will enable the Secretary of State to intervene where Ofsted considers that a trust, or those responsible for leading, managing and governing it, are not performing to an acceptable standard. This will allow the Secretary of State to take direct action where Ofsted identifies widespread underperformance across a trust.

In many ways, the provisions are broadly similar to the existing legislation for school and further education inspection.

The provisions require Ofsted to routinely inspect all trusts (unless they are exempt through regulations), and in doing so, to report on the quality and effectiveness of the trust's leadership, management and governance. The Secretary of State will be able to make regulations to specify classes of trust that are exempt from this routine inspection. Regulations will specify the intervals between routine inspections.

The provisions also require Ofsted to develop an inspection framework, having regard to any guidance published by the Secretary of State, and including any matters as specified by the Secretary of State in regulations. It is imperative that we get the details of our approach right, and Government's intention is to continue to work closely with the sector, as well as experts in regulation policy and theory on these matters, as we develop draft regulations.

The provisions enable inspectors to access any relevant trust offices and academies under the trust, or other premises where children are receiving all or part of their education by arrangements made under the trust. They also enable inspectors to interview relevant people, access copy or take away relevant documents or records, and access and inspect associated computers. The provisions create a criminal offence for intentionally obstructing an inspection (similar to the existing offence for obstructing a school-level inspection).

They set out requirements on Ofsted to notify certain persons of an inspection and for trusts to in turn notify parents of pupils of academy schools and alternative provision academies, any Members of the trust, and in some cases any relevant religious body of an academy. Ofsted must also, in inspecting, have regard to the views of certain persons (to be specified in regulations). We anticipate that this will include staff, parents, pupils/students, and local partners such as local authorities. Ofsted's report of a routine inspection must cover the quality and effectiveness of education; governance and executive leadership; promotion of wellbeing; securing improvement of academies; and management of resources. These areas reflect existing responsibilities for trusts (as set out in statute, the Academy Trust Handbook, Independent School Standards, and Funding Agreements) and do not create any new obligations on trusts that are not already part of their responsibilities. The provisions also contain a power for the

Secretary of State to make regulations to add other matters that Ofsted's reports must cover.

The provisions require that, once an inspection report is completed, Ofsted must send a copy to both the trust and the Secretary of State. Following this, trusts must notify parents of pupils of academy schools and alternative provision academies of the new inspection report within five working days, ensure the report is made publicly accessible (e.g., via their website), and provide a hard copy on request.

Separately, the provisions enable Ofsted to inspect trusts outside of the general duty described above, so that – for example - it can provide monitoring inspections (to follow up, when routine inspection has identified an issue that needs to be addressed quickly), urgent inspections (where, for example, there is evidence that there may be problems with the governance of a trust), and thematic inspections (to report, for example, on how effectively the trust sector is performing overall, in a particular area). These inspections can also take place for trusts that are exempt from routine inspections (through the regulations explained above). The provisions specify that as well as being instigated by Ofsted, this kind of inspection can be requested by the Secretary of State, and trusts can request this kind of inspection (in which case, Ofsted has the ability to charge for it). Provisions allow Ofsted to treat an inspection that takes place under these powers, as a routine kind of inspection, in which case, the reporting requirements that are set out above will then apply.

All of the provisions proscribe the inspection by Ofsted of denominational education and collective worship relating to academies within a trust designated with a religious character. This is in line with arrangements for school inspections.

In relation to a routine inspection, the provisions include a requirement for Ofsted to reach a view on whether trusts and those responsible for leading, managing and governing trusts, are leading, managing and governing the trust and their academies to an acceptable standard. In such circumstances, the provisions require Ofsted to send a copy of the draft report to the trust and provide the opportunity for the trust to respond before the report is finalised. If the standard is not reached, Ofsted must also reach a view on whether they have the capacity to secure the necessary improvement. This approach is similar to that taken to Ofsted's school-level inspections and will support proportionate intervention taking account of the standard and capacity of trust.

The intervention measure creates a new statutory power which will allow the Secretary of State, subject to issuing a termination warning notice, to terminate a trust's funding agreements where an Ofsted inspection judges that the trust is not performing to an acceptable standard. The new power will be applied retrospectively to existing funding agreements and to any future funding agreements.

This new power will complement existing academy-level intervention mechanisms and enables a more strategic, trust-wide approach to driving improvement, something which has previously been limited. It will allow for timely and swift action in response to systemic underperformance which relates to the performance of a trust where it is impacting on one or more of its academies and bring about improvements to benefit pupils. Before exercising their power to terminate funding agreements, the Secretary of State will be required to issue a termination warning notice that will either give the trust an opportunity to make representations prior to termination or, where appropriate, require the trust to take specified actions by a specified date. In choosing which option is appropriate, the Secretary of State is likely to take a range of factors into account including Ofsted's assessment of the capacity of the trust to make the necessary improvements and the wider context of the alternative options available for the academies concerned.

What is the effect of the legislation?

Introducing trust inspection, alongside new powers for the Secretary of State to intervene where necessary will raise standards in education across the sector. It will make the system fairer, more transparent, and focused on improving quality.

Routine inspection will benefit trusts that are performing at every level. The strongest will have independent recognition of their best practice, and their work to take on and improve struggling schools. It will also help to signpost weaker trusts to them, so they can spread their impact.

All trusts will benefit from an independent assessment of their strengths and weaknesses, helping them to focus their improvement efforts in the right areas.

Where inspection identifies trusts that are not performing to an acceptable standard, the provisions provide powers for the Secretary of State to quickly intervene at trust level to secure necessary improvements. This strengthens accountability, and ensures appropriate alignment, enabling inspection and intervention to take place at the level where responsibility and decision making is situated. At the same time, inspection will provide parents, students and the public with greater transparency about trust performance, to help them understand the impact the trust has on individual academies and outcomes.

Inspection will also recognise trusts that take a wider system role in improving provision for children in their communities as the best trusts will collaborate meaningfully with local partners to improve outcomes for children across their community. This includes trusts which are taking a lead role in school improvement initiatives like Regional Improvement for Standards and Excellence (RISE), and on issues such as special education needs and disability (SEND). Inspection will consider how effectively trusts are working with local partners to support positive outcomes for all children in their area. This will promote an inclusive educational system, including by understanding how trusts effectively collaborate with local partners to support children in their area. The combined effect of this will be to strengthen the system as a whole so that every child has the opportunity to achieve and thrive. Trust inspection and intervention will therefore contribute to delivering the vision set out in the White Paper.

How will this work in practice?

The legislation provides the overall architecture, and we will work with the sector on the detail of the approach, which will be set out in regulations and policy. Our aim is to ensure that the system brings maximum benefit to pupils and students, as well as the workforce, and the education sector more widely. Through the Department's initial engagement with the sector, we have established some principles which are guiding the policy work:

- Inspection should not principally be about compliance, particularly where this is managed elsewhere through the accountability framework but about qualitative assessment of how well a trust is delivering on requirements and expectations that are set by the Department.
- In delivering trust inspection, Government should ensure that there is consistency between the Department and Ofsted's respective expectations of trusts.
- Our approach should recognise that as well as being responsible for high standards and inclusion across their academies, trusts have an important wider role to play in their community, ensuring that the system supports all children to achieve their potential e.g. by collaborating locally with partners and through support and development of the workforce.
- Inspection should include consideration of how well trusts understand their own strengths and areas for improvement, the robustness of decision-making and effectiveness of improvement activity.
- Our approach should not act as a disincentive for strong trusts to take struggling/poorly performing schools into their trust, where this is desirable and appropriate. There must be an inbuilt understanding that improvement takes time, and a focus on improvement trajectory, not just absolute outcomes.
- The approach should be designed in a way that minimises the risk of homogenising trusts, or stifling innovation. It should focus on a trust's efficacy, without specifying particular approaches. The approach to inspection must be effective across the diverse sector, recognising that trust boards are able to delegate responsibilities to local structures, but remain accountable for those activities.
- The approach should be sufficiently flexible to allow for expectations that are appropriate for different sizes and maturity of trusts.
- In recognition that this is an entirely new inspection activity, the approach should be carefully tested and piloted, by inspectors with the right expertise, which will involve Ofsted recruiting from the trust sector.
- We are mindful that inspection of trusts will create some additional burden, and as trust inspection becomes embedded, our intention is to consider how the burden can be reduced in academy-level inspections.

We will continue to refine our approach through our programme of engagement.

Additional information on delegated powers

There are a number of regulation-making powers within this clause. This is broadly consistent with the spread of primary and secondary legislation that exists for the school and further education inspection systems. Examples are the frequency of routine inspections, and any exemptions from routine inspection. Where we have included additional delegated powers, it is justified because the academy sector and the new inspections regime are continuing to evolve, and we need an inspection system which is able to adapt as the sector and inspection regime mature. Examples include specifying persons to whom Ofsted must have regard in conducting a routine inspection and areas that must be included in Ofsted's inspection framework. Regulatory powers in relation to exemptions, the matters that Ofsted must include in inspection reports and matters that Ofsted must include in its inspection framework will be subject to the affirmative resolution procedure providing further scrutiny.

Key questions and answers

When will trust inspection start?

Subject to the timing of Parliamentary approval, we expect the first inspections to begin not before the 2027-28 academic year. It is important that we take the necessary time to get this right, and we intend to work closely with the sector on the detailed arrangements, including when drafting the regulations.

Ofsted will also be working with the sector to develop, trial, and pilot its approach. This includes engaging with the sector and consulting on its draft inspection framework. Taking this considered approach will ensure the inspection system brings maximum benefit for all children and young people.

Why are you planning to inspect all trusts, rather than taking a more limited approach?

We expect all trusts will have things that they do well, and areas where they could improve. Inspecting all trusts provides the greatest opportunity to raise standards, because it enables more sharing of best trust-level practice, as well incentivising and supporting improvement efforts across the sector. As we have set out in our principles guiding our policy development, we are mindful that inspection of trusts could create some additional burden, and as trust inspection becomes embedded, our intention is to consider how the burden can be reduced in academy-level inspections.

Teacher misconduct

This clause makes three discrete changes to the scope (‘jurisdiction’) of the Teaching Regulation Agency (“TRA”). The clause:

- Broadens the teacher misconduct regime’s scope so that regulatory action can be taken, if necessary, against those who have “at any time” been ‘employed or engaged’ in teaching work in a relevant setting.
- Allows the Teaching Regulation Agency (TRA) to investigate and prohibit teachers employed or engaged in teaching work in a wider range of settings, in particular: FE colleges (and those designated as being within the FE sector under the Further Education Act 1992); Special Post 16 Institutions (SPI’s) and Independent Training Providers (ITPs); online education providers and, Independent Educational Institutions (IEIs) that are not schools.
- Allows the Secretary of State (“SoS”) to consider referrals howsoever they appear. In practice that means department officials can refer to the TRA if relevant information is brought to their attention or is discovered in the normal course of their duties. (At the moment referrals need to be from an external party).

What does this measure do and why do we need it?

The first change permits the teacher misconduct regime to act against those individuals who have committed serious misconduct even when they were not employed or engaged in teaching work (examples here include a teacher on a career break, supply teachers or those who teach infrequently). The legislation makes clear that the Secretary of State is able to consider *referrals* regarding those who have previously taught and/or those who commit serious misconduct whilst not in teaching. However, this does not change how referrals are considered or investigated. The SOS will only *act on* referrals and, for instance, consider prohibition when it is proportionate and in the public interest to do so.

The second change will permit the TRA to prohibit from teaching work individuals who have committed serious misconduct and who are employed, or have been employed, in a wider range of educational settings – specifically Further Education settings, SPIs, ITPs, online education providers and Independent Education Institutions (IEIs) that are not schools. It is important that the teacher misconduct regime keeps in step with current policy and practice in the different ways that young people are now being educated. Bringing more settings within scope of the regime would enable the SoS to consider misconduct across the broad range of education settings where young people access their education. It will also ensure that these settings do not employ prohibited teachers. In-scope settings should by statute consider making a referral to the TRA in cases where an individual has been dismissed for serious misconduct and should not employ prohibited individuals to engage in teaching work.

Finally, there are instances where in the normal course of their duties, a Department for Education ("DfE") official may undertake work which uncovers serious misconduct, for example officials may uncover possible fraud during an academy audit, or the Standards and Testing Agency may uncover potential serious exam malpractice during an investigation. At present, referrals in cases such as these must be made by a third-party. This can lead to a delay in a referral being made or doubt about whether a referral has even been made. The measure addresses this by permitting the SoS to consider cases however they may appear which, in practice, will mean that DfE officials can make referrals themselves if necessary, ensuring that the TRA can more readily act if necessary.

What is the effect of the legislation?

Existing law governing the teacher misconduct regime limits the ability of the SoS to investigate cases of serious misconduct and does not allow cases to be investigated where the misconduct occurred whilst the individual was not teaching (even where there is likelihood that the individual may return to teaching). It allows misconduct to be investigated in relation to misconduct committed by individuals undertaking teaching work at some settings that educate pupils and students under the age of 19, but not all such settings, and does not permit serious misconduct to be investigated where it is uncovered by the department officials in the course of their normal duties.

The proposed changes will broaden the scope of the regime and will ensure that serious misconduct can be considered by the SoS regardless of when the misconduct occurred or whether the individual was teaching when the misconduct was committed.

The changes will also ensure that regardless of where a pupil or student under the age of 19 receives their education, they are protected and safeguarded by the teacher misconduct regime.

The changes will also mean that serious misconduct identified by the department officials can be referred to and investigated by the SoS.

How will this work in practice?

The process for the teacher misconduct regime will continue to operate in the same way as it currently operates, with the same transparent, published, underpinning guidance used by the Teaching Regulation Agency and the independent panels it convenes to consider cases of serious misconduct. This measure concerns the *jurisdiction* of the TRA, and which referrals can be made and acted upon. It *does not change* how the TRA considers such referrals; the TRA will continue to act in the public interest when deciding whether to take a referral forward and, if needs be, take regulatory action against those employed or engaged in teaching work.

Headteachers, governors, and those responsible for the running of the setting are responsible for appointing teachers and ensuring that they are aware of the standards of behaviour expected of them. They are also responsible for managing teachers in relation to their competence and conduct and for taking action to address underperformance and misconduct in their settings – which includes considering making referrals to the SoS to consider serious misconduct where appropriate.

The government will communicate with the settings that will be brought within the teacher misconduct regime, to ensure that they are aware of the regime and understand the duties it places on them (to not employ a prohibited teacher and to consider making a referral to the TRA where they dismiss a teacher for serious misconduct, or would have done had the teacher not resigned), and so that they are able in turn to communicate this to their teachers.

Additional information on delegated powers

We are adding "an online education provider" into the list, in the Education Act 2002, of education settings which are subject to the teacher misconduct provisions that are also set out in that Act.

We are also inserting a definition of "an online education provider" and giving the Secretary of State the delegated power to amend this definition in the future by regulation, rather than by primary legislation.

Online education provision has grown over the last few years and is continually evolving. The way in which this type of education is offered by providers and accessed by children and young people varies significantly.

In order to identify the types of provision that will be in scope of the teacher misconduct regime, the definition of 'online education provider' has been closely aligned with the criteria for the Online Education Accreditation Scheme, which was launched in January 2023. This means that the online education providers that will become subject to the teacher misconduct regime will be limited only to those that:

- Are registered with either Companies House or the Charity Commission in England.
- Provide education to at least one student of compulsory school age but under the age of 19 (or over 19 if they have an EHC plan) and live in England.
- Provide all or the majority of the education for these students.
- Are set up to deliver all or the majority of the education they provide online.

Whilst this may be a relevant definition to describe online education providers at the present time, the pace of change means that what online provision may look like in the future is unknown, and the definition of online education providers may quickly become outdated and need revision because it is no longer fit for purpose.

Therefore, the power to amend the definition by regulation enables the SoS to update the definition if and when necessary. There is no further planned consultation on the delegated power described above.

Key questions and answers

How can you justify that “at any time” measure?

Current legislation permits the TRA only to act where someone is currently engaged or employed in teaching work or was so employed or engaged at the time the referral was made. This means that the TRA cannot investigate or hold to account those engaged in teaching work but who may be a risk to children’s wellbeing simply because the misconduct they committed took place at a time when they happened to not be employed or engaged in teaching work – perhaps because they were between roles or resigned their position as soon as the misconduct came to light. This cannot be right.

This measure extends the TRA’s remit to allow it to act where appropriate against more individuals. However, the TRA will only investigate referrals where it is proportionate and in the public interest to do so.

How can you justify taking the power to make amendments to the definition by regulation?

We believe that the definition of an online education provider that we are proposing is the right definition to bring online education providers within the teacher misconduct regime at the present time. However, as this sector of education is evolving quickly, we need to ensure that the SoS is able to adapt or amend this definition, if necessary, in the future, more swiftly than could be done through primary legislation. This in turn will ensure that the children and young people who receive their education from an online education provider continue to be given the same level of protection and safeguarding as those who study at other types of education providers.

How will you make sure that any changes to the definition are appropriate and are catching the right online education providers?

We will monitor how the Online Education Accreditation Scheme operates and evolves and consider any changes in the sector which might need to be reflected in the definition of an online education provider. We will also work closely with the sector to help identify any changes that might be necessary to ensure that the definition remains appropriate.

How can you justify taking the power to make amendments to the definition by regulation?

We believe that the definition of an online education provider that we are proposing is the right definition to bring online education providers within the teacher misconduct regime at the present time. However, as this sector of education is evolving quickly, we need to ensure that the SoS is able to adapt or amend this definition, if necessary, in the future, more swiftly than could be done through primary legislation. This in turn will ensure that the children and young people who receive their education from an online education provider continue to be given the same level of protection and safeguarding as those who study at other types of education providers.

How will you make sure that any changes to the definition are appropriate and are catching the right online education providers?

We will monitor how the Online Education Accreditation Scheme operates and evolves and consider any changes in the sector which might need to be reflected in the definition of an online education provider. We will also work closely with the sector to help identify any changes that might be necessary to ensure that the definition remains appropriate.

School teachers' qualifications and induction

This measure reaffirms the professional status of teaching and emphasise the importance of high-quality teaching in outcomes for children, by ensuring that new teachers entering the classroom have, or are working towards, Qualified Teacher Status (QTS). The measure also extends the requirement of statutory induction to newly qualified teachers in academies for them to work as a teacher there.

What does this measure do and why do we need it?

To ensure that children have access to well-trained, qualified teachers, the government has amended section 133 of the Education Act 2002 to extend to academies the requirement to employ teachers with QTS for 'specified work'. The approach being taken allows the Secretary of State to specify in regulations the types of academies to which section 133 should apply. The specified primary and secondary academy settings will be subject to the same legal requirement to employ teachers with QTS as currently applies to primary and secondary local authority-maintained schools and special schools not so maintained. The requirement for teachers in academies to have QTS will only apply to teachers employed after the implementation date.

Alongside this, legislation similarly extends the statutory induction requirement for Early Career Teachers (ECTs) working in specified primary and secondary academy settings. This ensures ECTs have the best possible support and training to support their professional development as they enter the profession. The statutory induction requirement does not apply retrospectively to any teachers already in the system who gained QTS prior to the date when the requirement for ECTs working in specified academies to have satisfactorily completed an induction comes into effect.

Extending these requirements to include academies ensures that children benefit from well-trained and professionally qualified teachers; and new teachers in state schools in England are prepared for a successful teaching career through high-quality, regulated initial teacher training followed by early career statutory induction which supports their development.

What is the effect of the legislation?

Amending section 133 of the Education Act 2002 extends to academies the requirement for teachers to be qualified. The definition of 'schools' has been expanded to include 'academies of a description specified by the Secretary of State in regulations under this section'. This establishes a regulation-making power whereby the Secretary of State will be able to specify in regulations which academies will be subject to the requirements of section 133.

Amending section 135A of the Education Act 2002 extends the requirement of satisfactorily completing induction to teachers in academies for them to work there as a teacher. The definition of ‘relevant school’ in section 135A(4) has been expanded to include ‘academies of a description specified by the Secretary of State in regulations under this section’. Amending section 135A extends the existing delegated power in section 135A and also establishes a regulation-making power whereby the Secretary of State is to specify in regulations which academies will be subject to the requirements of s135A.

How will this work in practice?

Following passage of the Children’s Wellbeing and Schools Act, we will give schools reasonable timescales to prepare for any necessary changes to their approach to teacher recruitment and induction. Guidance will be made available to schools ahead of implementation, to encourage them to start to consider how they will ensure that the teachers who they recruit have QTS or are working towards it.

Primary and secondary local authority-maintained schools, and special schools not so maintained, in England are already legally required to employ teachers with QTS, subject to exemptions laid out in the Education (Specified Work) (England) Regulations 2012. Following implementation, these regulations will also apply to the specified academy.

Employing schools must check a teacher’s record as part of safeguarding checks prior to employment. Records can be checked for anyone with a teacher reference number (TRN) using the GOV.UK ‘Check a teacher’s record’ service. This record indicates whether a teacher has QTS and has satisfactorily completed statutory induction.

Clause 58 of this Act (Academies: power to secure performance of proprietor’s duties), will empower the Secretary of State to issue a direction to an academy trust when they are in breach of a duty contained in their funding agreements. Where funding agreements require academy trusts to comply with legislation applicable to academies, this power may be used to secure academy trust compliance with the QTS requirements.

Additional information on delegated powers

Qualified Teacher Status (QTS): Section 133(1) of the Education Act 2002 enables the Secretary of State to make regulations which may provide that ‘specified work’ may not be carried out by a person in a school unless they are a qualified teacher or satisfy specified requirements. Section 133(6) of the 2002 Act sets out that these regulations apply to schools maintained by a local authority and special schools not so maintained in England.

We have amended section 133(6) to confer on the Secretary of State the power to set out in regulations the type of academy settings the QTS requirement will apply to.

This extends the existing delegated power in section 133(1) to allow for regulations to be made in respect of specified primary and secondary academies. This will bring academies in line with maintained schools and will standardise the approach across state-funded schools in relation to the requirement that new teachers, other than those employed under the exemptions laid out in the Education (Specified Work) (England) Regulations 2012, either have, or are working towards, QTS.

Statutory Induction: Regulations may be made under section 135A of the Education Act 2002 to make provision for the conditions of statutory induction, including which teachers are in scope, how induction is conducted and who is responsible.

The effect of this clause is to extend the existing delegated power in section 135A so that the same power will allow for regulations to be made in respect of specified primary and secondary academies.

We are amending section 135A(4) to confer on the Secretary of State the power to set out in regulations the type of academy settings the induction requirement will apply to.

Regulations will set out that the new requirement on teachers working in academies to satisfactorily complete induction only applies to new teachers who gain QTS after the requirement comes into force.

Any teacher who gains QTS prior to the date this requirement comes into force will be exempt from the new statutory induction requirement. Regulations will also be updated to extend provisions restricting the offer of induction in maintained schools in special measures to also similarly apply to academies.

Key questions and answers

Most teachers in English state schools have QTS, so why is the government focused on this, rather than addressing the shortage of teachers in our schools?

We know that high quality teaching is the most important in school determinant of pupil outcomes, which is why we are ensuring that new teachers have QTS, or are subject to one of the exemptions to the requirement for QTS, which include an exemption for teachers working towards QTS.

We remain focused on the recruitment and retention of teachers. We are committed to recruiting 6,500 additional teachers across mainstream and specialist schools and our colleges over the course of this Parliament. We are committed to keeping great teachers in our schools - one of the first actions of the government was to ensure teachers received a 5.5% pay rise from September 2024.

Why will experienced teachers be required to undertake a statutory induction period especially if they have recently gained QTS and demonstrated that they have met the Teachers' Standards?

Regulations will specify that the new requirement to undertake induction will only be required of new teachers in academies, who gain QTS after the law comes into effect. If a teacher gained QTS prior to the law coming into effect, they will not be affected.

Induction bridges initial teacher training and a career in teaching, ensuring teachers meet standards and are fully supported to be well-trained in their profession. Induction, alongside QTS, is an equally essential requirement of the statutory teacher development framework, designed to ensure teachers meet standards and are fully supported to be well-trained in their profession, regardless of the setting they are working in.

To ensure induction is proportionate, appropriate bodies may reduce the length of the induction period to a minimum of one term (based on an academic year of three terms) if they are satisfied that the teacher has met the Teachers' Standards.

Academy schools: National Curriculum

This measure introduces a requirement for academies to teach the National Curriculum in the same way as maintained schools. It will be commenced following implementation of the Curriculum and Assessment Review's recommendations and the introduction of a revised National Curriculum in September 2028.

What does this measure do and why do we need it?

Maintained schools are legally required to follow the National Curriculum, which sets out the subjects and programmes of study (what pupils must be taught at each key stage of the National Curriculum) which schools are required to cover. Currently, academies do not have to teach the National Curriculum, unlike maintained schools, although they are required to meet the curriculum requirements of section 78 of the Education Act 2002 – offering a "balanced and broadly based curriculum".

The current discrepancy between maintained schools and academies leaves potential for inconsistencies in education standards, opportunities and outcomes for pupils from different types of schools. The government has therefore committed to requiring academies to teach the reformed National Curriculum being developed following the Curriculum and Assessment Review. This measure brings academies into the scope of existing National Curriculum legislation, matching the curriculum requirements for maintained schools.

What is the effect of the legislation?

Following the Curriculum and Assessment Review recommendations and the implementation of reforms, this measure will require academies to teach the revised National Curriculum, in the same way as maintained schools.

Every child should be taught a consistent core curriculum with an excellent foundation in reading, writing and maths, and support to develop essential digital, speaking, and creative skills. This measure will create a common entitlement for all children in academies and maintained schools, giving assurance to parents of the minimum curriculum their child will be taught, regardless of the school they attend.

How will this work in practice?

The measure will be commenced after the Curriculum and Assessment Review recommendations have been reflected in the subject Programmes of Study, when they are brought into effect for maintained schools, in September 2028.

We recognise the importance of giving schools – of all types – and teachers sufficient time to plan, so we will publish the revised National Curriculum in Spring 2027, giving schools four terms to prepare for first teaching.

Additional information on delegated powers

The Education Act 2002 provides a framework for National Curriculum requirements. This measure applies those requirements, which already apply to maintained schools, to academies. It extends existing delegated powers and does not take new ones.

Using delegated powers in this way ensures that the curriculum itself can change at pace in response to changing educational, social, technological and economic needs.

Key questions and answers

Will academies have to teach the current National Curriculum now?

No. The government will only commence the measure 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. We will develop the revised National Curriculum with experts and in consultation with the sector before publishing the final revised National Curriculum in Spring 2027, for first teaching from September 2028.

Will making academies teach the National Curriculum stifle their innovation and freedom?

No. Following the recommendations of the Curriculum and Assessment Review, we will make sure we have a National Curriculum that empowers, not restricts, all schools, including academies. The revised curriculum will ensure that teachers have the flexibility to innovate and adapt to the needs of their pupils.

Academy schools: education provision for improving behaviour

A measure to extend, to academies, legislation that allows maintained schools to temporarily direct pupils to another location (usually another education setting) in order to improve their behaviour (known as off-site direction). The intention is to place academy schools on the same statutory footing as maintained schools to ensure consistency of practice.

What does this measure do and why do we need it?

The statutory power of off-site direction, under s.29A of the Education Act 2002, did not previously apply to academy schools, who could instead arrange off-site provision for similar purposes under their general powers. The previously legislation currently only applies to maintained schools, and this measure will place academy schools on the same statutory footing as maintained schools.

This legislation allows academy schools to direct pupils off-site to improve their behaviour, as it currently exists for maintained schools. The legislation is not intended to change practice, but to help regularise the legal framework between academies and maintained schools' powers. This is to ensure that all state-funded mainstream and special schools are subject to the same statutory requirements in using off-site direction, including processes to protect pupils and review off-site direction placements.

What is the effect of the legislation?

By placing academies and maintained schools on the same statutory footing, this legislation reinforces 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 consistently safeguard pupils and promote educational outcomes, ensuring similar scrutiny and transparency and guarding against misconduct or malpractice.

How will this work in practice?

Academy schools can already arrange off-site provision under their general powers. This legislation regularises the legal framework between both academy and maintained schools, ensuring that academies have the same explicit power as maintained schools to direct pupils off-site. In using this power, academies must adhere to the same statutory safeguards as maintained schools such as:

- The requirement for academy schools to notify local authorities (where the pupil has an Education, Health and Care (EHC) plan).
- Establishing the objectives of the placement.
- The requirement for parents to be fully informed.
- For off-site direction placements to be kept under review.

Additional information on delegated powers

This legislative measure has delegated powers with this clause giving the Secretary of State the power to make regulations extending the power of off-site direction, and the associated regulations, to cover academy trusts as well as maintained schools. The intention is for the Education (Educational Provision for Improving Behaviour) Regulations 2010 to be amended to apply their existing provision to academy schools in the same way as they currently apply to maintained schools, without any other substantive change in policy or effect. The subject-matter to be covered by the regulations in relation to academy trusts will be the same as for maintained schools including ensuring that academies follow the same statutory safeguards as maintained schools.

Key questions and answers

Why does the use of off-site direction not require parental consent?

Off-site direction does not require parental consent as it is a temporary measure to improve behaviour enabling schools to swiftly commission a placement into another appropriate mainstream school or alternative provision to support a pupil's behaviour and reduce the likelihood of a school exclusion.

The statutory guidance on *Suspension and Permanent Exclusion* (2024)[24] and *Alternative Provision* (2025)[25] guidance makes clear that parents should be informed about the placement: why, when, where, and how it will be reviewed, ensuring it is a collaborative process leading to maximum support for the pupil during this process.

Why do academies need this power now? And why did they not have it before?

Academy schools can already arrange off-site provision under their general powers. This measure places academy schools on the same statutory footing as maintained schools, thereby regularising the legal framework between both institutions and ensuring greater scrutiny and transparency against misconduct or malpractice.

[24] Suspension and permanent exclusion guidance
[25] Arranging Alternative Provision - guide for LAs and schools

By creating a baseline between academies and maintained schools, this amendment will reinforce that all schools are subject to the same regulatory requirements and safeguards when directing pupils off-site to improve their behaviour.

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

This section creates a power to direct academy trusts that are not complying with their legal duties. This will support the proportionate enforcement of other key measures introduced in this Act, such as those relating to the curriculum and admissions.

What does this measure do and why do we need it?

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

Failure of an academy trust to comply with its legal duties constitutes a breach of its funding agreement. As a result, the department has the power to issue a Termination Warning Notice. If the trust fails to meet the conditions specified in the Termination Warning Notice, a Termination Notice may be issued. In some circumstances, where a trust is in breach of a legal requirement set out in the Academy Trust Handbook, the Secretary of State may issue a Notice to Improve (NtI) requiring the trust to remedy the breach. In the event that the trust did not comply with the NtI, the Secretary of State could then issue a Termination Warning Notice and then a Termination Notice if the trust failed to meet the Termination Warning Notice conditions. In practice, issuing a Termination Notice would lead to the removal of the relevant academy or academies from their existing academy trust and transferring them to another trust and could ultimately lead to the closure of the trust.

Previously, the Secretary of State had no other alternative intervention mechanism to ensure that academy 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 Termination Warning Notice, which could lead to a Termination Notice to secure compliance. However, academy trusts have a wide range of legal duties and commencing the process leading to the eventual termination to secure compliance is not always an appropriate, effective or a proportionate course of action.

This section provides an additional intervention power which will allow for a more proportionate response to a breach of contract. This aligns with that which already exists in relation to maintained schools.

A direction issued by the Secretary of State under this power may be enforced by a Court Order, as is the case with directions under the comparable maintained school powers.

What is the effect of the legislation?

The purpose of this provision was to create a new legal route that allows the Secretary of State to issue a direction to academy trusts that have breached their legal duties. It provides a straightforward and proportionate remedy where there is an isolated, specific breach.

This provision applies to all relevant duties of the academy trust in the trust's funding agreements.

This new power enables the Secretary of State to issue directions in cases of non-compliance as an alternative to issuing a Termination Warning Notice.

How will this work in practice?

Where the department considers that a trust is in breach of a relevant duty, officials will write to the trust explaining that the Secretary of State is minded to issue a direction and asking the trust to make representations. In the event that the department is not satisfied with the trust's response, the Secretary of State may issue a direction, instructing the trust what it must do in order to ensure compliance. The following are examples of the circumstances in which a direction might be issued:

- If the academy trust's school uniform policy does not conform to the new school uniform requirements for a limit on branded school uniform items being introduced under this Act, the Secretary of State may issue a direction requiring the academy trust to update and implement its policies in line with the legal obligations.
- The academy trust has failed to deal with a parental complaint and has not followed its complaints process. Therefore, the issue may be escalated to the department to consider. In such cases the Secretary of State could issue a compliance direction to ensure the trust addresses the complaint appropriately.

In these examples, if the issues are resolved, no further intervention action will take place. If not resolved, or if there is non-compliance with the requirements in the direction, the department will consider taking further intervention action, which could result in formal legal action to enforce compliance.

A challenge to the Secretary of State's decision to issue a direction can be made through judicial review. This provides judicial recourse if a trust considers that a direction has been issued unlawfully.

Additional information on delegated powers

The direction-making power is a delegated power as it is a power to make an administrative direction, but it is not legislative in nature, in that it is not a power to make rules that effect a class of persons. It is an administrative power that will apply in specific cases.

Key questions and answers

Why is this new direction power needed for the Secretary of State?

These new compliance powers are needed to provide a proportionate way of ensuring that academy trusts meet their legal duties. The new power enables the Secretary of State to intervene when trusts fail to comply with the requirements of their funding agreements, particularly where a Termination Warning Notice would not be appropriate or proportionate. By allowing timely and appropriate intervention in cases of non-compliance, this section helps address issues without resorting to measures like issuing a Termination Warning Notice. This helps maintain high standards across all academies and ensures that academy trusts are held accountable for their responsibilities, ultimately protecting the interests of students and parents and carers.

Why do you need this power to issue a direction when you have the power to issue Notices to Improve prior to issuing a Termination Warning Notice?

The Department may issue a Notice to Improve (NtI) where there are concerns about financial management or governance within an academy trust. Non-compliance with a NtI may result in the trust receiving a Termination Warning Notice. While this remains an important tool, it may not always be the most proportionate response for isolated issues. In such cases, escalation towards termination, which involves removing an academy from its trust can be unnecessarily disruptive.

This new section offers a more constructive and proportionate alternative, enabling the Department to ensure trusts take appropriate and effective action to address concerns, while maintaining continuity and stability for pupils and staff.

Will the Secretary of State be able to direct a Trust on educational matters under this new power?

The new direction-making power is designed to address breaches of legal duties imposed by academy funding agreements. It is not intended to create a general power for the Secretary of State to intervene in educational matters beyond those contractual obligations.

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

This section converts the Secretary of State's duty to issue an academy order to a school maintained by a local authority identified by Ofsted as being in a statutory category causing concern, into a discretionary power.

What does this section do and why do we need it?

This section converts the duty to issue academy orders to maintained schools in a category of concern into a discretionary power. There is a strong track record of strong multi academy trusts ("MATs") turning around failing schools. However, since the first academies were introduced, the government have also seen evidence that not all schools' outcomes improve following academisation.

This measure is a key part of our reforms to create a more responsive, supportive and effective school improvement system, ensuring that every school receives the intervention that will deliver the best outcomes for its pupils.

Previously the Secretary of State was under a legal duty to issue an academy order to all maintained schools that are judged by Ofsted to be in a category causing concern (schools requiring special measures or requiring significant improvement) so that they could be converted into sponsored academies.

This meant that converting into sponsored academies was the only intervention route for these schools. By repealing this duty, we are enabling a shift to a model where decisions are based on what is most likely to secure rapid, sustainable improvement in the case of each school and for those pupils.

As set out in the government's response to School accountability reform – school profiles, improvement and intervention, by definition, a school found to require special measures is one where Ofsted has found that the school is failing to provide an acceptable standard of education and that the current leaders and governors do not have the leadership capacity to improve a school. For that reason, the government intends to implement the proposal that structural intervention will be the default approach for schools in this category.

However, where a school is considered to require significant improvement, but leadership retains the capacity to improve, from September 2026, Regional Improvement for Standards and Excellence (RISE) teams in schools will be deployed to work with responsible bodies to drive forward school improvement with the option of structural intervention after 18 months as a backstop if sufficient improvements have not been made. Meanwhile, the worst performing schools will generally continue to receive academy orders.

RISE teams will act as a core improvement offer within the system that will provide targeted, expert support to schools, drawing on experienced leaders and practitioners to strengthen leadership, build capability, and embed evidence-based practice. This supports a system where improvement is driven through collaboration, capacity-building and the spread of effective practice.

This approach enables earlier, more proportionate intervention, allowing schools to improve through targeted support where they have the capacity to do so, while also building sustained improvement capability across the system.

This flexibility means that where schools, particularly those requiring significant improvement, have the capacity and foundations to improve, we can prioritise targeted intervention and support rather than defaulting immediately to structural change.

At the same time, for the most underperforming schools, particularly those requiring special measures and lacking the capacity to improve, academisation will remain a vital and decisive intervention, ensuring more radical transformation where it is needed most.

Overall, this reform enables a system that is more proportionate and effective, combining high expectations with the right support, and ensuring that every school is on the strongest possible path to improvement.

What is the effect of the legislation?

This government has committed to removing barriers to opportunity and raising school standards to ensure the school system is fair for every child, no matter their background. The introduction of the discretionary power will enable a more nuanced and targeted approach to intervention and school improvement, thereby advancing opportunities for all pupils.

Ofsted's Single Headline Grades have now been abolished; however, Ofsted still has a duty to report where schools are in a category causing concern.

How will this work in practice?

We expect the number of schools in scope to be low, as less than 2% of schools are currently in a category causing concern. Where Ofsted identifies that a school is causing concern the department, on behalf of the Secretary of State, will take action to either support the leadership to improve the school or change who governs the school, whichever is more appropriate in the context to drive high standards. This approach ensures that targeted support is provided to address specific challenges, fostering an environment where students can thrive. By focusing on tailored interventions, we will enhance educational outcomes and create a positive and effective learning environment.

This change allows the government to take an active choice about whether the school needs a change in leadership or support.

Additional information on delegated powers

The power to make an academy order is a new delegated power as it is a power to make an administrative order. The power is not a legislative one, in that it is not a power to make rules effecting a class of persons. It is an administrative power that applies in a particular case.

The government believes the Secretary of State is best placed to take these administrative decisions, as she has been doing under the existing academy order powers.

Key questions and answers

Does this mean that schools will no longer be directed by the Department for Education to become an academy?

No. It is important that the Secretary of State is able to act quickly and decisively when maintained schools are underperforming. By definition, the leadership of a school found to require special measures does not have the capacity to improve a school, therefore structural intervention will be the default approach for schools in this category.

How does this new section benefit-maintained schools?

The new section will benefit maintained schools by helping to ensure that they receive the support that they need to improve, taking account of their individual circumstances. In some cases, this will mean that they transfer to new management, by joining a high-quality multi academy trust. In others, where they have the capacity to improve under their current leadership, they will receive targeted support from RISE teams.

Academy schools: pay and conditions of academy teachers

The government's objective is to create a floor with no ceiling by providing a core pay offer for teachers in state schools and enabling innovation to help all schools to attract the top teaching talent they need.

The measure allows the Secretary of State to require academy schools and alternative provision academies to pay teachers at least a minimum level of remuneration set out in secondary legislation. This will be set at the same level as applies to maintained schools, through the School Teachers' Pay and Conditions Document (STPCD) each time it is updated, creating a consistent floor on pay for all state schools.

Beyond that, the measure requires academy schools and alternative provision academies to have regard to the whole of the STPCD in determining the pay and conditions of their teachers. This means they must follow it unless they have a good reason not to. This will ensure an established starting point for all schools, while giving confidence that existing or future changes which benefit teachers and pupils will be able to continue.

When taken alongside the existing commitment to update and improve flexibility within the STPCD (which we will do using existing powers), this will deliver a floor and remove the ceiling for pay and conditions across state schools in England.

What does this measure do and why do we need it?

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.

That is why, as the Secretary of State has set out, we want to create a floor with no ceiling enabling healthy competition and innovation to improve all schools.

In summary, the measures in the Act and the changes we intend to make by way of secondary legislation following the Act will mean that:

- All teachers have a guaranteed minimum pay offer;
- In a constrained teacher labour market, all state schools have flexibility to attract and retain teachers;
- Innovations which are making a positive difference can continue and spread.

We will also remit the School Teachers’ Review Body to consider the benefit of further flexibilities for all schools following Royal Assent. We will be using existing powers to make these changes through secondary legislation, which is why we have not included a power to go through this process in the Children’s Wellbeing and Schools Act.

What is the effect of the legislation?

The clauses introduce three new powers and a duty in primary legislation.

This includes:

- A power to set a minimum level of remuneration by order for academy teachers in academy schools and alternative provision academies, creating the pay floor for those teachers. There is also a power to issue guidance concerning minimum pay level setting.
- A duty on academy proprietors to have regard to the School Teachers’ Pay and Conditions Document and follow it, unless they have good reason not to. This will allow existing and future innovations which benefit pupils and staff to continue.
- A power to exclude certain people working in academy schools and alternative provision academies from scope e.g. support staff who will be covered by the School Support Staff Negotiating Body (SSSNB) once established.

The clauses will also define the types of academies and the specific (teaching) staff who will be within the statutory framework and will expand the list of statutory consultees, who can be asked to provide evidence to the School Teachers’ Review Body and to the Secretary of State as part of the pay review process, to clarify that this process should take account of the views of proprietors of academies.

How will this work in practice?

Maintained schools were already required to follow the minimum of the pay bands in the STPCD and will continue to do so. Our subsequent reforms to the STPCD, which will happen through secondary legislation using our existing powers, will remove the maximum of the pay bands for maintained schools and provide additional flexibilities to enable healthy competition and innovation.

The power to set minimum remuneration levels for academy schools and alternative provision academies will come into effect two months after Royal Assent. After this time the Secretary of State can issue a pay order which sets out the minimum levels of pay that academy schools and alternative provision academies must follow. To create the pay order, the Secretary of State will remit the School Teachers’ Review Body (STRB) to consider the minimum level of remuneration for academy teachers. This will be set at the same level as that which will apply to teachers in maintained schools, through the School

Teachers Pay and Conditions Document (STPCD). Academy schools and alternative provision academies will only be required to pay their teachers in line with or greater than the minimum levels of remuneration set out in the pay order, once it has been made. This will be no earlier than September 2026.

The duty for academy schools and alternative provision academies to have regard to the STPCD will commence by regulations once we have remitted the STRB to consider and recommend changes to the STPCD, consulted on those and subsequently update the STPCD. This means that statutory consultees will be fully engaged on what those changes should look like before the duty takes effect. Academies will also know exactly what the framework looks like before being required to have regard to it. This will be no sooner than September 2026.

Additional information on delegated powers

The Secretary of State has a delegated power to exclude certain types of school staff in academy schools and alternative provision academies from the teacher pay and conditions provisions. This will ensure that staff whose remuneration and pay and conditions are determined through other processes do not come within the statutory framework for teacher pay.

Key questions and answers

Will any teacher receive a pay cut as a result of this measure?

No. This is simply wrong. There will be no ceiling on pay for any state school – including academies. Teachers will benefit from a core pay offer with a guarantee that they cannot be offered pay below those bands. It will not mean teachers have to take pay cuts or restrict any salary going above the core pay offer, as there will be no ceiling on pay for any state school.

What does it mean to have regard?

This means that academy schools and alternative provision academies must follow the School Teachers' Pay and Conditions Document unless they have a good reason not to do so, such as where the change would benefit both teachers and pupils.

Co-operation on admissions and place planning

A measure to introduce new duties for schools and local authorities to co-operate with each other regarding admissions and for schools to co-operate with local authorities regarding place planning.

What does this measure do and why do we need it?

We have introduced new duties for mainstream state schools and local authorities to co-operate regarding their respective school admissions functions and for mainstream, special and alternative provision state schools to co-operate with local authorities regarding their place planning functions. The onus will be on schools and local authorities to work together constructively on these issues so that their statutory responsibilities can be fulfilled.

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

- Local authorities and schools developing and agreeing the local area's Fair Access Protocol to ensure that unplaced and vulnerable children are allocated a school place as quickly as possible.
- Local authorities engaging with schools to produce and deliver proposals for ensuring sufficient school places - both mainstream and specialist provision - and reducing/repurposing spare capacity, for example, adding a SEN unit to a school.
- Local authorities working with all admission authorities in their area to collate and publish a composite prospectus for parents containing the admission arrangements for all schools in that area.

Generally, schools and local authorities work well together on school admissions and place planning. However, there are certain areas where co-operation tends to be weaker, for example, regarding in-year admissions and the Fair Access Protocol. Poor co-operation on these issues disproportionately affects children with SEND and other disadvantaged and vulnerable children who are overrepresented in in-year admissions. Additionally, the lack of formal co-operation requirements means that collaboration is not always prioritised, and, in some cases, schools choose to act in isolation and without considering their local community's needs.

The new duties send a strong message to the school system about the importance of co-operation on admissions and place planning so that the local community's needs, especially those of the most vulnerable and disadvantaged, are met. The government expects schools and local authorities to help (and not hinder) each other on these issues and to behave in an inclusive way regarding school admissions and place planning.

Where co-operation breaks down or fails, the Secretary of State will be able to intervene. Currently, the absence of co-operation duties means that if one party refuses or fails to co-operate with the other party, there are limited options for addressing this.

What is the effect of the legislation?

Previously, there were no general duties on schools and local authorities to co-operate regarding their admissions and place planning responsibilities, although there were legal requirements to co-operate on specific admissions issues and expectations to work together on place planning (which are set out in non-statutory guidance).

The measure requires maintained and academy schools and local authorities to co-operate with each other when carrying out their respective statutory duties regarding school admissions. These statutory duties include:

- The body responsible for the school's admission arrangements i.e. the admission authority (the governing body or local authority for a maintained school or the academy trust for an academy) must determine the school's admission arrangements for the coming year and must consult on those arrangements before they are decided.
- The local authority must co-ordinate arrangements for the admission of pupils to schools during the normal admissions round.
- Local authorities and schools must comply with any requirements set out in the School Admissions Code, for example, each local authority must have a Fair Access Protocol in place which is developed in partnership with all schools in its area.

Additionally, the measure requires schools to co-operate with local authorities with the aim of contributing to the local authority's 'place planning' duties, so far as is reasonable. The relevant 'place planning' duties are as follows:

- Section 14 of the Education Act 1996 - the duty to ensure there are enough school places available in their area for pupils of compulsory school age ("the sufficiency duty")
- Section 19(1) of the Education Act 1996 - the duty to arrange suitable and (normally) full-time education for children of school age who, because of exclusion, illness or other reasons, would not receive suitable education without such provision. This is often called 'alternative provision'.

How will this work in practice?

The measure places legal duties on schools and local authorities to co-operate on school admissions and place planning matters and put existing expectations that they do so on a statutory footing. The new duties will send a strong signal to the sector about the importance of schools and local authorities working together in a collaborative way, and in the interests of the local community, on admissions and place planning. The duties will also provide a mechanism for addressing serious failures to co-operate. Where a school or local authority is failing or refusing to co-operate, the Secretary of State will be able to intervene and direct the party at fault to take specific steps to comply with the co-operation duties.

Key questions and answers

What is meant by co-operation? Is this about schools and local authorities always having to be in agreement?

The new co-operation duties are intended to ensure that schools and local authorities work together constructively on admissions and place planning so that their respective statutory responsibilities can be delivered. These new duties complement existing, more specific requirements to co-operate, for example, developing and agreeing the local area's Fair Access Protocol. The government's expectation is that schools and local authorities should seek to support or help (and not hinder) each in other in carrying out their respective duties.

Schools' and local authorities' interests may not always be aligned, and they are not expected to agree on all admissions and place planning matters. However, it is expected that they will behave reasonably and collaboratively, for example, considering the other party's views, being willing to meet and discuss differences, and sharing relevant information in a timely manner.

Local authority direction powers

This measure extends local authorities' current powers to direct a maintained school to admit a child, to also enable them to direct academies in the same way.

It aims to streamline the direction process and provide a more robust safety net for vulnerable children, by giving local authorities the levers they need to secure school places for children more quickly and efficiently, when the usual admissions processes fall short.

What does this measure do and why do we need it?

Where parents have been unable to secure a school place for a child through the standard admissions process, as a last resort local authorities are able to direct a maintained school to admit the child. However local authorities can only do so in certain limited circumstances, including that the child must have been refused admission by every suitable school within a reasonable distance.

Furthermore, where a local authority wishes to place a child into an academy, they must request the Secretary of State uses her powers under an academy's funding agreement to direct the academy to admit the child. This additional step can create a further delay in a child getting a school place.

This measure gives local authorities powers to direct both maintained schools and academies to admit a child, in the rare circumstances that admissions cannot be secured for a child through the usual processes, including through the use of Fair Access Protocols.

It will improve and speed up the existing direction process by removing the need for the local authority to seek a Secretary of State direction and make it easier for the local authority to direct admission for certain groups of children, providing a more robust safety net for vulnerable children and ensuring that school places can be secured for them more quickly and efficiently, when the usual admissions processes fall short.

Like maintained schools, academies will be able to appeal to the Schools Adjudicator where they disagree with a local authority's decision to direct, providing an effective check and balance on local authorities' new powers to direct into academies.

Local authorities' current direction powers are set out in the School Standards and Framework Act 1998. New legislation is required to effect the changes outlined above, including changes to the School Admissions Code ("the Admissions Code"). Any changes to the Admissions Code will require a statutory process, including a full public consultation and parliamentary approval.

What is the effect of the legislation?

This measure will extend local authorities' current powers to direct a maintained school to admit a child, to also enable them to direct an academy in the same way.

It will also streamline the directions process and make it more transparent, by enabling local authorities to direct where the Fair Access Protocol fails to secure a school place for a child.

The measure will also streamline the directions process for children who have come out of care, providing them with greater parity with those in care.

Overall, this measure will provide a more robust safety net, especially for vulnerable children, by giving local authorities the levers they need to secure school places for such children more quickly and efficiently, where parents and families may be struggling to secure a school place through the usual processes.

How will this work in practice?

In the rare circumstances that parents and families are unable to secure a school place for a child through the usual admissions processes, including through the use of Fair Access Protocols, local authorities will be able to direct both maintained schools and academies to admit a child.

Currently, local authorities only have powers to direct the admission of a child into maintained schools. Where they wish to place a child into an academy, they must request the Secretary of State uses her direction powers under the academy's funding agreement to direct the academy to admit the child. This additional step can further delay a child getting a school place.

These measures improve and speed up existing direction processes by enabling local authorities to direct an academy themselves, without needing to go through the process of requesting the Secretary of State invoke her direction powers to compel the school to admit the child. A more streamlined direction process will also ensure that school places for unplaced and vulnerable children are secured more quickly and efficiently.

These measures also provide academies with a formal route of appeal to the Schools Adjudicator, where they disagree with a local authority's decision to direct admission – a route of redress which is currently only available to maintained schools, as academies cannot appeal an equivalent direction from the Secretary of State. This safeguard will ensure local authorities use their powers appropriately and place children in suitable schools, where they can thrive.

Additional information on delegated powers

This measure includes a delegated power for the Secretary of State to set out in the statutory Admissions Code, additional circumstances in which a local authority can initiate a direction to a school to admit a child who is not in care in their area. These additional circumstances will be limited to enabling local authorities to initiate a direction where the child is a previously looked after child or where a 'relevant procedure has been invoked', such as the Fair Access Protocol.

Fair Access Protocols are the current mechanism set out in the Admission Code for securing school places for children who are struggling to secure one via the usual admissions processes. The Admissions Code includes the requirement that all local authorities must have a Fair Access Protocol in place, which has been agreed with local schools and also specifies the categories of children (including vulnerable and hard-to-place children) that are eligible to be considered for a school place under the Fair Access Protocol.

Future iterations of the Admissions Code will therefore be able to specify circumstances in which children eligible for the Fair Access Protocol, or any equivalent future process, could be the subject of a local authority direction to admit. i.e. where that process has failed to secure the child a school place.

Key questions and answers

This is a centralising of power, giving local authorities control over school admissions?

Admission authorities will continue to make decisions on admissions for their schools, in line with admissions law. Local authorities, however, have duties to ensure that children in their area have access to suitable education but the levers currently available to them to achieve this are not always effective. This can result in too many children, many of whom are vulnerable, being left without a school place for too long, which can have serious consequences. These changes therefore aim to provide an effective safety net to ensure that unplaced and vulnerable children can secure a new school place quickly, where admissions cannot be secured through the usual admissions processes.

Through the admissions measures, are your changes not going to prevent schools from taking decisions that will impact their budget and resourcing? Would this take away academy freedoms?

Like maintained schools, academies are already subject to being directed to admit a child, however, this power currently sits with the Secretary of State. Transferring these powers to the local authority will not have a significant impact on academy freedoms. Rather it will rationalise and streamline existing processes, to ensure that school places for unplaced and vulnerable children can be secured more quickly and efficiently. These measures also provide academies with a formal route of appeal to the Schools Adjudicator where they disagree with a local authority direction.

Functions of the Adjudicator in relation to admission numbers

A measure to enable the Schools Adjudicator to set a school's published admission number (PAN) where they uphold an objection to it, to improve local authorities' ability to work with local admission authorities to better influence the setting of PANs to support the needs of the local community and deliver a choice of high-quality local school places for parents.

What does this measure do and why do we need it?

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. A school's published admission number (PAN) is the number of external pupils a school intends to admit into a main entry year group for the school (e.g. Reception or Year 7). Each school has an admission authority which is responsible for admissions decisions for that school, including setting the PAN as part of the school's admission arrangements. The admission authority depends on the type of school: the local authority is the admission authority for community and voluntary controlled schools; for voluntary aided and foundation schools it is the governing body; and for academies it is the trust.

Because so many schools are now responsible for setting their own PAN, in recent years local authorities have had increasingly limited influence over the number of places offered by schools in their area. However, local authorities remain responsible for ensuring that there are sufficient school places in their area and for managing the local school estate effectively.

Some schools set PANs below the capacity of their buildings, which can mean they are not offering enough places to meet a local need for places. Elsewhere, in areas of significantly falling rolls, schools may increase or retain PANs beyond what is needed. This can damage the quality of education that children receive. Ultimately, if schools cannot admit sufficient pupils, it can damage the viability even of excellent schools, limiting the choices available to parents.

In combination with other changes, this measure will help address this by encouraging greater collaboration between local authorities and admission authorities, and ensuring an independent decision can be taken by the Schools Adjudicator where local agreement cannot be reached. This preserves the important role of admission authorities in setting a PAN that works for their school, whilst supporting local authorities to fulfil their statutory responsibilities to all children in their local community. School quality and parental preference will be central to these decisions, as is reflected in the measure.

Specifically, this measure allows the independent Schools Adjudicator to set the PAN of a school where they have upheld an objection about the PAN set by an admission authority. At present, any body or person can object to a school's PAN where an admission authority has decreased the PAN. We intend to amend the 2012 School Admissions Regulations to extend local authorities' ability to object to the Adjudicator, to enable them to also object where a school's PAN has been increased or has been kept the same.

Where an objection to PAN is upheld, this measure allows the Adjudicator to specify the level at which the PAN must be set, to ensure that the admission authority, local authority and parents are all clear on how many places the school must offer.

This measure will help meet the government's manifesto commitment to ensure "admissions decisions account for the needs of communities", both in cases where there are insufficient places in an area, and where an excessive surplus of places needs to be effectively managed to avoid damaging the quality of education and parental choice for children in the local area.

In taking this decision, the Adjudicator is required to take into account the impact of their decision on school quality and parental preference at the school and at other local schools. They are also required to consult with the school's admission authority, local authority and the Secretary of State (in practice, the relevant DfE Regional Director) on alternatives to reducing the PAN, before taking a decision to reduce a school's PAN. These requirements make clear that school quality and parental choice are central considerations in decisions on PAN.

What is the effect of the legislation?

This measure gives the Adjudicator the ability to set a revised PAN for a school, where they have upheld an objection about the school's PAN. The Adjudicator will be able to set the PAN for up to two years, if they deem this necessary. This will ensure that the route for the local authority to challenge the PAN of a school is robust and effective. It will also ensure that, where an objection is upheld, all parties know what change must be made, so that a school's admission arrangements can be amended quickly and easily, creating greater clarity and certainty for admission authorities, local authorities and parents.

We intend to make a number of changes to the statutory School Admissions Code and regulations to create a robust framework for decisions on setting and objections to PAN. School quality and parental preference will be central considerations throughout this process, and the changes will encourage greater local collaboration on PAN decisions to help deliver a choice of high quality local school places. To enable an independent decision to be taken where local agreement cannot be reached, we will amend the 2012 School Admissions Regulations to extend the ability of local authorities to object to the Adjudicator about the PAN which has been set for a school, to ensure they can object where a PAN has been increased or kept the same as well as reduced. Any body or person will continue to be able to object to a PAN reduction.

Where the Adjudicator has upheld an objection to a school's PAN, and is deciding what the revised PAN should be, the measure requires them to take into account the impact on the quality of provision and on parental preference, at the school and at other schools in the area. It also requires them to consult the school's admission authority, the local authority, and the Secretary of State – in practice, the DfE Regional Director – and to consider their views on alternatives to reducing the PAN, before deciding to set a lower PAN for the school. This reflects the importance of maintaining high standards and parental choice in the system.

The measure also provides for the ability to set out in regulations additional factors the Adjudicator must consider when determining what the PAN should be, as well as parties they must consult before making a decision. Schools will also still be able to vary their PAN if there is a significant change in circumstances after a PAN has been set by the Adjudicator.

Collectively, these changes will help to give local authorities more influence over the PANs of schools in their area, ensuring that they are able to meet their sufficiency duty and to manage their school estate effectively. In doing so, they ensure that school quality and parental preference will be central factors in decision making, delivering a choice of high quality school places for parents and helping ensure that places are only ever reduced at good schools through this route as a last resort.

How will this work in practice?

This measure, alongside intended changes to regulations to extend local authorities' ability to object to PANs, will strengthen local authorities' ability to influence the number of places offered in their area, in the interests of the community, by enabling an independent decision to be taken where agreement cannot be reached locally, with parental preference and school quality as central considerations.

The local authority will be able to object to the PAN set by a school where this does not meet the needs of the local community. The Adjudicator will then consider the objection, considering the arguments of both the local authority and the school, and the requirements of admissions law, according to the circumstances of the case. If they uphold the objection, they will then set the revised PAN for the school. If necessary, given the circumstances, they will also be able to specify the PAN for the subsequent year. In taking the decision regarding the PAN, they will need to take into account the impact on the quality of provision and on parental preference, at the school and at other local schools. They will also need to consult and consider the views of the admission authority, the local authority and the Secretary of State's relevant regional director on alternatives to lowering the PAN, before they set a reduced PAN. New regulations will set out other issues that the Adjudicator must, or must not, take into account, or other bodies the Adjudicator must consult with.

Once the Adjudicator has made their decision, the admission authority will need to amend their admission arrangements to reflect the PAN specified by the Adjudicator.

We intend to make changes to the School Admissions Code to create a robust and transparent legal framework for admission authorities, local authorities and the Adjudicator to follow when taking decisions on PAN. This will support local co-operation on place planning. As such, we expect that many issues will be able to be resolved locally without the need to object to the Adjudicator. It will also contain new statutory principles to ensure that school quality and parental preference are central to any decisions on PAN and that reducing places at good schools should only ever be a last resort.

Further details on this proposed framework are set out in a policy paper available at: https://data.parliament.uk/DepositedPapers/Files/DEP2026-0238/PAN_Policy_Paper_fnl_March_2026.pdf .This proposed framework will be subject to public consultation and Parliamentary scrutiny.

Additional information on delegated powers

These measures include a delegated power to set out additional factors that the Adjudicator must or must not consider when they are setting the PAN of a school where they have upheld an objection to a school's PAN, as well as additional bodies that the Adjudicator must consult with when doing so.

This will provide support and guidance to the Adjudicator when they are considering what the revised PAN should be, ensure the resulting PAN does not leave a school in breach of other relevant legislation or regulations, and will give clarity to the sector as to what factors the Adjudicator will consider when they are setting a PAN and who must be consulted.

Key questions and answers

It is important for an admission authority to be able to set their school's PAN. Why are you giving greater power on this to the Adjudicator and local authorities?

We agree on the importance to admission authorities of being able to set their published admission number (PAN), and they will remain responsible for determining their PAN. In many areas these PANs work effectively, and admission authorities will work in co-operation with local authorities to set a number which works with local need, to ensure a choice of high-quality school places for parents.

However, in some areas, local authorities are struggling to ensure that there are sufficient school places or to manage the school estate effectively in areas where there are surplus places significantly in excess of what is needed, because the PANs set by individual admission authorities do not meet the needs of the local community. This can include where a high performing school has a PAN set well below its capacity in an area where parents are struggling to access a school place, or where a school acting in isolation significantly increases the number of places it offers in an area of excessive surplus, making it harder for other school leaders to plan effectively and therefore damaging the quality of education at other good local schools, risking the viability of schools at a time of falling rolls and thereby limiting the choices available to parents.

These powers will ensure that, where agreement cannot be reached locally and the independent Schools Adjudicator upholds an objection to a school's PAN, it can be set at a level that works for the needs of the community. The views of all parties, including the admission authority, will be taken into account in these decisions, and school quality and parental preference will be at the heart of decision making.

Will these changes make it harder for parents to get their child into a good school?

No. These powers will only be used where there is local disagreement about the level at which the PAN should be set, resulting in an objection to the Adjudicator, and where the Adjudicator then agrees with the objector and upholds the objection. Admissions authorities will retain their ability to set their PAN according to their local circumstances, including demand for places at their school. They should do this in co-operation with their local authority, to ensure that decisions about PAN meet the needs of the local community. Our proposed new framework, to be set out in secondary legislation, will ensure that school quality and parental choice are central considerations.

Establishment of new schools

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

What does this measure do and why do we need it?

Local authorities are legally responsible for making sure that there are sufficient school places for children living in their area. This measure amends the Education and Inspections Act 2006 to remove the requirement for local authorities to seek proposals only for an academy to meet the need for a new school. Instead, it allows local authorities to invite proposals for an academy school or alternative provision academy[26] and for other types of school – voluntary and foundation (or foundation special[27]). It also allows local authorities 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. As such, these changes support local authorities in fulfilling their place planning function.

Collaboration between schools across an area is critical for improving outcomes for children. The white paper Every Child Achieving and Thriving sets out the government's vision for putting collaboration at the heart of the system by moving to all schools joining or forming high-quality trusts. This measure supports that ambition by retaining the route for strong existing trusts to open new schools, while offering flexibility where the right trust is not immediately available by providing a way for local authorities, voluntary organisations and foundations to make proposals to open a new school. Over time, we expect these schools will work within a high-quality trust.

To create additional routes for schools to join or form high-quality trusts, we are inviting local authorities and local area partnerships to set up school trusts. This will harness the high-quality collaboration already present in the maintained sector to create new trusts that build on existing strong relationships between schools and local communities.

We expect that local authorities, voluntary organisations and foundations which submit proposals to set up a new school will include a plan for how they will support the new school to collaborate with other schools and with their community and how they intend to move towards being part of a trust over time.

[26] An alternative provision academy is the academy version of a pupil referral unit: a school principally concerned with providing education for children of compulsory school age who might not otherwise receive it for a number of reasons, including those who are too ill to attend mainstream school and those who have been permanently excluded from one school and have not yet been found a place at another.

[27] A special school is specially organised to make provision for pupils with special educational needs.

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

- The Education and Inspections Act 2006 as amended by (among other Acts) the Education Act 2011.
- The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

New legislation is required to make the changes outlined above.

What is the effect of the legislation?

The legislation removes the current requirement for local authorities to invite *only* academy proposals where a new school is required. Local authorities are also given discretion to put forward their own proposals alongside others.

How will this work in practice?

When a local authority thinks that a new school should be established in their area, they will publish a notice inviting proposals for a new school. They will be able to invite proposals for academy, voluntary and foundation schools and their special school and alternative provision equivalents. They will also have discretion to put forward their own proposals for a community or foundation school or pupil referral unit alongside others received.

Where they have chosen not to put forward their own proposals, they will decide which proposals to approve. If one or more of the proposals is for an academy, the Secretary of State will need to confirm she is willing to negotiate a funding agreement with the relevant academy trust.

Where the local authority has chosen to put forward their own proposals for a new school, the Secretary of State will consider all the proposals together and will be the decision maker. In practice these decisions will be delegated to Regional Directors to take on behalf of the Secretary of State.

Guidance will set out how we expect proposals for new schools to be selected. The importance of proposals demonstrating a plan that shows how the new school will work in partnership with other schools and local partners will be emphasised in this guidance, regardless of whether the proposer is already an academy trust.

Additional information on delegated powers

The legislation contains or amends delegated powers that allow the Secretary of State to prescribe in secondary legislation a number of procedural matters relating to the new arrangements. For example:

- The information that must be contained in a proposal for a new school published by a local authority as part of an invitation process.
- The steps a local authority must take to publicise proposals that have been published by a proposer for a new school outside of the invitation process.
- Arrangements for a local authority to consult the Secretary of State before approving an academy proposal submitted as part of an invitation process.
- Arrangements for objections to be made to the Secretary of State where she is the decision maker for proposals submitted in response to an invitation process.

Key questions and answers

What is the difference between academy, community, foundation and voluntary schools?

Academy schools are run by not-for-profit academy trusts and receive funding directly from central government. Academies are maintained through a contractual arrangement (the funding agreement). The parties to the funding agreement are the Secretary of State and the relevant academy trust and no third-party rights are given to the local authority under the funding agreement.

The main types of maintained schools are:

- Community schools - The school land is owned by the authority and the authority also employs the staff and is ordinarily the admissions authority for the school.
- Foundation schools - The governing body is responsible for the employment of staff and the admissions policy. The land is by owned the governing body, a body of trustees or a foundation body.
- Voluntary schools - May be voluntary aided schools or voluntary controlled schools. The land and buildings are typically owned by a foundation or a group of trustees. Voluntary aided schools are generally more independent of local authority involvement than voluntary controlled schools; they employ the school's staff and have responsibility for admissions, whereas the local authority fulfils these functions for a voluntary controlled school. The majority of voluntary schools are faith schools.

What is wrong with the current system?

The current system requires local authorities to seek only academy proposals when the need for a new school has been identified; and only allows local authorities to propose new schools as a last resort or in very limited circumstances. We know there may be instances, in the short-term, where trusts do not yet have the capacity or expertise needed to meet demand in certain areas of the country. This measure better aligns local authorities' responsibility for securing sufficient school places with their ability to ensure the new schools that are needed can be opened in the right place at the right time.

We nonetheless expect that any new school will collaborate effectively with other schools in its area; and over time we would expect to see all schools join or form high-quality trusts.

Why are you removing the free school presumption if you want all schools to be in trusts?

Trusts with strong leadership, clear governance, and deep community roots have consistently driven improvement, particularly for disadvantaged children. This is why, over time, we want every school to benefit from being in a high-quality trust.

However, we recognise that there may be circumstances where a new school is needed but the right high-quality trust is not immediately available. In such cases, it may be necessary for proposers other than academy trusts to be able to open schools, and either form a new high-quality trust themselves in the future or operate the school until there is a suitable high-quality trust that the school can join.

Allergy safety

A measure to require schools to have, publish, publicise and keep under review allergy safety policies, to have regard to statutory guidance, and provision for the Secretary of State to make further allergy safety requirements through Regulations.

What does this measure do and why do we need it?

This measure amends section 100 of the Children and Families Act 2014 to introduce statutory allergy safety duties which will apply to LA-maintained schools, Academies and pupil referral units. These schools have an existing duty under section 100 of the Children and Families Act 2014 to make arrangements for supporting pupils with medical conditions.

In addition, it amends section 342 of the Education Act 1996 and section 94 of the Education and Skills Act 2008) to place equivalent requirements on the proprietors of independent or non-maintained special schools.

The measure requires these schools to have and regularly (at least annually) review allergy safety policies, to publicise them and publish them on their website, and to have regard to statutory guidance which will set out other expectations on allergy safety. It further creates a power permitting the Secretary of State to make Regulations - to place specific allergy safety duties, including requiring schools to:

- stock adrenaline devices,
- secure allergy awareness training,
- record and report incidents, and
- ensure that their allergy safety policies cover specific content

Allergy is a medical condition in which the body reacts to normally-harmless substances such as food, insect stings, contact allergens and airborne allergens. Many individuals with allergies to food or insect stings are at risk of anaphylaxis, a serious and potentially fatal allergic reaction affecting the whole body.

To manage the risks posed by allergy, we are requiring schools to have a dedicated allergy safety policy, setting out how the school will manage the risks associated with allergy. Schools, colleges and settings must be proactive in mitigating the risk of exposure to allergens known to have the potential to cause anaphylaxis in any given person. However, it is not sufficient to organise allergy safety measures around children and young people with known allergies. Around one in five children and young people with allergies have their first allergic reaction while in their school, college or early years setting.

All staff in schools, colleges and early years settings must therefore be able to recognise anaphylaxis and understand how to treat it. Schools, colleges and early years settings must also have robust plans to respond in an emergency i.e. administer adrenaline by autoinjector “pen” or equivalent device while awaiting the arrival of emergency services.

What is the effect of the legislation?

The legislation requires LA-maintained schools, Academies and PRUs to have an allergy safety policy and to have regard to statutory guidance. It requires the Secretary of State to place equivalent requirements on independent schools and non-maintained special schools through the relevant regulatory Standards.

In addition, the legislation permits the Secretary of State to place further allergy safety requirements on schools through Regulations.

How will this work in practice?

Schools will be required to have a dedicated allergy safety policy, separate to their medical conditions policy, given the specific risk to life which anaphylaxis can pose. This should be published on the school, college or setting’s website. It should be reviewed at least annually and amended as the school considers appropriate.

While the legislation will not prescribe the detailed content of the allergy safety policy, it will allow regulations to set out what must be covered. In practice, an allergy safety policy is expected to describe how the school manages the risk posed by allergies and how it puts appropriate safeguards in place for pupils with allergies.

This is likely to include setting out:

- How the school identifies pupils with allergies and assesses the risks they face
- the arrangements the school has in place to reduce the risk of exposure to known allergens, including managing the risk of food allergy;
- how pupils at risk of anaphylaxis are supported, including arrangements for accessing prescribed medicines and medical devices;
- how allergy risks are managed during activities such as trips and visits;
- how individual arrangements for pupils with allergies are captured through existing planning processes such as Individual Healthcare Plans and any Allergy Action Plan and/or Asthma Plan; and
- how the wellbeing of children and young people with allergies will be promoted.

The legislation also creates powers for regulations to make provision about training on the recognition and management of allergies for staff working schools including teaching staff, support staff, catering staff and others who may oversee children and young people at breakfast or after school clubs. Regulations will require schools to make arrangements for whole-school allergy awareness training, so that all staff receive regular (at least annual) allergy awareness training. The detail of who must be trained, how often training should take place and what such training should cover will be set out in regulations schools will have a duty to comply with and statutory guidance that schools will be required to have regard to when meeting any training duties. Such measures will ensure that all staff:

- have an awareness of allergy, the risks it poses, how allergic reactions can occur and how to manage it;
- understand and be able identify the main food allergens, and the difference between food allergy, intolerance and coeliac disease;
- recognise the range of symptoms of allergic reactions including anaphylaxis;
- know how to respond in an emergency, including how to use prescribed and "spare" adrenaline devices;
- understand the impact which allergy can have on a child or young person's wellbeing.

People at risk of anaphylaxis are usually prescribed adrenaline devices for emergency use such adrenaline auto-injectors or nasal adrenaline devices. The allergy safety policy will set out how the school, college or setting will ensure that children and young people who are prescribed ADs have rapid access to their devices whenever they are under the school's care.

The Human Medicines (Amendment) Regulations 2017 permit schools in England to purchase "spare" AAI devices without a prescription for emergency use to treat anaphylaxis. Regulations will require schools to stock "spare" adrenaline devices for emergency situations.

Statutory guidance will set out how schools should fulfil their allergy safety duties.

Additional information on delegated powers

The legislation contains or amends delegated powers that allow the Secretary of State to prescribe in secondary legislation a number of procedural matters relating to the new arrangements. For example:

- Requirements for schools to stock "spare" adrenaline devices for use in emergency situations.
- Procedures for identifying pupils with allergies and managing risks associated with them (for example through Individual Healthcare Plans).
- Allergy awareness training.
- Recording and reporting incidents relating to allergy.

Key questions and answers

Does this apply to all schools?

The statutory duties apply to all schools in scope of section 100 of the Children and Families Act 2014 (i.e. LA-maintained schools, Academies and pupil referral units). The measure requires the Secretary of State to impose comparable requirements on independent schools and non-maintained schools (which are not in scope of section 100) through the relevant regulatory regime (i.e. the Independent School Standards and the Non-maintained Special School Standards).

Mobile phones in schools

A measure to require 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 hours. This will make the existing guidance published by the Department for Education on this issue 'statutory'.

What does this measure do and why do we need it?

The measure requires the appropriate person for a school in England to have regard to guidance issued by the Secretary of State when exercising functions relating to the conduct of the school. Part 10 of the Education Act 1996 (EA 1996) deals with various matters concerning schools and pupils, including premises, discipline, searching, and uniform. This power would be conferred by inserting a new section 550C into Part 10 of the EA 1996, following Chapter 2.

The guidance to which an appropriate person must have regard is defined in section 550C(2) and is limited to guidance issued from time to time by the Secretary of State about registered pupils at schools having mobile phones and other personal interactive communication devices with them, and using them during school hours, and on school premises.

The measure further disapplies section 89(2)(b) of the Education and Inspections Act 2006 to the extent that compliance with that duty would be inconsistent with guidance to which a head teacher is required to have regard under section 550C.

What is the effect of the legislation?

This measure legally requires all schools (specifically the head teacher in schools where head teachers are legally responsible for behaviour policy, or the proprietor in other schools) in England to have regard to guidance on pupils' use and access of mobile phones in schools, as well as other personal interactive communication devices. In practice, based on the current guidance, this would mean that all schools would be required, unless they had a good reason not to do so, to prohibit the use and access of mobile phones in schools, as well as other personal interactive communicative devices (eg. tablets, laptops, airpods, smart watches etc.), outside of those provided by the school for educational purposes.

How will this work in practice?

The Government has been consistently clear that mobile phones have no place in schools. This measure makes existing guidance statutory, giving clearer legal backing to what schools are already doing in practice.

We published strengthened guidance on 'mobile phones in schools' on 19 January 2026. From April 1, this guidance is being underpinned by Ofsted inspections, with Ofsted inspecting both schools' mobile phone policies and how effectively they are implemented when judging behaviour during inspections

The Department for Education's Attendance and Behaviour Hub lead schools will also support schools to implement and enforce a mobile phone policy where needed.

We will continue to push the strengthened guidance through our RISE teams and the Department's Regional Directors to ensure that all schools and trusts understand what our expectations of them are.

Further, we have committed to monitoring the impact of the guidance through a range of surveys and data collection, including our National Behaviour Survey and our omnibus surveys. We will use this evidence to make any necessary revisions to the guidance by September 2027.

The strengthened guidance is clear that all schools should be mobile phone-free environments by default; anything other than this should be by exception only. Schools will be required to implement a mobile phone policy that prohibits the use of mobile phones and other smart technology with similar functionality to mobile phones (for example the ability to send and/or receive notifications or messages via mobile phone networks) during school hours, including during lessons, the time between lessons, breaktimes and lunchtime, unless they have a legally justifiable reason not do so.

The policy can be included within the school's behaviour policy or be its own standalone document. The policy should be accessible, aligned with the school's culture, consistent and straightforward to follow. Effective implementation of the policy should ensure all pupils and parents understand and meet the expectations of behaviour relating to mobile phones.

The statutory guidance provides advice on:

- how the school can implement a policy on mobile phones, including example approaches;
- communicating the policy to pupils and parents;
- the role of staff;
- expectations of pupils;
- the role of parents;
- the use of sanctions;
- searching pupils;

- adaptations and reasonable adjustments;

There are a number of ways in which schools can ensure that they are mobile phone-free, and it is for headteachers to decide how best to achieve this within their own unique contexts.

Key questions and answers

Does this apply to all schools?

The requirement to have regard to guidance applies to all schools in England.

What does statutory mean?

If guidance is placed on a statutory footing, schools are legally required to have regard to it. This creates a clear legal expectation that the guidance must be followed unless there is a legally justifiable reason for schools not to do so.

Will schools be able to make exemptions?

The guidance is clear that exceptions to a mobile phones policy may be required for children with specific special educational needs, disabilities or medical conditions. This includes users of health tech or assistive technology. Where school leaders need to make additional exceptions or flexibilities to their policies based on a child’s individual needs, we trust them to do so.

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