PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

First Sitting

Tuesday 21 January 2025

(Morning)

CONTENTS

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not later than

Saturday 25 January 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, † Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Witnesses

Dr Carol Homden CBE, Chief Executive Officer, Coram

Anne Longfield CBE, Executive Chair, Centre for Young Lives

Andy Smith, ADCS President, Association of Directors of Children's Services

Ruth Stanier, Assistant Director of Policy, Local Government Association

Julie McCulloch, Senior Director of Strategy, Policy & Professional Development Services, Association of School and College Leaders

Paul Whiteman, General Secretary, National Association of Head Teachers

Jacky Tiotto, Chief Executive, CAFCASS

Public Bill Committee

Tuesday 21 January 2025

(Morning)

[Sir Edward Leigh *in the Chair*]

Children's Wellbeing and Schools Bill

9.25 am

The Chair: We are now sitting in public and proceedings are being broadcast. Today, we will consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication, and a motion to allow us to deliberate in private about our questions before the oral evidence sessions. In view of the time available, I hope that we can take these matters formally, without debate. I will first call the Minister to move the programme motion standing in her name, which was discussed yesterday by the Programming Sub-Committee for the Bill.

Ordered,

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 21 January) meet—

(a) at 2.00 pm on Tuesday 21 January;

(b) at 11.30 am and 2.00 pm on Thursday 23 January;

(c) at 9.25 am and 2.00 pm on Tuesday 28 January;

(d) at 11.30 am and 2.00 pm on Thursday 30 January;

(e) at 9.25 am and 2.00 pm on Tuesday 4 February;

(f) at 11.30 am and 2.00 pm on Thursday 6 February;

(g) at 9.25 am and 2.00 pm on Tuesday 11 February;

2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 21 January	Until no later than 10.00 am	Coram; Centre for Young Lives
Tuesday 21 January	Until no later than 10.30 am	Association of Directors of Children's Services; Local Government Association
Tuesday 21 January	Until no later than 11.00 am	Association of School and College Leaders; National Association of Head Teachers
Tuesday 21 January	Until no later than 11.25 am	Cafcass
Tuesday 21 January	Until no later than 2.20 pm	The Children's Commissioner for England
Tuesday 21 January	Until no later than 2.40 pm	Ofsted
Tuesday 21 January	Until no later than 3.15 pm	The Children's Society; Children's Charities Coalition; Become
Tuesday 21 January	Until no later than 3.45 pm	Church of England; Catholic Education Service
Tuesday 21 January	Until no later than 4.20 pm	United Learning; Harris Federation; Dixons Academies Trust
Tuesday 21 January	Until no later than 4.55 pm	Suffolk Primary Headteachers' Association; Northern Education Trust; Confederation of School Trusts
Tuesday 21 January	Until no later than 5.10 pm	Axiom Maths
Tuesday 21 January	Until no later than 5.25 pm	Child Poverty Action Group
Tuesday 21 January	Until no later than 5.45 pm	Department for Education

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 29; Schedule 1; Clauses 30 to 54; Schedule 2; Clauses 55 to 60; new Clauses; new Schedules; remaining proceedings on the Bill;

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 11 February.—*(Catherine McKinnell.)*

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication. —*(Catherine McKinnell.)*

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—*(Catherine McKinnell.)*

The Committee deliberated in private.

Examination of Witnesses

Dr Carol Homden and Anne Longfield gave evidence.

9.27 am

The Chair: We are now sitting in public again and the proceedings are being broadcast. Do any Members wish to make a declaration of interests?

Amanda Martin (Portsmouth North) (Lab): For the record, NAHT—National Association of Head Teachers—was my previous employer, before I came to this place.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): For the record, I am still a Lancashire county councillor. The council has responsibility for children's services.

Matt Bishop (Forest of Dean) (Lab): Currently, I am a member of a union and was a workplace representative for a school before being elected.

The Chair: If any interests are particularly relevant to a Member's question or speech, they should declare them again at the appropriate time.

We will now hear oral evidence from Dr Carol Homden, chief executive officer for Coram, and Anne Longfield, executive chair of the Centre for Young Lives. Will you briefly introduce yourselves and say a word or two about your work before we start any questioning?

Anne Longfield: My name is Anne Longfield. I am a newly appointed Labour peer—I should probably declare that. I have campaigned on children's issues for many decades, as several around this table will know. Many of the measures in the Bill are things that I have actively advocated for during the past 15 years-plus—for some of them, such as breakfast clubs, double the amount of time, and for the register, half that amount of time. Most of my work and interests are around early intervention, supporting the most vulnerable children and helping children and their families to thrive.

Dr Homden: Good morning; I am Carol Homden. I am the group chief executive of Coram, which is the first and longest-continuing children's charity, and today a group of specialist organisations dedicated to the legal and practical support of the rights and welfare of children. The evidence that I shall present to you is based on our direct work in legal advice and advocacy services, care planning, placement and personal social and health education across 2,800 schools, as well as the extensive research conducted with young people by the Coram Institute for Children.

Broadly, Coram welcomes the provisions of the Bill, but calls for specific extension and amendments, to increase focus on the timescales and needs of our youngest children, and to strengthen its responsiveness to the priorities of children and young people themselves for improved wellbeing support, and particularly access to advocacy; and overall, believes that the outcomes for children should be our central purpose rather than preferences for outcomes for the system.

The Chair: Thank you. We will start our questioning.

Q1 Neil O'Brien (Harborough, Oadby and Wigston) (Con): The first question is for Dr Homden. You talked about some of the things in the Bill that you would like to see amended. I wonder whether you could expand on that, and particularly your point about the timeliness of intervention.

Dr Homden: Particularly, we are concerned that some of the very sensible provisions in the Bill, such as breakfast clubs, are not extended to infants in the early years. There are a number of areas where early years extension would be appropriate, so while we recognise that this is a Bill on children's wellbeing and schools, none the less the children's wellbeing elements for the youngest children are particularly important—especially the opportunities for children to receive free meals, and also for the extension of admissions priority. The provisions for the extension of recognition of quality for teaching staff could and should be extended to early years workforce issues.

The second key area is the fact that there are no provisions in relation to children's access to advocacy—particularly 16 and 17-year-olds, those who are excluded from school, and those who face other forms of crisis in, for example, unregulated accommodation. While others will call for broader extensions of advocacy, these are the focus areas that we would recommend and commend to you as being the most effective ways to ensure that young people have the information they need to exercise decision making, and that they can hold the system to account.

Q2 Neil O'Brien: I have follow-up questions specifically about some of the measures in the Bill about family group decision making—a thing that a lot of people generally are very supportive of. My only slight concern about it is at what stage in the process that happens, and whether, if it is at the point where you are seeking a court order, that is possibly too late in the process, where it is no longer voluntary or consensual. I wonder whether you thought we should look at bringing that forward in the process, or—you mentioned young children—whether it is something that needs to happen much earlier, particularly for the under-twos and the particularly vulnerable child in dangerous households.

Dr Homden: That is indeed an extremely valid point. Many local authorities will offer family group decision making support prior to pre-proceedings, and it is important that the new duty introduced does not take away earlier opportunities to extend the involvement of the family network when children's services are involved. Timescales are indeed acknowledged to be of critical importance in family law, and statutory guidance should make it clear that nothing in the family group decision making requirement, or the provisions of the Bill, should slow down processes, or delay solutions for babies and children.

Overall, we support the promotion of the family first decision-making approach, but point out that while we understand that it is the preference not to specify a particular model, the evidence from the randomised control trial that Coram conducted is in relation to family group conferencing, and that evidence shows very clearly the importance of independent support, and of consistent and sufficient practice. So we do call upon the consideration of the ways in which there would be a strengthening of consistency and quality of approach to ensure that this really meets the needs of children and families.

It is also worth remembering that family group decision making will not necessarily divert children from care. There has been a significant increase in kinship foster placements, now representing 19% of all active households, but all our casework in the Coram Children's Legal Centre demonstrates that family group conferencing and well-delivered family group decision making most certainly help.

Anne Longfield: I will briefly add my support on that. There is widespread support for upholding the principles of family group conferencing. In my experience, that intervention can transform children's and families' experience at that point and avert decisions being made about them without their involvement, including children, but it has to be done properly. We all want families to be involved, but this is around a process of involving families and children in solutions. That will have a point that it needs to get over, in terms of the mechanisms around it and the actual formality of that. So there is something there that there is widespread support for strengthening.

Q3 Neil O'Brien: Do you share, Dr Homden, the concern that we should be very clear that this should not delay decision making?

Dr Homden: Absolutely.

The Chair: This is a reminder to Members that is important to catch the Clerk's eye if you want to ask a question. We will try to get everybody in during the morning and give everybody the same crack of the whip. I will now call the Minister to ask questions.

Q4 The Minister for School Standards (Catherine McKinnell): Good morning. The first question is to you, Carol. On introduction of the Bill, Coram said:

"This Bill presents a new opportunity for services and agencies supporting vulnerable children to work together and make this a reality."

Will you outline the key measures that you feel support that in the Bill?

Dr Homden: Clearly, there are a number of ways in which the Bill seeks to do that. Quite often what we are looking for here is a strengthening of approaches that reinforce integrated working in local arrangements. There is a question in our mind, which you have clearly considered, about whether it is essential for education to be treated as a core partner in safeguarding. Our consideration is that under article 4 of the European convention on human rights, schools have a protective duty, but this should not diminish the clarity and reinforcement of the importance of roles being defined locally and of the activation of best practice in those circumstances.

I repeat that in many areas, and especially in relation to school exclusion, where it is particularly critical that the roles of schools are appreciated in relation to criminal exploitation, our suggestion to you is that direct access to advocacy for these young people may be a more timely and potentially more sufficient approach, to complement local arrangements in supporting young people's safeguarding.

Q5 Catherine McKinnell: What consideration have you given to the impact that creating a duty for safeguarding partners to make arrangements to establish multi-agency child protection teams will have?

Dr Homden: Having a duty most generally would be reinforcement of the fact that these arrangements are expected and required. The duty does not in itself necessarily prejudge the nature of those local arrangements, but it does place a really clear focus on the need to have those arrangements and to make sure that they are functioning properly. We would be pleased to send you some additional reflections on that, if that would be helpful.

I do want to raise one point in relation to safeguarding, which is that we are concerned because the Bill does present an important opportunity, potentially, to remove the defence of reasonable chastisement for children, and in our view, this opportunity should not be missed.

Q6 Catherine McKinnell: Anne, the Centre for Young Lives has welcomed the Bill, stating:

"It addresses issues we have been very concerned about over many years, including vulnerable children falling through the gaps and into danger."

Will you elaborate on how you feel the Bill better protects children and keeps them safe?

Anne Longfield: I am pleased to say that safeguarding does clearly run through the whole Bill. Engagement in the kind of activities around school in the community is one of the ways that children will be safeguarded. The register is something that I campaigned for and has been committed to for some time, so I am very pleased to see that in there. It is not a silver bullet when it comes to children who are out of school, because they are often out of school for a reason and that does not divert from the root causes. But none the less, that is a very welcome move.

On the link between poverty and non-attendance in school, in our experience there is a great link to parents being very worried about not being able to afford branded uniform. That, again, is supported in the Bill. There are various measures around children's social care as well, including the partnerships that we have just discussed.

There is a clear reset around early intervention, which we very much welcome, and around a much greater co-ordination and relationship between schools—whatever their structures—and local partners. That can only add to the safety of children. There is a lot of interest in the potential to add a wellbeing measure, which would further strengthen the Bill's ability to be able to identify those children who are vulnerable, and enable those partnerships and services to be able to respond. That would be a very welcome addition.

That would also support the whole ambition around belonging for children. For those children who are falling through the gaps, it would give them an opportunity to have their voices heard. I am thinking, for example, about the almost a million children who end up NEET—not in education, employment or training. None of us wants to see that for them at that early age. Their involvement in advocating for their own experience of careers and other services would be very welcome. That is part of the engine that would drive many of the ambitions in the Bill, so that addition in itself would be very much welcomed.

Dr Homden: I would support that. Coram also supports the introduction of the register for home-educated pupils as the critical protection to children's right to education and safeguarding. That should include children with special educational needs and disabilities, since all too often, home education feels like the only option available in the context of risks to the child from their anxiety, self-harm or bullying and, where appropriate, school places being not available or, commonly, not resourced.

We would also further support the reintroduction of the national adoption register to ensure that all children waiting receive a proactive matching service without sequential, geographical or financial decision making being involved in that.

I reinforce and support what Anne said about the importance of measurements of wellbeing. It is clear from our research that young people's wellbeing is associated with being included in decision making. That needs to be thought about in relation to the family group decision-making process for older young people. It gives them a much greater sense of traction and optimism for the future.

The Chair: My main objective is to try to get all the Back Benchers in, so we want crisp questions. It is very important that everybody feels they can get in. I call the Liberal Democrat spokesperson.

Q7 Munira Wilson (Twickenham) (LD): You have both referred to wellbeing. The Bill is called the Children's Wellbeing and Schools Bill, but there is precious little in it on wellbeing. Other than measurement and making sure that children's voices are at the forefront, what more can we be pressing the Government for on wellbeing in the Bill?

Anne Longfield: There are some very well-established wellbeing measures, such as Be Well, operating in many areas. They are cost-effective and demonstrate what can

be achieved with better understanding and information about children's needs. We will potentially have the unique identifier, which is important within that. Overall, the wellbeing measure would seek to identify which children were vulnerable, which were happy and thriving within their community and school, and which were in need of early help, especially around mental health and other support. It would enable services to understand where they needed to prioritise their resources. You cannot prioritise your response to children's needs unless you know which children are in need. As I say, it would create the engine for many of the outcomes that the Bill is seeking to deliver.

Q8 Munira Wilson: Dr Homden, you have talked about the lack of provision for children with special educational needs. What do you make of the power in the Bill for local authorities to refuse parents the right to withdraw their children from a special school to home educate if they do not feel that the special school is meeting their children's needs?

Dr Homden: That is a really complex area to consider because of the circumstances of individual children such as my own child, who was not withdrawn from school but had no available provision for two years of his school life despite being fully known and documented. I sympathise with parents who feel that the risks facing their child in a setting, as well as out of a setting, might lead them to that position. I sympathise strongly with the driver within the Bill, but much more consideration needs to be given to that question because of the lack of provision. At Coram children's legal centre, we are constantly representing parents where there is significant failure to fulfil the education, health and care plan, which is a child's right and entitlement.

Q9 Lizzi Collinge: Anne, you said that family group decision making can be fantastic if done well. What are your thoughts about how prescriptive the statutory guidance should be on the format of those family group decision meetings?

Anne Longfield: It has to be. If this is to be the cornerstone of our ability to move towards a kinship model, intervene earlier and get alongside families, it has to work properly. All the evidence is based on a full family group conferencing system. Of course, you would want to take any opportunity to work around families, but this is about planning, being there at the right time and having the involvement of children and families. That is not something that local authorities themselves can decide on.

It is also about the commitment to do something with it. Without that, it could just be a meeting with families, which would be an absolute missed opportunity. I am not a specialist in this; I went along and found family group conferencing about 12 or 15 years ago. I used to call them magic meetings. Out of nowhere came solutions that changed people's lives. I do not want to become too enthused, but it has to be done right, and the principles need to be seen through.

Q10 Ellie Chowns (North Herefordshire) (Green): You have enthused about family group decision making. Do you think it would be useful at other stages in the process, particularly in approaching families for unification at the point of discharge for care leavers?

Dr Homden: Yes, we would support that. We would also call for specific coverage in the statutory guidance on how children with family members abroad can benefit, and for consideration in that guidance on contact, particularly with siblings.

Anne Longfield: I would also look at the mechanism at other points, such as when children are at risk of becoming involved in crime and the like. But for now, yes.

Q11 Darren Paffey (Southampton Itchen) (Lab): I would like to ask about the requirement for local authorities to offer Staying Close. We have seen some success with that in Southampton, but from the direct work of both your organisations, do you think that the Staying Close offer meets the most pressing needs of care leavers, or are there other things that the Bill should consider?

Anne Longfield: Carol will probably talk about the detail more than I will, but in principle it was a really important change to be made and a really important commitment. Young people I have met have appreciated it and seen the value of it. I do not think it is yet at the point where most care leavers would say that it is meeting all their ambitions, nor of course is it anywhere. Having it as part of the Bill, to extend and strengthen it, is important, but it is there to be built on. We know from the outcomes for young people leaving care that it is crucial that that level of stability and support is in place.

Dr Homden: We support the extension of support to care leavers in the Bill. Provisions need to ensure greater consistency across the country in the support that is offered. It is important that the introduction of Staying Close provisions in this case will be offered to care leavers only where the authority assesses that such support is required. It is also important that that does not dilute the role and responsibilities of personal advisers. Young people speak very passionately in our Bright Spots surveys about the importance of the emotional and practical support that they provide. We must take care that that is not undermined.

Staying Close must mean what is close for the individual. This also extends to the legal duties to publish a local offer, which already exist, but really the question is whether we can achieve greater consistency and transparency for young people. For example, our young people in A National Voice, the national council for children in care, have been campaigning on the fact that almost two years after the Department for Education announced the increase for their setting up home grants, 10% of local authorities are still not applying it. All too often, these young people therefore experience a form of postcode lottery. Finally, our research has shown huge disparity in relation to the appreciation of levels of disability and long-term health conditions among care leavers. This needs to be a key area of focus.

Q12 Patrick Spencer (Central Suffolk and North Ipswich) (Con): Family group decision making is a well-evidenced practice, yet this Bill mandates it. Do we really need a Bill to mandate it, especially considering that a lot of children come into these situations when they are at risk of neglect from their carers? Cannot the virtue and the hope of this amendment, and the idea of family group decision making, be instructed through guidance? Does it need to be mandated through a Bill?

Anne Longfield: I think it does need to be mandated, because it is at the cornerstone of the different way of working. It is about intervening earlier. The majority of families in that situation are living with adversity and are not coping with adversity. The whole ambition behind this is to bring in not only parents, but families around them and others.

Q13 Patrick Spencer: What about children who are at risk of neglect at the hands of the carer? Do you think family group decision making is an appropriate step that a child safeguarding team should be mandated to practise at that point?

Anne Longfield: I think a mandate makes a very clear distinction in terms of a route of travel. It is well evidenced. Carol will talk about the risks to families and to children, but it is the broader family and in some cases the other support network—

The Chair: Order. I am going to interrupt you there, as we still have two more people to get in.

Q14 Amanda Martin: It is clear that we need strong partnerships to stop children slipping through the cracks, which happens far too often. What do you think will be the impact of creating the duty of safeguarding for partnerships to establish the multi-agency child protection teams? What lessons must we learn?

Dr Homden: I think we will need to send you a further briefing on that point, beyond what I have already said. The point is that if there is a duty, you are creating a framework within which there is much stronger accountability, assuming that it is carefully inspected, considered and acted on if it is not implemented.

I sympathise with the previous point. The welfare of the child is paramount and local authorities have an absolute duty to act, irrespective of any other duties on them, to ensure the safety of a child in acute circumstances. But the Bill protects that and makes that clear. Mandating family group decision making makes sure that best practice, in time, becomes the only practice.

Q15 David Baines (St Helens North) (Lab): In your view, are the measures in the Bill proportionate for improving child safeguarding and protecting children? Local authorities' spend on looked-after children in the past decade or so has increased from about £3.5 billion to over £8 billion a year. Will the measures in the Bill help to address that and bring it down?

Anne Longfield: I would say that they will begin to address that and bring it down. We are in quite an extreme situation. We know that the level of spend on children in care is very high and that it is not sustainable for any of us, for the public purse. We also know that it does not lead to the best outcomes for a lot of children. If early intervention had been in place, it could have been a very different situation.

I think it is proportionate for a first stage. There is much more that can be done, and there are things we could put in around interventions, play sufficiency, mental health support, children's centres and family hubs that could extend that into something that can get beyond this first stage.

Q16 David Baines: So your view is not that it goes too far, but that in some cases it does not go far enough?

Anne Longfield: I think it is proportionate for now, but it needs to be strengthened in some areas if we are to tackle some of the deep-rooted issues that we know a lot of children are facing.

Q17 David Baines: What about the overall spend?

Anne Longfield: The only way to get around the spend in local authorities on children's social care is to reduce those costs. I do not think that that is to deny children's needs; it is about a different way. We know that the spending on early intervention has almost halved over the past decade, while the cost of crisis has doubled. A lot of the cost is residential provision for older children. There needs to be a focus on where we can intervene early and find alternative solutions with families.

Q18 Tom Hayes (Bournemouth East) (Lab): Before I was elected, I ran a domestic abuse and mental health charity, so I can definitely speak to the value of the mandate, even in a local authority setting, which was excellent. Anne, are the other measures in the Bill proportionate to the aim of driving local integration and making sure that the child is at the centre of all decision making?

Anne Longfield: There are a number of other interventions that we could include that would strengthen children's participation and children's being at the centre of their communities. One of those is around children's play. We know that children's access to play has reduced dramatically over recent years. Play is the thing that children say they want: it is at the top of their list. We were very worried about access to play and the dominance of social media in children's lives. Wales introduced a play sufficiency duty in 2010. It was not a huge cost. It meant that local authorities had to plan for play and respond to play. That kind of strategy would be, for a first stage, a very cost-effective way of reflecting children's needs in the community.

Q19 Damian Hinds (East Hampshire) (Con): We talked earlier about the measurement of wellbeing. There are surveys of children's wellbeing by various organisations now: the Office of the Children's Commissioner—your old office, Anne—does something, the King's Trust does something, UNICEF has done an international survey and so on. What would the output of the surveys you envisage be used for?

Could you also say a word or two about the mental health of children and young people survey, wave 4 of which was most recently published by the NHS and the future of which is uncertain? Would you like to see that series of surveying and reporting carried on?

Dr Homden: Yes, we would. It is incredibly important that we are able to account for the implementation and for whether the Bill actually helps us to improve children's wellbeing. It is also extremely important that that happens systematically across local services and in any area in which we can respond and adapt services to meet the needs of children. Generally, we feel that it is extremely important that wellbeing measurement is advanced and made more systematic and consistent.

The Chair: That brings us to the end of this session. I thank our witnesses.

Examination of Witnesses

Andy Smith and Ruth Stanier gave evidence.

10 am

The Chair: We will now hear oral evidence from two more witnesses. We must stick to the timings: this session must end at 10.30 am. Will you briefly introduce yourselves, please?

Andy Smith: My name is Andy Smith. I am the president of the Association of Directors of Children's Services. In my day job, I am director of children's services and adult social services in Derby.

Ruth Stanier: I am Ruth Stanier, assistant policy director at the Local Government Association.

Q20 Neil O'Brien: Thank you for coming. We have an important principle in local government called the new burdens doctrine, which is that if the Government put a burden on local government, they pay for it. Given the various new duties and obligations that the Bill will place on local government, do you agree that that principle should be followed and that local government should be funded to implement those duties? Secondly, what is your understanding of the current situation? Is funding being offered to implement the duties in the Bill?

Ruth Stanier: Thank you for those extremely important questions. We very much welcome many of the measures in this Bill, which we have long been calling for, but they must be appropriately resourced to have the impact that we want.

Q21 Neil O'Brien: Would you like to see resourcing clearly specified in this Bill?

Ruth Stanier: You are absolutely right that the new burdens doctrine must be applied in the usual way. There are a number of measures in this Bill for which additional funding will be required, for example the new multi-agency units. We are encouraged that at this stage we are already having early discussions with the Department about the implementation arrangements. We are yet to undertake the full cost estimates, but that work will be set in train with the Department.

Q22 Neil O'Brien: That is very helpful. Clause 18 provides for regulations to be made on agency workers and their pay. We would all like to spend less on all these different things, but even though we might be sympathetic to the ideas in the Bill, do you agree that if we just cap prices without taking action on supply, it will fail, because the underlying cause of the high prices has everything to do with supply and planning over time?

Andy Smith: You have to cover both. It has been incredibly important and positive that the Government have taken forward measures to tackle the cost of agency workers. We are seeing the impact of the measures that have taken place already. For example, on Friday in my region we were talking about the implications and impact of the changes that have started to be implemented. We are seeing less churn of workers from one authority to another; we are also seeing some agency workers move over to the permanent books of councils, which is better for children.

It is also important to ensure that we have a sufficient approach and strategy for the workforce generally. That covers all elements of the Bill, so it would include social work but also other professions and other agencies where we have particular challenges. Yes, we absolutely need to focus on the recruitment and retention of social workers as well as tackling the costs of agency workers. I believe that that is already under way and is making some impact.

Q23 Neil O'Brien: Are there any other ways in which you would like to see the Bill amended?

Andy Smith: I think some things are missing from the Bill. There are some things that will be positive; no doubt we will come to those. What was disappointing, from the policy paper to where we are now, was the lack of corporate parenting: we would have expected to see all Government Departments committing to corporate parenting. We see that lack as a real disappointment, actually. It feels like a once-in-a-generation time for us to focus on the wider responsibility that all Departments should have for our children in care, so that is a particular gap in the Bill.

Ruth Stanier: I very much agree on extending the corporate parenting duty—this must be the right time and the right Bill to do that, and the Government have already committed to doing so in a recent policy paper, so it is really important we get that included. We were also disappointed that the Bill does not have powers for Ofsted to inspect multi-academy trusts, which was a Government election manifesto commitment. We support the similar new powers relating to care placement providers, but in respect of trusts that is an omission.

I am sure you will want to come on to discuss the elective home education provisions. We do support those, but there could be scope for them to go further. In an ideal world, councils would have the power to visit any child where there were concerns. Obviously, that would need to be appropriately resourced, but there could be scope to go further on that provision.

Q24 The Parliamentary Under-Secretary of State for Education (Stephen Morgan): Thank you both for being witnesses before the Committee. A question to you both: what impact will the Bill have on children and their families entering, or at risk of entering, the children's social care system?

Andy Smith: A strength in the Bill is the focus on family help and early intervention. We talk a lot about the cost of the care system, but we need to see this in a much more strategic context and sense. We know that there is a lot of evidence. We published research last week showing that for councils that have been able to invest and maintain early help services, it has a direct impact on reducing the number of children coming into the more statutory end of things within children's social care or the looked-after children service.

The challenge is that we have real variability around early help services across the country, because of the difficulties there have been with council budgets over the past 10 years. Seeing these reforms and the focus on family help in its totality—this goes back to the earlier question about the funding required to implement the reforms—will make a positive impact. It is ultimately better for children to remain with their families. If not,

there is a big focus on kinship care, where children remain in the family network. That is a real strength in the Bill.

Ruth Stanier: I completely agree with that. We very much support the measures on support for kinship families. We think that is a very important area.

Q25 Stephen Morgan: How do local authorities currently discharge their duty to ensure that children receive a suitable education? What impact will the measures in the Bill have on this?

Ruth Stanier: We very much support the new duty to co-operate across councils and all schools. It is something we have long been calling for. Of course, councils continue to have duties to ensure that there is appropriate education for every child in local places. Having the statutory underpinning set out in the Bill on co-operation across all schools is so important, particularly when we are thinking about councils' duties in respect of SEND, where the system is under enormous strain, as was illustrated by an important report we commissioned jointly with the county councils network last year. We very much welcome those measures in the Bill.

Andy Smith: The education system in England is increasingly fragmented and lacks coherence. We see the role of the local authority essentially eroded, even though our duties have not changed that much. The measures in the Bill will be helpful in trying to bring some of that coherence back and in recognising the role of the local authority on directing academies, school place planning and admissions. The current system works for some children but not all. Trying to rebalance that is a positive step forward.

Q26 Munira Wilson: The register of children not in school is supported by many parties and organisations, but under clause 25 a huge amount of detailed information will be requested of parents. In your professional view, Andy, do you think your directors of children's services need all this information to safeguard children? If so, why?

Andy Smith: ADCS has long argued for a register of electively home educated children. For several years we carried out a survey ahead of this information being collected by the Department. We know that the number of children being electively home educated has increased exponentially, particularly since the pandemic. We need to be really clear that the measures, in themselves, will not protect children or keep them safe. The child protection powers are welcome, but we need to think about the capacity and resource that will be required to visit children in their homes and the training that will be required for staff who are going out doing visiting so that they can tune into issues around safeguarding and general wellbeing.

The measures in the Bill are certainly very detailed in terms of what is contained in a register, and there may be some reflection on whether there needs to be such a level of detail captured. That in itself is not going to keep children safe.

There is also some reflection about the relationship that local authorities have with parents, because the reasons why children are being electively home educated have shifted. We have moved away from the kind of philosophical reasons why parents might decide to home educate. Often, children are being home educated because of bullying, because of mental health challenges, or because their parents are being encouraged by schools to electively home educate.

We are also seeing an increasing proportion of children with SEND who are being electively home educated because parents are not getting the provision that they want—it is not available—or because of the tribunal processes. The kind of relationship that local authorities have with parents in that SEND context is quite challenging, and yet the local authority will be going in to the family home, with an officer asking lots of questions about the nature of that education. I think there is some reflection around the detail.

Local authorities need much clearer guidance on what a good elective home education offer looks like so that there is greater consistency across the across the piece. At the moment, we just have not got that because we are talking about very old legislation.

Q27 Munira Wilson: Ruth, the Bill gives the Secretary of State powers to implement, if necessary, profit capping on private providers of children's care homes and fostering agencies. It is very clear that there is a huge amount of profiteering. Do you think that is the right way to go about tackling the issue, and what could it mean for sufficiency of places?

Ruth Stanier: We very strongly support those measures in the Bill, and we have been calling for them for some time. Just creating the powers sends such an important signal to the market in and of itself, but should it not have the desired impact, we hope the Department will go on to put regulations in place. The level of costs has just spiralled out of control, leaving councils in an absolutely impossible situation, so it is excellent that these measures are being brought forward.

We very much welcome the measures in the Bill to put in place greater oversight of providers, because clearly there is that risk of collapse, which could have catastrophic impacts on children in those placements. This will not solve the problems with sufficiency in the number of placements, and we continue to work closely with the Department on measures to tackle that.

Q28 Amanda Martin: With your experiences in mind, do you think it is right that local authorities that want to open new schools can currently only seek proposals for academies? Under the Bill, they will be able to invite proposals for other types of school. What implications do you think that will have for pupils?

Ruth Stanier: We very much welcome this measure, which we have long called for. Councils continue to have the duty to ensure that places are available for all local children, and having the flexibility to bring forward new maintained schools, where that is appropriate, is clearly helpful.

Andy Smith: ADCS's view is that the education system must absolutely be rooted in place, and directors of children's services and local officers know their places really well. The measures in the Bill around direction of academy schools are a welcome addition. The end to the legal presumption that new schools will become academies, and allowing proposals from local authorities and others, is very welcome. Local authorities understand planning really well, and they understand their place and their children really well. I think that will ultimately be better for children.

Q29 Damian Hinds: I want to ask about elective home education, but first, very quickly, we are going to legislate in this Bill for the provision of breakfast at primary schools. Has either of your organisations received any guarantees about the future of existing support for breakfast clubs in secondary schools, or the future of the holiday activities and food programme?

Ruth Stanier: We very much welcome the provisions in this Bill around breakfast clubs. We think it is incredibly important that—

Damian Hinds: Forgive me, but that is a different question. We know what the legislation proposes for primary school breakfast, but my question was about whether you have heard anything—whether you have had any guarantees—about the future of existing support for breakfast clubs in secondary schools in underprivileged areas, or for the holiday activities and food programme.

Ruth Stanier: On the first of those issues, I am not aware of any such guarantees or representations. I can see the point you are making, which is important. In respect of holiday activities, I have seen recent media coverage that seems potentially positive. Clearly, we very much want that support to remain in place.

Andy Smith: My view would be similar to Ruth's. The evidence and the impact of HAF are so tangible. We absolutely strongly support that continuing for the most vulnerable children.

Q30 Damian Hinds: Turning to elective home education, as Munira Wilson said, there is a great deal of detail in the Bill about information that will be required of parents—for example, the allocation of individual parents' time dedicated to the education of that child, and so on. Andy, I think you rather diplomatically said that perhaps we needed some reflection on the text. I wondered if you might reflect out loud, and say if you think it goes into an unnecessary level of detail that might be considered rather onerous for parents who are home educating—sometimes in very difficult circumstances—and indeed for your colleagues in local government. Have you made an estimate of how much cost would come with this system?

Andy Smith: We have not made a estimate about how much cost would come with the system. Clearly, there would need to be a new burdens assessment on any changes, because you cannot do these reforms on the cheap. It is really important to make that point.

From previous surveys that we have done with local authorities on elective home education, it is evident that over the last 10 to 12 years, the capacity has been hollowed out. You are often talking about not even a full-time post. In my authority, for example, we have less than one full-time equivalent worker on EHE, who goes out and knocks on doors and tries to talk to parents. If you superimpose the changes envisaged by the Bill, that provision would be significantly insufficient. This is much more than an administrative task. Some councils have an admin-like role that undertakes this function.

Notwithstanding whether there is currently too much detail, if we think about the practical things around visits, understanding the offer, trying to understand what is happening to children and building up that picture, there would need to be sufficient capacity to get sufficient workers in post across places to do that, and they would need be sufficiently trained. That is probably more important in terms of the line of sight on the child than having a huge amount of information and detail about mums and dads and carers.

Q31 Damian Hinds: A question that often comes up with electively home-educating parents is about the support that is or is not available to them in their efforts. The Bill does make provision for support to those parents, but on page 55, it says:

> "The advice and information to be provided is whatever the local authority considers fit".

You mentioned a moment ago that there would be some benefit in having more consistency across the country. Would you give a few thoughts on what you think "fit" is in terms of that support? In particular, a question that often comes up from parents is about entry into examinations.

Andy Smith: What constitutes a good elective home education offer will be very different depending on the parent and on the context, and depending sometimes on the rationale around why parents decided to implement EHE for their child. There should be some consistency around what those expectations are. We know that parents provide some fantastic enriched opportunities for their children through EHE and they are able to also sit exams, and there will be some learning from that.

The challenge in this space is that we are not starting with a level playing field. We have moved from a context where we were maybe 10 or 15 years ago, where you had parents who were EHE because of philosophical reasons around that being important for children and for their particular lifestyle. We are now often talking about kids who are not in school because they have been sidelined or discriminated against, because they are SEND or because they are being bullied. There needs to be some expectation and understanding around their starting points as well as what a good offer looks like.

We need to work that through based on the research. We need to try to co-produce that with parents. We need to do that in a way that we think will be broad enough not to tie parents down, but to ensure some consistency, particularly in terms of what the local authority role is and understanding the impact of that.

Ruth Stanier: I want to stress that if it were to be mandatory for councils to pay for exam fees, because clearly there is a case for that, it obviously would need to be funded.

The Chair: We still have six keen people wanting to come in, so can we have brief single questions and answers, please?

Q32 Lizzi Collinge: I draw the Committee's attention to the fact that I am a corporate parent in Lancashire. I am interested in the powers on financial oversight and profit caps on residential children's homes in particular. What impact do you foresee that having on the resources you have available to look after children?

Ruth Stanier: We very much expect that these measures should, over time, lead to a reduction of some of the extremely high costs that have been set out in recent research we have done. That should free up some additional funding for all the other things councils need to be doing.

Andy Smith: If you look at the breadth of measures in the Bill around having the right placements for the right type of child in the right part of the country, and

having regulations to try to move away from unregulated placements—we have seen the proliferation of those in recent years—over time we should start to see a more consistent provision of accommodation and placements across the country. There is a focus on fostering, kinship care and prevention as the continuum that we need for children, and there is a real focus on trying to keep children out of care in the first place.

Q33 Ellie Chowns: Clause 8 specifies that local authorities need to set out a local offer. You have talked about the need to avoid fragmentation, and about corporate responsibility across the country and across Departments. Would you like to see the Bill amended to require a national offer of support to care leavers, and what do you think should be in it?

Ruth Stanier: We certainly would want to see corporate parenting duties extended at a national level to Government Departments and relevant public sector bodies. We think that is incredibly important. Otherwise, we are very much supportive of the measures in the Bill in respect of the kinship offer, though we think it is important that there is a clear threshold for that support so that it is realistic and affordable and can be implemented.

Andy Smith: I would support that. A national offer for care leavers is an interesting concept. There should be some absolute minimum requirements we expect in an offer, and I think you would broadly see that in many councils in what is provided for children in care and for care leavers. It is usually co-produced with representatives who were care leavers, and with councils and so on. I think that would be an important reflection within the context of a much broader understanding of corporate parenting.

Q34 Catherine Atkinson (Derby North) (Lab): We heard in earlier evidence that spending on early intervention has reduced while crisis costs have significantly increased. What do you think will be the impact of early intervention, including family group decision making, primarily on outcomes but also, in the longer term, on costs?

Ruth Stanier: We very much think that the measures in the Bill will help to pull funding to the left, further upstream into prevention. We warmly welcome the Government's recent investment in the children's prevention grant. We think that the measures should help to improve outcomes and reduce costs over the longer term.

Andy Smith: It is absolutely a false economy not to invest in early help and early intervention. We know that the evidence base is so strong on children escalating into higher-cost services. My authority has invested in early help services, and we have an edge of care team that targets children on the edge of the care system. When we are able to prevent them from going into care, we track the cost avoidance, looking at what a typical placement might have cost. We have saved in excess of £5 million over the last three years in cost avoidance.

The case is well argued. The challenge is that councils are at different starting points because of the way in which funding has been eroded over the last 10 years and the fact that many councils have to prioritise the higher-cost services, which often take away from early intervention. It is a false economy. If we can get the funding right, the Bill offers us an opportunity to invest in family help and early help services and start to see impacts much more consistently. We are beginning to see some of that from the 12 Families First pilots that are taking place.

Q35 Patrick Spencer: I completely agree on the need for stable safeguarding teams, and they are in the better interests of children, but can you completely rule out any risk that a statutory cap on the use of agency workers will lead to people leaving the profession?

Andy Smith: I cannot absolutely rule that out. We have significant churn in social work, and that is part of the challenge—that we are struggling, as a system, to recruit and retain social workers. We have lots of routes into social work, and we are doing lots to promote the role. I am a social worker. I love it, and it is brilliant, even though I have not practised for a number of years now. The measures in the Bill will go some way in setting some rules around how and when social workers can move into agency social work, but I cannot guarantee that it will stop or prevent the churn in the system. The Bill outlines one tool that will help with the stability that we need in the workforce, and that ultimately leads to better outcomes for children.

Q36 Matt Bishop: With the requirement for registers of electively home-educated students, do you anticipate a sizeable decrease in the number of children missing education?

Ruth Stanier: It is an interesting question. I am not sure that that would necessarily follow. As Andy has set out, we see these very clear upward trends at the moment, in part driven by the significant problems in the SEND system and the challenges that many children face, with the schools that they are in, in accessing the support that they need, including mental health support. I am not sure that that would necessarily follow.

Andy Smith: You have to overlay the implementation timeline of this Bill with what needs to happen around a new system for an inclusive education. That will start to impact on some of the cohorts of children who are missing education or being electively home-educated. There is such a strong SEND component now, in a way we did not see before the pandemic. We have to overlay the two things to understand what those impacts might start to look like.

Q37 Tom Hayes: Before the election I visited Linwood school's Charminster site, and I spoke to a young girl with support needs around SEND. She told me about a meeting with a new social worker, who asked her how her parent was. She had to tell the social worker that her parent had died. That is just one of many examples of social workers who pick up new cases and do not have time to read notes. We have constant churn, and we know some of the human cost. Can you speculate about or estimate some of the financial savings from reinvesting into a permanent workforce the money that would be spent on local agency social workers? How much would local councils benefit from this measure?

Andy Smith: An agency social worker costs around a third more than a social worker on the books of a local authority. You can extrapolate what that would look like from a team of eight or nine social workers to two or three times that. Financially, it is definitely a much better option than having an agency worker. That is not

to say that agency social workers are bad—that is not what I am saying—because there could well be, and are, occasions when local authorities need to employ agency social workers to cover sickness or maternity leave, or where there is a particular pressure. But it should be an exception rather than the rule.

It is about creating the conditions that enable social workers to want to stay on the books of local authorities, as well as putting rules around it so that workers have sufficient training and development, and cannot move to agencies too quickly before they have had that breadth of experience. Ultimately, it would be cheaper to the public purse if we had fewer agency social workers and more social workers on the books. It would also be better for children in terms of consistency and stability, because we want to try to reduce the hand-offs and the churn in the workforce.

Q38 Ian Sollom (St Neots and Mid Cambridgeshire) (LD): You have mentioned a couple of times the change with elective home education from philosophy to reasons around the provision in schools. Do you have thoughts on what accountability there should be for schools? Ofsted currently inspects the schools, and it does not look at reasons why children might not be in school electively. Is there some mechanism that you see around that?

The Chair: We have 30 seconds. We have to stick to the programme motion; I am sorry.

Ruth Stanier: We very much welcome the fact that the Government are now asking Ofsted to look specifically at inclusion. We think it is so important for precisely that reason.

The Chair: Thank you very much to our witnesses.

Examination of Witnesses

Julie McCulloch and Paul Whiteman gave evidence.

The Chair: We will now hear oral evidence from Julie McCulloch, senior director of strategy, policy and professional development services at the Association of School and College Leaders, and Paul Whiteman, general secretary of the National Association of Head Teachers. You are very welcome. Do you both want to say a brief word of introduction?

Paul Whiteman: I am Paul Whiteman. We broadly support the provisions within the Bill, as far as they connect with schools. The Bill builds upon a lot of the policy positions and ambitions that we have held for some time. We do not see it as a revolution in education, but the provisions are broadly sensible.

Julie McCulloch: We are in a similar place in our schools. There is much in the Bill that aligns with our existing policy positions. We have a few logistical questions about how some of the proposals might play out, and perhaps some questions about how they sit within the Government's broader vision and strategy for education, but we are broadly in favour of the proposals in the Bill.

Q39 Neil O'Brien: Good morning, and thank you for coming. Julie, on your logistical questions, ASCL said in its statement that

"work will be needed to get these measures right…Further changes must be done with care and must not seem ideological."

You talked about some of the issues that you want to see addressed as we amend the Bill. What are they?

Julie McCulloch: They are largely about the fact that these proposals are landing in a particular context. There are three areas where those logistical challenges exist. The first is that they are landing in the context of a system that has been systematically underfunded for many years. That particularly relates to the proposal about breakfast clubs. We have some questions about ensuring sufficient funding for breakfast clubs.

Q40 Neil O'Brien: Can I press you on that one? I do not understand from the Bill how breakfast clubs are supposed to work. Obviously, many primary schools already offer a breakfast club, and they charge for it. If you are now supposed to offer 30 minutes and a free breakfast—I think the going rate will be 60p in the first wave—how does that work with schools' current charging arrangements? Are they allowed to charge before that period, so there will be both charging and a free session? Is that your understanding of what the Bill does?

Julie McCulloch: That is our understanding. Is that yours too, Paul? There will be the provision of additional funding for the children who most need it, but you can provide provision around that.

Q41 Neil O'Brien: So you will have two tiers. What is your understanding of the position on secondary school breakfast clubs? Have you had any undertakings on the future of the free school breakfast programme that exists in secondary schools, or the holiday activities and food programme? Is it your understanding that there is secure funding for those things?

Julie McCulloch: I am not sure I would be as confident as that. We have started to have some conversations about that, but not detailed ones.

Q42 Neil O'Brien: You would welcome greater certainty about those things, presumably.

Julie McCulloch: We absolutely would, and continued funding.

Q43 Neil O'Brien: Is there anything else that you would like amended in the schools section of the Bill?

Julie McCulloch: I have two other thoughts, just to finish my point about the context within which this is landing. The second is about the challenge around recruitment and retention in schools. Although the proposal about qualified teacher status is absolutely welcome and the right thing in principle, we have had some concerns from our members about the challenges of ensuring that can be followed through, when they are already really struggling to recruit.

Q44 Neil O'Brien: Do you think it is sometimes better to have a good professional person whom the head thinks is a good teacher, rather than no teacher at all?

Julie McCulloch: In some cases, yes. That is a sad place to find ourselves, but sometimes that is the case, particularly when we are looking at vocational subjects at the top end of secondary school and into colleges. There are some excellent teachers and lecturers in further

education colleges and secondary schools on vocational subjects, who do not necessarily have qualified teacher status, and we need to make sure we can retain them.

Q45 Neil O'Brien: You can be a good teacher even if you do not have QTS. You can be the right person.

Julie McCulloch: Yes. We absolutely in principle think that there should be qualified teacher status, but it is about that contextual piece.

The third area where we have some concerns about the context is the extent to which there is capacity in local authorities—you have just heard from local authority colleagues—to pick up some of the additional requirements on them. Again, we do not have any concerns about the principle, but some of our members are concerned about whether there is that capacity, and whether that expertise still exists in local authorities.

Q46 Neil O'Brien: Do you have a sense that a large number of schools are not providing a broad and balanced education at the moment? Do you have a sense of how many schools are not following the national curriculum?

Julie McCulloch: No, it is absolutely not a significant number at all. We hear from our members that the vast majority do use the national curriculum as their starting point and as a benchmark, and they innovate on top of it.

Q47 Neil O'Brien: What do you think the problem is that that measure is trying to solve?

Julie McCulloch: In our view, it is right that there should be a core national entitlement curriculum for all children and young people; we think that is the right thing to do. The devil is in the detail—we are going through a curriculum review at the moment. Our view is that that entitlement is important—on the ground it might not make an enormous amount of difference, but it is still important.

Q48 Catherine McKinnell: When it comes to school admissions, do you think the measures in the Bill will help local authorities to fulfil their statutory duties? Could you comment on how you think it will impact on children and schools?

Paul Whiteman: We do think it will help local authorities—we think there has been a gap in terms of their ability to ensure that their admissions duty is fully met. To that extent, the difficulty of some parents to find the school that their children really should go to has been fettered. Therefore, we think these provisions are broadly sensible and to be welcomed.

Julie McCulloch: We agree. The more join-up we can have between local authorities and schools on admissions the better; there are some areas where that is working really well already, and there are others where that statutory duty might help.

Q49 Catherine McKinnell: Great. From your experience, do you think it is important that a school's individual circumstances are taken into account when you are determining the best and appropriate action to drive school improvement where a school may be under--performing, such as whether it is a maintained school? Do you consider that conversion to an academy by default might not always be in the best interests of every school and the children within it?

Paul Whiteman: It is important to preface my answer by saying that the success of academies can be seen, and the improvement is very real, but it is not always the only way to improve schools. We have held that belief for a very long time. With the extent to which we rely on data to support one argument or the other—of course, it has been the only option for so very long, and the data is self-serving in that respect.

Academisation is not always a silver bullet, and does not always work according to the locality, status or circumstances of the school. We absolutely think that different options are available. The introduction of the Regional Improvement for Standards and Excellence teams to offer different support and different ways of support is to be welcomed to see if that is better. Academisation has not always been a silver bullet, but it is really important to preface by saying that that is not an attack on the academy system—there are very good academies and there are excellent local authority maintained schools as well, and we should make sure that we pick the right option for the schooling difficulty.

Julie McCulloch: I would start in the same place. It is important to recognise the extent to which the expertise and capacity to improve schools does now sit within multi-academy trusts—not exclusively, but that is where a lot of that capacity sits at the moment. It is important to make sure that we do not do anything that undermines that, but our long-standing position is that accountability measures should not lead to automatic consequences, and that there does need to be a nuanced conversation on a case-by-case basis about the best way to help a struggling school to improve, which we welcome. There are some challenges. I think some members have raised some questions about whether that slows down a process to the detriment of the children and young people in those schools who most need support; clearly that would not be a good place to find ourselves. However, in principle that sort of nuance is welcome.

Paul Whiteman: It is worth adding that we do have examples of schools that are in difficult circumstances where an academy chain cannot be found to accept them, because the challenge is too difficult for an academy to really want to get hold of them.

Q50 Munira Wilson: Leaving aside the register, looking at the schools part of the Bill—and knowing the challenges your members up and down the country face—do you think it has the right priorities in terms of the issues we need to be tackling across schools and colleges?

Julie McCulloch: I think it has some important priorities, and the ones you highlighted are first among them—the register, for example. There are certainly other issues that our members would raise with us as being burning platforms at the moment. SEND is absolutely top of that list, with recruitment and retention close behind, and probably accountability third. Those are the three issues that our members raise as the biggest challenges. There are some really important measures in the Bill that talk to some of those concerns. Certainly, there are some things in the Bill that might help with recruitment and retention. But it is fair to reflect the fact that our members are keen to quickly see more work around some of those burning platforms.

Q51 Munira Wilson: You mention recruitment and retention as a key issue—we know that it is a massive issue—yet in a previous answer you said you were concerned that the qualified teacher status changes might reduce supply. In your professional judgment, what impact might the QTS measures and the constraints on pay and conditions have on recruitment and retention? What is it that you think will be beneficial for R&R?

Julie McCulloch: I think there are two different questions there. On the QTS measure, I think it is about recognising the acute situation that we are in, and that in some circumstances our members are saying that they have a good member of staff delivering teaching who does not have QTS but is maybe working towards it. There is some devil in the detail there about where exemptions might be, and how working towards QTS might work.

On the changes around applying the school teachers' pay and conditions document to academies as well as maintained schools, if the way we understand that measure is right, we think it will help with recruitment and retention—if it is about a floor, not a ceiling. We are not entirely convinced that that is how the Bill is worded at the moment, but if that is the intention and how it plays out, we think that is helpful.

Q52 Munira Wilson: Obviously, breakfast clubs are for primary schools, but hunger does not end at 11. Do either of you think that we should be extending provision of free school meals right up to 18?

Paul Whiteman: May I add something in response to your first question, and then deal with your second question? In terms of QTS, we agree with what Julia said, but would add that it is a legitimate expectation of pupils and parents that they are taught by someone who is qualified to do so. Therefore, the provisions in the Bill meaning that people travel towards becoming qualified teachers are very important. That necessity has a marginal impact on recruitment and retention, frankly.

Recruitment and retention is so much more than the flexibilities that may or may not be allowed to academy chains under pay and conditions. Those are sparingly and judiciously used at the moment—we have no objection to how they have been used so far. But those flexibilities have a marginal impact. What affects recruitment and retention is more around workload stress, the stress of accountability, and flexibility within employment, rather than those flexibilities.

Q53 Neil O'Brien: A quick question for Julie. You said it was not clear whether the Bill currently delivers a floor, not a ceiling. Would you welcome it if we all passed an amendment to make that very clear?

Julie McCulloch: Yes.

Q54 Amanda Martin: What is the importance in the Bill of providing a clear legal basis for sharing information with the purpose of safeguarding and promoting the welfare of children?

Paul Whiteman: We absolutely support that. A statutory duty for schools and educators to be consulted in that respect is necessary, and it will widen the voices within that. After all, it is in schools that children are most present and visible, and teachers and school leaders already play a role in noticing changes and issues.

Julie McCulloch: We feel the same way. I would simply add that it is a growing set of responsibilities on schools—burden is not the right word, because schools absolutely need to do it. We are hearing a lot about the pressures on designated safeguarding leads in schools. While we also welcome schools' having a statutory role here, we need to recognise that schools will need support and sufficient resources to deliver that.

Q55 Damian Hinds: I did some rough calculations, and I think 3.1% of full-time equivalent teachers do not have QTS. In 2010, which happens to be the year the data series started, it was 3.2%. On pay and conditions, no one seems to have come forward with any widespread evidence of schools paying less than what might be this floor condition. In your estimation, what problem are the Government trying to solve with these two measures?

Paul Whiteman: I think you are asking the wrong people. I do not know what is in the minds of Government.

Q56 Damian Hinds: Paul, you like to speculate—come on.

Paul Whiteman: Damian, you know me too well. I cannot answer what was in the minds of Government. Broadly speaking, as I have said, I think it is a legitimate expectation of parents that a teacher in front of their child is qualified to teach them. On the push from both your Government and this Government for standards to be the voice of parents, and in talking about doing this for the expectations of parents, I think that gets alongside that ambition, so it is welcome.

On the pay flexibilities, the debate is louder than it needs to be because of the point that you made—we have not really deviated much from the STCPD. The whole point of having an independent pay review body to establish what the floors should be has worked in that regard but we need it to offer more, and obviously we would always say that. Where I would phrase it slightly differently, on the question of whether we would ask for an amendment for a floor and not a ceiling, is I would talk about a core rather than a floor. There should be a core of terms and conditions that means a teacher or school leader is agile within the system and portable. We do not want people being stuck and unable to move because the terms and conditions vary so widely. That would work against our ambition of delivering the very best education system and getting the best teachers in front of children.

Julie McCulloch: I would not disagree with anything there. Core is a better term and it suggests not a minimum but a core entitlement, and I think that is right. On pay and conditions, yes. We hear from our members that some of them have exercised some upward flexibilities and they are keen to able to continue to do that, and to recognise the context in which they are operating. They are keen to maintain that while keeping that core. QTS is a very small number, but where that number exists, there might be reasons for it. It is important to recognise the balance between wanting a fully qualified professional and some of the nuance there.

Q57 Damian Hinds: I think a lot of people see the measures in the Bill on flexibilities for schools, on academies and on the national curriculum as quite a dramatic change, or a dramatic undoing of reforms made to the school system over the course of multiple

[Damian Hinds]

Governments over the last couple of decades. Paul, you said in your opening remarks that this is not "a revolution". My question is: come the revolution, what should we expect to see in Labour's next Bill?

Paul Whiteman: As a trade union that is politically independent and speaks to all of you, I have no insight into what might be in Labour's next Bill.

The Chair: I think that is not a terribly serious question, Damian. Darren, let us get on with it.

Damian Hinds: It is a serious question.

The Chair: It is not part of the Bill, and we have to stick to this Bill.

Q58 Darren Paffey: My question is about qualified teacher status, and the Bill is obviously about either having or working towards that. Do you think it is a reasonable expectation that, whatever your expertise and subject knowledge, if you are teaching, you are trained to teach? Do you think that remains a reasonable expectation?

Julie McCulloch: I think it does in the vast majority of cases, but quite what working towards it looks like needs thinking about to ensure that it does not exacerbate existing crises. The only exception I might look at—I think there may be exceptions for this anyway—is at the very top end of secondary, and going into the college and vocational sphere, where there might be a slightly different set of skills needed in the people teaching those young people. But broadly, as a principle, I would agree.

Q59 Darren Paffey: My main question is about safeguarding. I know from experience that the good relationships between the different agencies, particularly schools and the local authorities, are forged locally, and therefore they depend on almost a bit of a lottery. Do you think that mandating will resolve that issue? Will that satisfy the leaders and the designated safeguarding leads who you speak to that they now have the position and the basis for a much stronger relationship through what is being mandated?

Paul Whiteman: We do. I would not go as far as suggesting that it is a lottery, but there are differences of relationship and of quality of relationship, so putting that on a statutory footing will help. Our one concern is that schools are often seen as the thing that will fill any void that occurs, or that will assume a greater responsibility. This is really about making sure that, through the conversations with those safeguarding teams, all the services that support children are there to help them, and that schools have a voice in that, rather than having to assume some of the responsibilities of the other agencies, as has happened more and more over time. We see it as a positive step, but there is a risk that somehow more and more responsibility is placed on schools, which would not be correct.

Julie McCulloch: I strongly agree with that. We have been doing a lot of work with our members recently about the additional responsibilities that they have been taking on, some of which they have been expected to take on and some of which they have felt that they had no choice but to take on, because the agencies that had normally delivered those services previously no longer exist or have incredibly long waiting lists. The relationships that might be improved through this measure are really important, but there is a huge capacity issue as well.

Q60 Darren Paffey: Are those expectations clear enough?

Julie McCulloch: I think they could probably be clearer.

Q61 Ellie Chowns: The Bill talks about breakfast clubs, but says nothing about free school meals more widely. Would you like to see an expansion of eligibility for free school meals?

Julie McCulloch: We would.

Ellie Chowns: Could you elaborate on that?

Julie McCulloch: Happily. We would like to see the expansion up to 18—at the moment, it goes up to only 16—and we would like to see it expanded to all children in families receiving universal credit.

Paul Whiteman: We are in a similar position. We absolutely accept the evidence that well-fed students perform and work better. Our only concern is the level of funding that comes with it. The provision has to be funded properly, not just for buying the food but, importantly, for the capital costs to make sure that those things can be delivered properly.

Q62 David Baines: I am sure that we would all agree that we want to see high standards in every school for every child, whether that is for academic attainment and achievement or for safeguarding outcomes. In your view—broadly speaking; we have limited time—does the Bill help or hinder the ambition of high and rising standards in every school for every child?

Paul Whiteman: I certainly do not think it hinders that. On the extent to which the Bill addresses some of the struggles that we have had about attendance and support for children, it will certainly help. Often, when we are discussing such things, the language is very unhelpful, because most schools have high and rising standards already—it is a very small percentage of schools that are in real difficulty. My eye is therefore drawn to the provisions for when intervention occurs, how that support occurs and whether that will help, and I absolutely think it will. Having alternatives, not just one answer, will assist the local education economy and the local education effort to collaborate more and to help more. One of the things that we need to make sure that we are doing much better in a fragmented system is encouraging more collaboration between different trusts and schools.

Julie McCulloch: I certainly do not think that there are things in here that will hinder that, and there are some things that will help. More broadly, a lot of the measures that would help with high and rising standards in schools sit outside schools, perhaps in the Government's broader opportunity mission. That links to the previous discussion around broader children's and family services, and children living in poverty. There is absolutely some helpful stuff here, but much of the answer probably lies in other parts of the Government's work.

Q63 Patrick Spencer: I want to talk about school improvement. Paul, I think you said earlier that you were confident in the RISE teams as a policy. When we FOI-ed commitments to the RISE teams, we found that the east of England, where my constituency is, will have four people from the RISE teams. We have thousands of schools, and probably hundreds that require improvement, yet only four people. Can you qualify why you have confidence in the RISE teams to deliver a school improvement offer? Can you also speak to what more could be done in the Bill to ensure that there is a proper school improvement offer?

Paul Whiteman: I am not sure that I have said that I have confidence in the RISE teams. I think I referenced the RISE teams as having a role in improving standards, in that they will come and support as well. I do not know whether there is a word-for-word record to check that, but if I was saying that I had confidence, that was not intended.

I think the problem with the RISE teams, and all the rollout of the Bill's intentions, is to do with the practical application of the Bill's provisions later on. Of course, making sure that those teams are properly resourced and funded so that they work is a challenge. There are other issues about the context in which they work, and I think the change of context from a discussion of intervention to a discussion of support is a much more positive footing for those teams to interact with schools locally.

Julie McCulloch: It is important to remember that the RISE teams are as much about triage as they are about delivering support. We need the kind of recognition that I started with of where the expertise sits in the system, which is largely within schools and trusts.

Q64 Patrick Spencer: Do you think school improvement is best delivered at the Department for Education in a big office somewhere, or in a school with people on location?

Julie McCulloch: I think there is a role for both. There is a role for central co-ordination and central support. If the RISE teams deliver, that is what they could provide, but that support for schools does need to be done on the ground. That links to parallel conversations that are going on about how we might change inspection and accountability, as well as doing more to recognise the role that schools and trusts play across the system for school improvement, not just in their own individual institutions.

Paul Whiteman: Just to add quickly, I do not see the RISE teams as the only participants in that school improvement. We see one of the roles of the RISE teams as identifying helpful local practice and trying to broker collaboration which, at the moment, sometimes does not happen in the way that it might. Access to multi-academy trusts could do something very well to schools that are not in their local authority.

Q65 Patrick Spencer: How do you see the role of local authorities with multi-academy trusts? Are they just replacing what was already going on?

Paul Whiteman: Unfortunately, local academy trusts looking outside their own boundary does not happen quite as often as we would like in terms of helping schools that are not part of their trust, unless they become formally part of it. What we need is more collaboration across all school types in local areas.

Q66 Ian Sollom: I think I am quoting you correctly in saying that academisation was not a silver bullet. Could you elaborate on the factors that are in play where it has not worked in particular areas?

Paul Whiteman: The data we look at shows quality schools and improvement outside the academy system as well as in the academy system. Where you get particular schools that are very difficult to broker, or have been re-brokered on a number of occasions, we need a different answer. I think it sits with the locality, and the local education networks and economy, to run to the aid of that school and try to improve it. I was also careful to say that my comments are not an attack on academies or the good work they do. It is about finding the answer for the individual school.

Q67 Ian Sollom: What is the difference with the maintained school if that is sitting quite isolated around other academies? It has not got that in-place support around it. How does that work effectively—is it better than re-brokering to another academy?

Paul Whiteman: For me, it is not necessarily about the legal status of the school. It is about the collaboration and support around that school from the rest of the education network and society around it. We have seen some really good work in the last few years in the north-east with the way it has been building those networks around schools that happen to be in trusts and schools that are not in a trust, and making sure that support is delivered. The provisions in the Bill mean that you could make different decisions about the school's legal status and actually make sure the support is delivered in a way that works for that school.

The Chair: I thank our witnesses.

Examination of Witness

Jacky Tiotto gave evidence.

11 am

The Chair: We will now hear oral evidence from Jacky Tiotto, chief executive of CAFCASS—the Children and Family Court Advisory and Support Service. Please could you introduce yourself?

Jacky Tiotto: Thank you. My name is Jacky Tiotto. I am the chief executive of CAFCASS and have been there for five and a half years.

Q68 Neil O'Brien: Good morning and thank you for coming. Clause 1 states:

"Before a local authority in England makes an application for an order"

it has to

"offer a family group decision-making meeting".

Those meetings are generally a very good thing. They are in statutory guidance already, but I have two nagging worries as we move to mandate a good thing, as it were. The first is about pace. I worry that through people using the courts or their legal rights, some people will

[Neil O'Brien]

slow this down, or I worry that the local authority will sometimes worry about fulfilling this requirement when the priority should be the pace of getting a child away from a dangerous family. And I worry, on the other hand, that because we are saying that they should think about this and do more of these meetings just before they put an order in, you are at the point where the meeting is not going to be that useful because you are already not into a consensual process. We want to try and get local authorities to do this earlier more often. Do you have worries about the pace, particularly for very young, very vulnerable children? Could we amend the clause to try to address some of my nagging doubts?

Jacky Tiotto: I think they are good doubts to have. I should say at this point that CAFCASS is not involved before the application to court has been issued, so it does not technically affect the work that we do. But when the proceedings are issued, we are interested in why they have been issued and what has not happened for the child. Our position is that if you are introducing something largely consensual about engaging people in the care of children in their family at a point when you are going to formalise a letter that says, "If you do not act now, we may remove your children," I think it will be very confusing.

As drafted, the Bill probably could move it down to the point at which there are formal child protection procedures starting so that the family can get to know what the concerns are, work with the child protection plan for longer, understand what the concerns are and demonstrate whether the protection can happen. On the second point, if the Bill were to stay as drafted at the edge of care, I think there are risks for very young children, and babies in particular. The meetings will be difficult to set up. People will not turn up. They will be rescheduled—

Q69 Neil O'Brien: What is the average length of time?

Jacky Tiotto: I do not know, but I would think it is a number of weeks.

Q70 Neil O'Brien: Is a number of weeks a potentially dangerous thing?

Jacky Tiotto: For very young children when you are concerned, if they are still with the parents, which is sometimes the case, or even with a foster carer, you want permanent decisions quickly. That does not negate the need for the family to be involved. You can have it much earlier because you have been worried for a while at that point.

Q71 Neil O'Brien: So if you had the power, you could get this Bill into exactly the way you would draft it. With lots of experience in this world, you would change it so that we moved this thing in clause 1, part 1, so that it was focused on the point where there are initial child protection conversations rather than being in addition to. That is incredibly helpful. Is there anything else you would do to amend the Bill?

Jacky Tiotto: There are a few bits that it would be good to talk about. I do not know if you have a set of questions.

Q72 Neil O'Brien: My real question is: what would you amend? We are trying to find out how we should change the Bill as it goes through.

Jacky Tiotto: If I speak too long—because this is a great opportunity—please interrupt me. To go back to family group decision making and make a point about CAFCASS, we are the largest children's social work organisation in England. We see 140,000 children through proceedings every year. The Bill tends to focus on those who are in public law proceedings. Two thirds of the children we work with are in private law proceedings, where there are family disputes about who children spend their time with and where they live. Very often, those children are in families where conflict is very intense. There are risks to them; there is domestic abuse. The Bill is silent on children in private law proceedings, and I think there is an opportunity for that to be different.

One suggestion I would like to make on CAFCASS's behalf is that family group decision making should be offered to families where the court has ordered a section 7 report—a welfare report that, if ordered to do so, the local authority has to produce for the court in respect of what it advises about where children should live and who they should spend time with. I think the opportunity for a family group decision-making meeting for those families is important. I just put that on the table, if I may.

I want to talk a bit about clause 10, which is on deprivation of liberty—I do not know whether you have spoken about it yet. Obviously, CAFCASS is involved in 98% of those applications; to give you a sense of the span, last year there were 1,200 applications to deprive a child of their liberty. As I am sure you will know from the research briefing, that is an increase of about 800% since 2017, because the provision to secure children is not there. This is therefore a welcome change to section 25, but it is a missed opportunity to deal with the arrangements around deprivation, and some better, stronger regulations could be made for those children—who, let us face it, are actually being secured, or deprived of their liberty.

Our data shows that 20% of those children are aged 13 or under. Currently, if a local authority applies for a place in a secure unit for a child aged 13 or under, the Secretary of State for Education has to approve that application. I think an assumption is made in the Bill that that strength would remain in the amendment. We need to make it clear that, for all applications for 13-and-unders into places where they will be deprived, the Secretary of State should still approve. That has been unnecessary because the courts have been using their jurisdiction to deprive children. This clause will remove that, and make the accommodation usable legally, but we need to ensure that for young children it comes back. That is one point.

The second point is that for those young children, the review of their deprivation should be stipulated in terms of how regularly that deprivation is reviewed. For a 10-year-old deprived of their liberty, a week is a long time. The children who we work with tell us that they do not know what they have to do to not be deprived of their liberty, and very young children will be confused. So the frequency of review, I think, becomes more regular if you are younger.

I very much feel that the Department for Education should definitely consider what has happened to the child before the deprivation application is made. From our data, only 7% of those children were the subject of child protection plans, and it is hard to imagine going from not being protected by a statutory child protection plan to being in a court where they might deprive you. The relationship between child protection and deprivation needs strengthening.

Q73 Neil O'Brien: What would that look like? Do you have to do a case review?

Jacky Tiotto: As soon as that child becomes the subject of a concern, such that you might be making an application to deprive, you hold a child protection conference and you have a plan in place to protect that child beyond the deprivation, so including and beyond—it helps with the exit.

The final point is about the type of people who apply to run this provision as amended: Ofsted needs to be really sure who they are and what their experience is. I have run this provision; I have worked in it. These kids are really needy. They need specialist, highly qualified people, and at the moment the provision that they get is not run by those sorts of people.

Q74 Stephen Morgan: Jacky, thanks for presenting evidence to the Committee. I have two questions: one about local authorities, the second about kinship. On local authorities, what impact do you think mandating local authorities to offer a family group decision-making meeting will have on families and children?

Jacky Tiotto: The intention to be family-centred and to promote families as being the best place for children to grow up in is a good one. As I said, I think it is too late when you are in a panic and get a letter that says, "We may remove your children"—you are going to engage very differently at that point than if you were involved earlier. I think it is a good thing, but the problem with mandation is that just because you say it has to happen does not necessarily mean that people will come, and it does not necessarily offer protection to children. The principle is right but how it becomes operationalised will be important.

Q75 Stephen Morgan: That is really helpful. On kinship then, you will be familiar with the independent review of children in social care and the recommendations around kinship carers receiving greater recognition and support. There are obviously a number of measures in the Bill in that regard. What impact do you think the Bill will have on kinship care and those who care for those in kinship?

Jacky Tiotto: I think it is fantastic to be acknowledging those people who often give up a big chunk of their lives to look after those children. Formalising the offer for them is a no-brainer, really. At CAFCASS, we clearly will be involved in assessing some of those carers if they have come into proceedings and have been named through the proceedings. We will be assessing them as we do special guardians now, so all to the good.

Q76 Munira Wilson: CAFCASS seeks to make sure that decisions are made in the best interests of the child, and that the child is heard. How child-centred do you think the legislation is as drafted, in particular with regards to family group decision making?

Jacky Tiotto: Yes, I was thinking about that on the way here. The intention to be child-centred is great, but there is confusion. Look at the advice that exists now, say, from the Ministry of Justice about the meeting you would have in pre-proceedings about removal of your children: it is not to bring your children because you would be in a meeting where something scary would be being discussed. You can understand that advice. Now, perhaps the week before, we may have a family group decision making where the plan is to encourage children to come. I think that more thought needs to be given to how children will experience family group decision making.

To the point about it being earlier, I think a very special provision should be drafted about the need to seek children's views and present them in that meeting. Whether they come or not is a matter for local authorities to decide, but, very critically, the adult voices will become the loudest if the children do not present a view.

Q77 Munira Wilson: The Bill as drafted says that the child "may" attend a meeting if the local authority deems it appropriate. Would you agree with me that it should be the default that the child should attend unless the local authority thinks it inappropriate?

Jacky Tiotto: Yes, but with care.

Q78 Munira Wilson: Absolutely. Could I follow up on the Minister's question on kinship? You say you support relatives being involved in looking after children. It is great that a local offer is going to be published by every local authority, but every local authority has a different offer, frankly. What more do we think we could be doing to ensure that more kinship carers can step up and support children who would otherwise end up in local authority care?

Jacky Tiotto: Well, I think we have to go back to the needs of the children, and they are pretty significant. In large part, when a local authority becomes involved on behalf of the state, they are worried: there will be matters of children not going to school, or them being at risk of criminal or sexual exploitation. There will be some quite serious issues in their lives if they are older children; if they are younger children, not so much so, but nevertheless the kinship carer's life will not continue in the way it had before, in terms of their ability to work, maybe, or where they live.

We know that local authorities are under huge resource pressure, so there is going to have to be something a bit stronger to encourage people to become carers, whether that is related to housing or the cost of looking after those children. People will want to do the right thing, but if you already have three kids of your own that becomes tricky. It has to be about resource and support—not just financial support, but access to much better mental health support for those children and the carers.

Q79 Amanda Martin: I want to take a step back from where you would be involved. What do you think the impact will be of creating the duty of safeguarding partnership to make arrangements to establish a multi-agency child protection team?

Jacky Tiotto: It is a long way back from us, but I was a director of children's services before this and we were always clamouring to have a much more formal arrangement with the police and with health, so this is a

fantastic opportunity to get that resourced and to put child protection formally back on the platform where it was, which is multi-agency. We have "Working Together", which is the best multi-agency guidance in the world, but it has been hard to express without mandation. So thumbs up!

Q80 Ellie Chowns: To follow up a little, do you think the Bill does enough to centre the voices of children ? You have talked particularly about that in terms of family decision making, but are there other aspects of the Bill where you would like to see amendments made?

Jacky Tiotto: Deprivation of liberty, definitely. May I say something about elective home education and also the Staying Close provision? The Bill's intention to formalise elective home education is long overdue, and children's views about that education should be well and truly sought before any decision is taken to permit it. It is a bit permissive at the minute, in terms of how section 47 is drafted: if the local authorities had cause to think that you had been, and now have established that you have been, significantly harmed or at risk of significant harm, then on no day of any week could it be okay for you to be out of sight being educated somewhere else.

I think it should be a flat no if you are on a child protection plan. If you are a child in need under section 17, there should be more regular review of the child in need plan if you are being electively home educated. But every time, that child should be asked how it is going: "Is this helping you, are you feeling safe?"

More generally, at every one of these points where we are mandating something about safety, the first thing should be: what is the view of the child? If the child cannot speak, or is a baby, then somebody with the ability to speak on their behalf should be asked. We should tick nothing off without that being the case.

Q81 Ellie Chowns: And Staying Close?

Jacky Tiotto: Again, another welcome introduction and formalisation. CAFCASS is involved with 25,000 children a year in public law proceedings. It would be nice if the drafters could require CAFCASS—at the end of proceedings, in its closing letter to the independent reviewing officer—to say, "We think, having come to know this child, that x, y, or z would be an appropriate provision for them in terms of Staying Close." We will have got to know and had a relationship with that child throughout the proceedings.

The same could apply when we are asked to discharge care orders, which is 10% of our work—again, asking us to write back to the local authority as the child's guardian and say, "This child will not benefit from being housed 45 miles away," or "This child will need access to grandma." Asking us to do that at the end of proceedings would be an important addition to regulations or guidance. We are a bit missed out from the process, and we bring that voice of the child.

Q82 Ellie Chowns: What about the idea of expanding Staying Put in addition to the expansion of Staying Close?

Jacky Tiotto: All good. It is the same thing.

Q83 Ellie Chowns: You would like to see that too.

Jacky Tiotto: Yes.

Q84 Ellie Chowns: Because that is missing from this Bill.

Jacky Tiotto: Yes, it is. I have worked with many children who are terrified of the cliff edge of 18; in fact, they start worrying about it at 16. It often blights the last few years of their care.

Q85 Ellie Chowns: What would you like to see, ideally?

Jacky Tiotto: The provision mandated to 21, everywhere. I will probably be shot for saying that—

Q86 Ellie Chowns: Or even beyond 21.

Jacky Tiotto: Well, yes.

Q87 Catherine Atkinson: We have seen the number of children in care rising really significantly. Looking at the child protection measures, the kinship clauses and the family group conferencing, what do you feel the overall impact of Bill will be on the numbers of children in care?

Jacky Tiotto: It is difficult. We have primary legislation in the Children Act 1989 that says that, in this country, we think the best place for children is growing up in their family or with relatives. When the 30-year review of the Children Act happened, people still signed up to that; this Bill definitely reminds us and provokes that intention again.

The difficulty is that the formality around protecting children is burdensome, rightly so. So in my view some of the construction of this has to be a bit more thoughtful about the children who are going to do well in their families and the children who are not going to stand a chance and need, quickly, to move to permanence and to other places.

Residential care is not doing particularly well for children with very special needs. We struggle to recruit foster carers because the resources around them are not there. It is the shape of what is around those other places, not residential care, that needs to be elevated, in order to reduce the number of children coming into care. Just having family group decision-making conferences or kinship alone is not enough; I do not know anyone saying it is.

I do not know how many of you are familiar with the chief social worker paper from a few years ago called "Care proceedings in England: the case for clear blue water". A very good, strong case was made for, "Don't come into court with children where it is going to end up either with them back at home or with a supervision order that gives no statutory power to the local authority. Come into court for the kids that really need a care order and protection and to go somewhere." We could revisit the extent to which that is an effective situation.

A third of children who come into family proceedings now either remain at home or go back home. I make no judgment about that, but a third of children going through family proceedings is expensive. We need to think about what the point at issue was and what was needed at the time. Will the serving of that order deal with the problem at the time? Often, what has gone wrong in child protection will not be solved by just

making a court order, particularly a supervision order. I could be here for a long time on that, but that is another Bill, probably another day.

Q88 Darren Paffey: The Bill proposes a number of measures on illegal children's homes and a topic you have already mentioned a couple of times—deprivation of liberty, when that does not necessarily need to be in a secure children's home. What are your reflections on how effective that is going to be in terms of protecting vulnerable children? Do you foresee in particular any impact on family court proceedings if there is now a different outcome in terms of what judges can decide?

Jacky Tiotto: I do not think so, in terms of the strengthening of section 25 of the 1989 Act so that other accommodation can be used that is not a secure children's home, but I think there is a gross underestimation of how intensive it is to look after those children. That is not just a today thing—it has been coming for 20 years, when we stopped running children's homes in local authorities, really. The provision of the accommodation in the way that the Bill sets out is good but, as I said before, the issue is about who runs it and how much the staffing costs are for running very specialist provision—

The Chair: Order. I am afraid that under the programme motion we have to end exactly on time. I apologise. Thank you very much, everybody.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Second Sitting

Tuesday 21 January 2025

(Afternoon)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 25 January 2025

The Committee consisted of the following Members:

Chairs: † Mr Clive Betts, Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† **attended the Committee**

Witnesses

Dame Rachel de Souza, Children's Commissioner

Sir Martyn Oliver, HM Chief Inspector of Education, Children's Services and Skills in England, Ofsted

Lee Owston, National Director for Education, Ofsted

Yvette Stanley, National Director for Regulation and Social Care, Ofsted

Mark Russell, Chief Executive, The Children's Society

Lynn Perry MBE, CEO, Barnardo's, representing the Children's Charities Coalition

Katharine Sacks-Jones, CEO, Become

Nigel Genders CBE, Chief Education Officer, Church of England

Paul Barber, Director, Catholic Education Service

Jon Coles, CEO, United Learning

Sir Dan Moynihan, CEO, Harris Federation

Luke Sparkes, CEO, Dixons Academy Trust

Rebecca Leek, Executive Director, Suffolk Primary Headteachers Association

Jane Wilson, Deputy CEO, Northern Education Trust

Leora Cruddas CBE, Chief Executive, Confederation of School Trusts (CST)

David Thomas OBE, CEO, Axiom Maths (former senior policy adviser, Department for Education and headteacher/director of education)

Kate Anstey, Head of Education Policy, Child Poverty Action Group

Catherine McKinnell MP, Minister for School Standards, Department for Education

Stephen Morgan MP, Minister for Early Education, Department for Education

Public Bill Committee

Tuesday 21 January 2025

(Afternoon)

[Mr Clive Betts *in the Chair*]

Children's Wellbeing and Schools Bill

2 pm

The Chair: Before we take evidence from further witnesses, we have a declaration of interest.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): I want to make the Committee aware that I am the chair of the all-party parliamentary humanist group. That may become relevant because of evidence submitted to the Committee.

The Chair: Thank you. I am a vice-president of the Local Government Association, but as I will not be making any comments, that may not be relevant.

Examination of Witness

Dame Rachel de Souza gave evidence.

Q89 Neil O'Brien (Harborough, Oadby and Wigston) (Con): Thank you for coming—welcome. I want to ask for your view on the second half of the Bill, on schools. We have heard a lot of criticism of it from the Confederation of School Trusts, some of our leading trusts and, indeed, a couple of Labour MPs. What is your view on the schools, rather than the wellbeing, part of the Bill?

Dame Rachel de Souza: I am the Children's Commissioner and have been since 2021, and before that I was a school leader in the most disadvantaged areas for 20 years, so I am very interested. I am pleased to see a Bill on children's wellbeing; it is great that we are getting some legislation on that. I was well consulted around the first part of the Bill, on wellbeing, and I was able to take the children's voice through. I worked closely with the Department for Education and others to ensure that it was honed, refined and made really good, as I did on some bits of the schools part. But I do not think that anybody got to see the schools bit until it was published.

On the schools bit, what I feel more than anything is that we now have a period of time when we need to see a vision for a new, vibrant and transformative schools system—how it will work locally, with local authorities, to do the best for children, particularly the most vulnerable children. I have a number of outstanding questions around that.

Q90 Neil O'Brien: What do you think of the curtailment of academy freedoms in the Bill? It has now been published, so you have seen it, albeit that you were not talked to before. What do you think about the moves to scale back the academy programme, the end of academy orders, and LAs setting up new schools? If you were doing this, is that the direction you would want to go in?

Dame Rachel de Souza: Look, I need the school system to be as ambitious for children—as Children's Commissioner, I represent children—as they are for themselves. I had hoped that we would get to a point where we were not talking about old binaries—academies or council schools—but talking about schools, families of schools and building up our local authorities so that everyone can play their part to support standards in the post-lockdown period.

I have two issues with the academies provisions. First, I cannot let children remain in failing schools, so if those are going, I need to know what is going to happen. Childhood lasts a very short time, so if a child is in a failing school, how will those schools be improved, immediately and effectively? Secondly, as well as a real vision for the schools system—I know that it is there—I would like to see what will happen to attainment data, under what is envisaged as replacing it, so that no child, particularly the most vulnerable, is disadvantaged.

I was a headteacher for the first time in 2006. It was a Tony Blair-sponsored academy—I was his No. 67. That school had been failing for 20 years, and I got it to outstanding with the support of everyone around me. It has never gone back to less than good. Any new system has to deliver for the most vulnerable as well.

Q91 Neil O'Brien: The hon. Member for Mitcham and Morden (Dame Siobhain McDonagh) has raised some concerns, as has the Confederation of School Trusts, about the end of academy orders and the fact that because academisation is no longer automatic, there will once again be the prospect of legal action, lots of community campaigns against these things, and potentially quite long delays. She said on Second Reading that children in those schools do not have time to wait. Do you agree with her?

Dame Rachel de Souza: I think, Neil, that you have given quite a thoughtful comment, which people new to education might not quite get. Probably the main reason for academy orders was to try to expedite improvement quickly against a backlash. Would it not be great if we could get everyone on side to be able to act really quickly, together, to improve schools that need improving? I am not going to get hung up on this bit. What I want to see is the vision for how we are going to work together with the best knowledge we have about school improvement, and with a sense of absolute urgency about making sure that no child is sitting in a failing school, because childhood lasts such a short time. What makes a great school? Whatever background you are from—whether you are from the academy sector or the local authority sector—the evidence is clear: we need a great headteacher and great teachers allowed to do their jobs, with support from a family of schools, whatever that family of schools is. That is what we need.

Q92 The Parliamentary Under-Secretary of State for Education (Stephen Morgan): Dame Rachel, thank you for giving evidence to the Committee today. Returning to the benefits of the Bill, can you explain what you think the benefits of introducing a single unique identifier will be to the safeguarding of all children?

Dame Rachel de Souza: Yes. Before I do, I want to praise the fact that the children's bit of the Bill really listens to children, because it has tried to do that. I want

the schools bit to do the same. Since Minister Morgan is asking the question, I will say that he was the first person to speak to my ambassadors and actually try to take on board their views. That is important for all of us—we need to hear from children all the time.

I have been obsessed with the unique identifier from the second I got into my role. I do not need to spell out why—well, maybe I do. In my first couple of weeks in the role, I visited a violence reduction unit—a police crime reduction unit—in Bedfordshire, and it had a spreadsheet of children that were on nobody's roll. They were not on any GP system or school roll; they were known by nobody. We cannot, in this century, with the tech capacity we have, find ourselves in that position.

I spoke to Professor Jay yesterday about the terrible abuse of young girls that has been going on and what to do about it. Do you know what she told me? She told me that one local area she was working with had a massive increase in sexually transmitted diseases in girls aged 13 and 14, but the health authority would not share the data with the police, under a completely misguided view about data sharing. My view is that we must invest in a unique identifier. Had Sara Sharif's social workers had a unique identifier, they would have had the information and tech to know from other authorities she had been in that she was a child known to social services. The school would have known. Children, particularly vulnerable children, think we already know their stories. They think that we, the adults, are already talking to each other. For children, that is just how they think it should be—the adults who care for them should know.

Let me be clear, and be under no illusion: the parlous state of data systems means that the unique identifier will be a huge job. However, I am so pleased to see it committed to in the Bill. If there is one thing I would like to see before my term ends in the next couple of years, it is the unique identifier on the way. It will underpin so many things that we want in education, in child protection, in gluing the systems together and in the multi-agency work, so absolutely, we need it.

Q93 Munira Wilson (Twickenham) (LD): Dame Rachel, you said that you are meant to be the voice of children. I know you have made it your mission, through your various reports and surveys, to make sure that you amplify the voices of children. To what extent do you think their priorities and concerns are reflected in the Bill, and what more could we be doing to reflect them?

Dame Rachel de Souza: On the children's social care side, I can absolutely assure you that vulnerable children's voices have been taken through. On deprivation of liberty orders, I did research with children deprived of their liberty and took their voices through. On many of the multi-agency points, and lots of other things, their voices have gone through.

We have an opportunity to take children's voices through on the schools side, but I do not think it has been done. I have had a million responses from school-aged children about what they want from their schools. The top things that they tell me they want are to study and to have a curriculum that they are really interested in and motivated by. They know they have to do the core, but they want all those things that they are really interested by in there too. They also want proper mental health support. There has been a tsunami of mental health concerns since lockdown, and that is why we need our LAs and CAMHS and everyone working together.

On SEND, the cri de coeur from children is, "I want to succeed and I will roll my sleeves up and work hard, but I need the support—support, support, support." The children with special educational needs who feel their needs are met in school have told me—I did a snapshot of 95,000 of them—that they are happier in their schools than the rest of the cohort, but the ones who think their needs are not being met are unhappy. They also want to know about adult life and have deep concerns about wanting better relationships and sex education that is relevant and teaches them how to be better adults. They also want to know about the workplace. They are incredibly teleological. I would have loved it if they had all wanted to learn Dickens, but, no, they want to know how to get great jobs and what to do. They are very ambitious.

Damian Hinds saw a group of students with me to discuss what they wanted from the curriculum. We need to do more of that. We need to get their voices. We have a period of time now when we can get their voices and concerns through, and we should do it.

Q94 Munira Wilson: Coming back to child protection, you mentioned Professor Jay, whom I also met last week. The unique identifier will help with data sharing if we can get the systems right, but she also felt that a child protection agency that had national standards for lots of bodies and made sure that children did not fall through the gaps was really important. The Bill does not include that. Would you support such a measure?

Dame Rachel de Souza: What I said to her yesterday was, "Stop thinking of it like the Health and Safety Executive and start thinking of it like the National Crime Agency." I think there is a debate to be had about whether we should do it. Look, my job came in 20 years ago when Victoria Climbié was brutally murdered by those who should have loved her most. Nobody murdered her but them, but the agencies around her did not talk. Every time a child dies, we give exactly the same set of recommendations, including better multi-agency working and better join-up, yet time and again—Arthur Labinjo-Hughes, Sara Sharif—we find ourselves saying the same things.

The positive in that idea is having some way of making sure that social care and the other agencies really work together. The unique identifier is building the architecture to do it. The solution is either something like that, or we need our agencies to be working far more closely around children and to make multi-agency a reality.

I read every single report of a child who is killed—mainly in the home—and all the horrific things we are reading at the moment about girls and the so-called grooming gangs, and we know that the multi-agency piece is not working. Professor Jay's idea should be considered—it would need to have teeth—but I am also open to other ways of doing that.

The Chair: Several Members want to be called. I cannot call everybody.

Dame Rachel de Souza: I will try to be brief.

The Chair: If I do not call you in this session, I will call you in a future one. Can we have questions to the point, so we can get on, please?

Q95 Amanda Martin (Portsmouth North) (Lab): I am sorry if this is a blunt question, but on 18 April 2022, you wrote an opinion piece for the *Telegraph* alongside Nadine Dorries, who was then the Culture Secretary. In that article, you said that the Conservative manifesto was "our manifesto". Are giving evidence here today from your personal opinion or in your role, given that you called the 2019 Conservative manifesto "our manifesto"?

Dame Rachel de Souza: I really do not remember that word, but I did that article with Nadine Dorries because I was absolutely desperate for the Online Safety Bill to get through. I spoke to Lucy Powell and Bridget about it. I felt that there were forces in the Government at the time that were trying not to let the Bill go through, because of freedom of speech issues. I knew that the NSPCC was working with Labour, and I stuck my neck out in that article to try to convince everybody that the Online Safety Bill should go through.

I am totally independent. I do not think that any Government or person I have worked with thinks otherwise. I challenge you to find anywhere—I mean, this is a word in an article. I think you will find that I have been strong and robust on online safety. Sometimes I use "our" when I am talking about the school system, children, or the country and the Government, and if I have used it inappropriately, I am sorry.

Q96 Amanda Martin: So, to answer my question, you are giving evidence as the commissioner.

Dame Rachel de Souza: Always. I would not come to Parliament and do anything else.

Q97 Damian Hinds (East Hampshire) (Con): Dame Rachel, can you talk a little about the register of children not in school? What is the irreducible core of what we need to know and what information should be gathered in those cases?

Dame Rachel de Souza: We have always been worried, and successive Governments have felt that maybe there was a need for this—I think you, Damian, did the first consultation on it a long while back—and there has been a debate going on about whether we should have a register of children not in school. I am delighted to see it in this Bill.

The number of children missing from education is getting worse. We know that post-lockdown, there was a massive rise in children persistently absent and severely absent, and a massive number of children missing from education. I have made it my business to look into who those children are; I did that in 2021. We have three pots of children: children with special educational needs who went off in 2019 and have not come back; children with mental health/anxiety concerns; and children who really have just gone, who are at risk of CSE. We really need a register.

We have another problem, which I have investigated. I looked at last year's roll and compared it with this year's roll, and we found at least 13,000 children who we could not account for, plus another 10,000 who were CME. They had gone to be home-educated, because they did not feel that their needs were being met in school and they felt that they were driven to that. We absolutely need a home register.

The Chair: We will have one final, brief question—hopefully with a brief answer—from Darren Paffey.

Q98 Darren Paffey (Southampton Itchen) (Lab): The Bill seeks to move on from a fixation on structures and get back to outcomes and wellbeing. If I have understood your earlier comments, you welcome that. Do you think the Bill will sufficiently break that link between a child's background and their future success? Do you believe that the measures will move us closer to that?

Dame Rachel de Souza: I am delighted with the measures for vulnerable children. I am hopeful for the measures on the schools side, but we need to see a bit more of a vision before I can answer. What is that system going to look like? My recommendation would be focusing on how, in local areas, we can build up and strengthen our local authorities so that they can be the champions of children, particularly vulnerable children, and convene the trusts and the schools so that everyone can work together to share their expertise. If we do that, we will have a great shot at it, and I think it could be really good.

The Chair: That brings us to the end of this session. I know there are other Members who want to get in; I will try to call you during the next session.

Examination of Witnesses

Sir Martyn Oliver, Lee Owston and Yvette Stanley gave evidence.

2.20 pm

The Chair: Will the witnesses from Ofsted please introduce themselves?

Sir Martyn Oliver: I am Sir Martyn Oliver, His Majesty's chief inspector at Ofsted.

Yvette Stanley: My name is Yvette Stanley, Ofsted's national director for early years regulation and social care inspection and regulation.

Lee Owston: I am Lee Owston, one of His Majesty's inspectors and Ofsted's national director for education.

Q99 Neil O'Brien: Thank you for coming. I have some short questions that do not need particularly long answers. Have you found evidence that academy schools are not teaching a broad and balanced curriculum? Are you finding lots of academies not doing that?

Sir Martyn Oliver: No, we do not find that.

Q100 Neil O'Brien: Is there a major problem with schools employing teachers without qualified teacher status? Are non-QTS teachers not up to scratch? Would you regard it as a red flag if a school were employing non-QTS teachers? Would it make you think, "We're probably heading towards a bad result here"?

Sir Martyn Oliver: We do not actually look at the backgrounds of teachers and check to that level of detail, so I could not give you a quantitative answer. I do know that increasingly, as schools are finding it difficult to recruit and retain staff, they are looking at

alternative measures. It is massively important that people be qualified to teach children to the highest possible standard in the specialism in which they are delivering.

Q101 Neil O'Brien: Do you recognise that sometimes a school can bring someone in who might be at a later point in their career and be highly specialised—perhaps a great sportsman, an IT person or a scientist—and that if the headteacher takes the view that they would be a good person for teaching, as an alternative to having no teacher, that can be the right decision?

Sir Martyn Oliver: Speaking as a previous headteacher, absolutely. Bringing in external expertise to supplement high-quality qualified teachers is clearly of benefit to children.

Q102 Neil O'Brien: The Bill will remove the academy order. How will the intervention regime work in future? At the moment, the Ofsted handbook states that

"if any key judgement is inadequate…we will place the school in a formal category of concern."

How will that work in future? If a school is in the bottom tier of one of your new categories of assessment, what will happen?

Sir Martyn Oliver: The legal powers for Ofsted are that I identify to the Secretary of State a school that is in special measures or requires significant improvement. That requirement—from, I think, the Education and Inspections Act 2006—will not change. Ofsted will still be under a duty to pass that on to the Secretary of State. Very imminently, I will consult on a new framework that will strengthen and raise standards further. I am interested to see what the Department for Education will release alongside my consultation to explain those academy orders further.

Q103 Neil O'Brien: Are we still waiting to hear what that intervention regime will look like?

Sir Martyn Oliver: Yes, but I think it is very imminent. I am very happy: I feel that we are going to hold the system to account to raise standards better than ever before.

The Chair: It will help if those Members who wanted to ask a question last time but were not called indicate if they want to ask a question in this session.

Q104 **The Minister for School Standards (Catherine McKinnell):** Is Ofsted pleased to see the measures in this Bill, in the round?

Sir Martyn Oliver: Yes, absolutely. We very much welcome the introduction of the Bill, which will deliver some of the important legislative asks that Ofsted has made for a long time, especially to keep the most vulnerable safe and learning. That includes removing loopholes that enable illegal schools to operate, improving Ofsted's powers to investigate unregistered schools that we suspect may be operating illegally, enabling Ofsted to fine unregistered children's homes for operating unsafe and unregulated accommodation for vulnerable children, introducing a register of children not in school—I could go on. We are very happy with large parts of the Bill.

Q105 Catherine McKinnell: You have already set out the impact that the Bill will have on Ofsted's powers. I imagine that you spend a large proportion of your time worrying about the most vulnerable children in society. What do you think will be the impact of the Bill on those children who are most in need?

Sir Martyn Oliver: Our top priority is the most disadvantaged and vulnerable. The ability to look at illegal or unregistered settings, unregistered children's homes and illegal schools is hugely important. When they are out of Ofsted's line of sight, it causes us great concern. I think that this Bill or a future Bill could go further and look at unregistered alternative provision, because all children educated anywhere for the majority of their time should be in sight of the inspectorate or a regulator. I do think that we will see significant issues with addressing the most disadvantaged and vulnerable, especially in part 1, on children's social care.

Q106 Munira Wilson: You talked about the additional powers that you are being given, and you mentioned AP as an area where you would like it to go further. Is there anywhere else where you would like it to go further? Importantly, do you feel that Ofsted has the capacity and capability to deliver on all this? When I talk to local government, I often hear that there are quite a lot of delays with Ofsted.

Sir Martyn Oliver: We think that there are grey areas where the legislation will help us get it right, but we do think that we can go further. For example, the feasibility and administrative costs of carrying out searches of illegal schools and the requirement of getting a warrant would be very burdensome for Ofsted, and we will need additional resource to manage that. It is massively important. We will always use those powers proportionately and with care. For example, in a commercial setting, the ability to have different powers that allow us to search without a warrant would be far more reasonable. Obviously, in a domestic setting, I would expect safeguarding measures to be in place and to require a warrant, because forcing an entry into somebody's private home is entirely different from doing so in a commercial premises. There are resources there, but I am assured that my team, particularly my two policy colleagues here, have been working with the Department for quite some time on these asks. We have been building our measures and building that into our future spending review commitment as well.

Yvette Stanley: To build on what Martyn has just said, from a social care perspective we would like to go further on the standards for care. National minimum standards are not good enough; the standards should apply based on the vulnerability of and risk to children. A disabled child in a residential special school should not be getting a different level of support: the same safeguards should be in place whether they are in a children's home or in a residential special school.

We would like to go further on corporate parenting. That is something to be addressed. We would also like to look at regional care co-operatives and regional adoption agencies. Those things tend to fall out of our purview as an inspectorate. There is a range of really detailed things, but to echo what Martyn says, we are working actively with our DFE policy colleagues to give our very best advice through the Bill process to strengthen these things wherever possible.

Q107 Munira Wilson: I want to pick up on Neil's question about the automatic intervention by Ofsted where, with a failing school, an academy order is put in

[Munira Wilson]

place. I am just a bit perplexed by the timing of the Bill. Although I support the provision that it should not always be automatic, given that you are only just about to launch a consultation on your framework, and perhaps the Department around the accountability measures, are we moving too soon in the Bill before we have had the consultation on your new framework?

Sir Martyn Oliver: The consultation will meet the Government test and will run for 12 weeks imminently. The Bill will obviously pass through the House at that time. I think it will bring it all together in a more joined-up system. The system has been calling for inspection and accountability to be joined up, and we are about to deliver that in, I hope, the next few weeks. Of course, the consultation is not a fait accompli. I will be really interested to receive feedback from everyone, and we will respond to that at the end and see where it takes us. I hope that at the end it will be a better system for vulnerable and disadvantaged children, alongside all children, to keep them safe and well-educated.

Q108 Matt Bishop (Forest of Dean) (Lab): Sir Martyn, you mentioned in relation to Neil's question that staff, not necessarily with qualified teacher status, can be a great supplement. I agree that they can be, but can you just clarify that that "supplement" means a supplement, not the main teacher for the whole academic year, year on year?

Sir Martyn Oliver: Again, it would depend. In the past, I have brought in professional sportspeople to teach alongside PE teachers, and they have run sessions. Because I was in Wakefield, it was rugby league: I had rugby league professionals working with about a quarter of the schools in Wakefield at one point. I had a tremendous amount of help from the local rugby teams, but that was alongside qualified teachers carrying out that work. That was important to me, because those qualified teachers could meet the risk assessment regarding the activity of teaching children rugby league. Having that specialism is key. There is a reason why you train to be a teacher and it is a profession.

Q109 Matt Bishop: Just to clarify, that is alongside fully qualified teachers, not instead of?

Sir Martyn Oliver: Ideally alongside. I personally would never have done "instead of" as a first choice. That would have been a deficit decision, based on my ability to recruit and retain staff.

Q110 Patrick Spencer (Central Suffolk and North Ipswich) (Con): That is an interesting point, Sir Martyn. You had the freedom to hire a teacher when you saw fit. We have just heard that the Government intend this Bill to be predominantly about setting and improving standards in our school system, but it does curtail certain freedoms for schools. Have you any thoughts on the freedoms that are being curtailed in this Bill? Also, in your experience at Ofsted, what are the components that are necessary and common when schools turn around and you see them improve?

Sir Martyn Oliver: Lee and I will answer this one together. The components we see are the ones that we set out in the Ofsted framework, on which I am about to consult. The quality of leadership and governance from those running the organisations is always No. 1. Then, very quickly, it is the quality of the curriculum, the ability of teachers to deliver that curriculum, and the outcomes that children receive. It is then everything else: behaviour, attendance, personal development, wellbeing. All these things form part of our inspection regime. We test and check them all.

Lee Owston: In my 13 years as one of His Majesty's inspectors, I have always observed in schools that there is a mix of colleagues who are delivering the curriculum. The absolute beauty and purpose of inspection is to get underneath, on the ground, the difference you are making to the children in front of you, whatever qualification you might have, if any. It means asking questions of the leaders about why they have decided to do what they have done in the context in which they are working. Ultimately we report on whether whatever decision a leader has made ultimately has the intent of making a difference so that, whatever background a child comes from, it is allowing them to succeed.

Q111 Catherine Atkinson (Derby North) (Lab): We heard from the Children's Commissioner that the number of children who are missing from education and at risk of child sexual exploitation has been getting worse. I am interested in your views as to why.

Sir Martyn Oliver: We see quite a number of issues. I spoke recently in my annual review, which I laid before Parliament in December, about home schooling and flexi-schooling. To be clear, many children are very well flexi-schooled and home-schooled, but I am very concerned about those who have been withdrawn from the school's register for all the wrong reasons. Dame Rachel recently mentioned the very sad case of Sara Sharif.

If a school is recommending that a child be placed in front of the child protection team, it should clearly not be possible for a parent to then withdraw that child from that oversight of the professionals and place them in home education. Not only is having a register of children who are not in education massively important for keeping individuals safe, but it will be of significant benefit to Ofsted. In the Bill, there are sharing powers between the DFE, the local authority and Ofsted that will allow us to investigate for unregistered and illegal schools, so we will be better able to determine where they might be taking place. That will be hugely beneficial for keeping children safer.

Q112 Catherine Atkinson: You were talking about "broad and balanced". Given the 47% drop in arts subjects at GCSE, do you feel that more needs to be done to ensure that we have an even broader range of subjects that can be enjoyed?

Sir Martyn Oliver: Speaking as a qualified teacher of fine art, absolutely.

Catherine Atkinson: I am very pleased to hear it.

Q113 Damian Hinds (East Hampshire) (Con): Thank you for being with us today, Sir Martyn. When your HMIs find academies or academy trusts significantly deviating from the national curriculum, what are the usual reasons and in what ways do they deviate?

Sir Martyn Oliver: Actually, the education inspection framework that we currently use significantly reduced the deviation of academies because it set out the need to

carry out a broad and balanced curriculum. That was interesting, because it was not what was set out in the articles of the individual academies and those freedoms, so Ofsted has been in tension with those articles for quite some time.

The Bill puts everyone on the same footing. I think that there is good in that, but speaking as HMCI, as a previous chief executive of one of the largest trusts, as a headteacher and as a teacher for 30 years, I would always want to give headteachers the flexibility to do what is right for their children, as long as it ultimately delivers the broad and balanced education that you would expect all children to receive.

Q114 Damian Hinds: When they do deviate, what do the reasons tend to be?

Sir Martyn Oliver: The most typical reason is a focus on the core standards of English and mathematics. We often see that, but I am afraid that in some cases it goes beyond improving core standards: there are some that hot-house to the exclusion of being broad and balanced. It is important that a headteacher always retains a broad overview of a child to make sure that children get the core standards for their future, but also a well-rounded education in total.

Q115 Damian Hinds: What would be the impact, in the framework and in the inspection outcome, if the school were not following a broad and balanced curriculum?

Lee Owston: That would currently come under our quality-of-education judgment. It would not be seen as good if we could not, through the evidence we collect, determine a broad and balanced curriculum for all children.

Sir Martyn Oliver: I am about to consult on a measure that will allow more nuance and better identify that.

Q116 Damian Hinds: Finally, on the different subject of elective home education, quite a lot of detail is proposed in the Bill about the way the register of children not in school will work, including some requirements on the registration of providers of education to those individuals, whether that be online education or some other form of tutoring. How much consultation has there has been with Ofsted about the drawing up of those provisions?

Sir Martyn Oliver: We have been involved in that for quite some time, even with previous Governments, whether it was about online education or all these aspects. I think that all our intelligence, for years, has carried forward into this Bill.

Q117 Lizzi Collinge: I want to talk about unregulated schools and the register of children not in school. I have seen evidence outside the Committee that shows that there are serious concerns about poor education in unregulated settings, as well as abuse and neglect. If you have any comments about what the problem is that the Bill is trying to solve, I and other members of the Committee would like to hear them. How will the new powers relating to unregulated schools allow you to protect children at risk of harm, specifically? Will they be an improvement on the current powers that you have?

Sir Martyn Oliver: To answer your last question first, absolutely: it is a significant improvement on our powers. Since 2016, we have carried out almost 1,400 criminal investigations into almost 1,300 unique unregistered settings. Not all investigations lead to an on-site inspection. We have carried out almost 900 on-site inspections and issued 200 warnings, meaning that in over one fifth of on-site inspections, we were able to secure sufficient evidence that a crime was being committed, despite our limited powers at that point and under the current legislation. We have worked with the Crown Prosecution Service to successfully prosecute seven cases, including a total of 21 individual convictions.

The new powers will significantly improve our ability to do that, and the speed at which we can do it. It is very difficult to carry out those investigations. It is incredibly resource-reliant and takes significant time—regularly between 12 and 24 months—if we can get it to that position. The changes will help to address those loopholes in the law, but we think that there are some areas for improvement. As I have said, the need to get a warrant in all cases will be incredibly bureaucratic and expensive for Ofsted. Obviously we want to do it with care—we do not want to break into people's homes and inspect them—but on commercial premises we think that there is a more proportionate response, which will reduce bureaucracy, reduce the cost to Ofsted and allow us to focus on keeping children safe.

Q118 Ellie Chowns (North Herefordshire) (Green): On balance, do you welcome the provisions in the Bill to ensure that all schools follow the national curriculum?

Lee Owston: Obviously there is a review, from Professor Becky Francis, of what the national curriculum will contain, and we are speaking frequently with members of that review. From an inspector's position, it will always be about how providers are adhering to the legal requirements set by Government and Parliament. Obviously, we look forward to seeing what the Bill produces in how we then interact with it. In terms of a broad legal requirement, and what all children as a minimum should be able to access, I would support that statement.

The Chair: I am afraid that brings us to the end of this session, and we will move on to the next panel of witnesses.

Examination of Witnesses

Mark Russell, Lynn Perry and Katharine Sacks-Jones gave evidence.

2.40 pm

The Chair: If Members did not get in for a question last time but indicate that they would like to this time, I will try to call them. We now have witnesses from a number of children's organisations. Could you just begin by introducing yourselves, please?

Lynn Perry: Good afternoon. I am Lynn Perry and I am the chief executive at Barnardo's. I am here this afternoon representing the Children's Charities Coalition, which includes Barnardo's, the Children's Society, the NSPCC, Action for Children and the National Children's Bureau.

Mark Russell: Good afternoon. I am Mark Russell and I am the chief executive of the Children's Society.

Katharine Sacks-Jones: Good afternoon. I am Katharine Sacks-Jones and I am chief executive of Become, which is the national charity for children in care and young care leavers.

The Chair: Thank you. I will hand over to Neil O'Brien, the Opposition spokesperson.

Q119 Neil O'Brien: Thank you for coming. Are there any things in the Bill that you think we should amend as it goes through? Are there things that you would like to improve further, or any ways that you would like us to change the Bill? Why don't we start with Lynn?

Lynn Perry: The coalition broadly welcomes the potentially transformational proposals that are contained within the Bill, including those for a single unique identifier, which is one of the things that the coalition has been specifically calling for over a period of time. Multiple reviews have found that information sharing between agencies is problematic, so that is one of the things that we think could really aid child protection, safeguarding and multi-agency working. I would say that to really shift the dial we need further investment in early intervention and early help across our communities, and much greater focus on embedding that consistently and universally. We also need some further clarification on some of the areas that the single unique identifier will need for effective application, I think it is fair to say.

Q120 Neil O'Brien: Can you unpack that a little bit?

Lynn Perry: Yes, certainly. I will raise the third area and then I will come back to that, if I may. The third area is mechanisms for ensuring that the voices, wishes, feelings and experiences of children and young people really influence the provisions in the Bill, and to put those at the heart of support.

On the single unique identifier, there are some questions that we think are worth some further scrutiny. The first of those is the question whether the single unique identifier would be assigned to all babies, children and young people, and a confirmation that that would be for children between the ages of nought and 18. We also think there is an opportunity to extend the use of the identifier, the scope of which is currently limited in the Bill to safeguarding and welfare purposes. A wider emphasis on wellbeing of children and young people and positive outcomes is one of the things that could be further considered here.

As ever, implementation cannot wait, and it would be helpful to have some indicative timescales for when the Secretary of State might introduce regulations for the consistent identifier and how people will be required to use it within their systems. Finally, while acknowledging the need for data protection, there is an opportunity to make better, data-informed decisions in the future about the commissioning and scoping of services that will effectively meet the needs of children and young people, as well as taking account of some of their emerging vulnerabilities and risk and need factors.

Q121 Neil O'Brien: Mark, getting straight to the point, are there any amendments that you would like to see?

Mark Russell: I associate myself entirely with everything that my colleague has said, but I have a couple of extra points. I would want the Bill to include a measurement of children's wellbeing. I welcome the fact that the title of the Bill mentions children's wellbeing, but we have no measurement of children's wellbeing. We in the Children's Society measure children's wellbeing, but we are a charity; we are measuring a sample of children rather than all children. The Government talk about wanting to be child-centred. A measurement of children's wellbeing would be real data on what real children think about their lives, and that would provide a huge amount of information for local authorities to ensure that local services meet the needs of young people. That is one thing.

Secondly, I would welcome schools becoming a fourth statutory safeguarding partner, because so many safeguarding challenges are first identified by schools—I speak not just as the chief executive of a charity, but as a school governor. Thirdly, I hugely welcome the breakfast clubs and the changes to the rules on school uniform; the Children's Society has campaigned on school uniform for many years. Those will help families. I understand why the Government have made the breakfast clubs a universal offer, but with limited funds, I would like to see secondary school children included in it, but with the breakfast clubs available first to children from families receiving universal credit. The free school meal allowance has not gone up for a very long time. We think that around 1 million children in this country who are living in poverty are not eligible for free school meals, and we know that hunger hugely limits what children can do in school and their learning. If we can change that, we will improve the opportunities for, and wellbeing of young people.

Katharine Sacks-Jones: I want to focus on the provisions on children in care and young care leavers. There are some welcome steps to better support care leavers. At the moment, young people leaving the care system face a care cliff, where support falls away, often on their 18th birthday. A huge number go on to face homelessness —one in three become homeless within two years of leaving care—and that has meant a big increase in statutory homelessness among care leavers: a 54% rise in the past five years. There is a real challenge to ensure that we better support young people leaving the care system.

In that context, extending Staying Close up to the age of 25 and making it a statutory provision is welcome, but we think the Bill could go further in strengthening the legal entitlement for young people leaving care. There are two areas in particular. The first is that we are concerned about the how the Bill assesses whether a young person's welfare requires Staying Close support. Where you have those kinds of assessment, particularly in times of scarcity, the extra support is often rationed, which will mean that many young people are not eligible for it or are not assessed as being in need. We think that rationing needs to be removed. Instead, there should be an assumption that a young person leaving care does require some extra support; the question should be what that support looks like, and we would like to see the provisions in the Bill broadened to allow local authorities to provide other types of support beyond what the Bill provides for at the moment, which is largely advice and guidance.

We welcome the strengthening of the care leaver local offer to include provisions around housing and homelessness. As I said, those are big issues for young people leaving care. We also warmly welcome the Government's recent amendment on homelessness intentionality, which would remove intentionality from care leavers. We hear from young people who have found themselves homeless because, for example, they

accepted a place at university in a different part of the country, and they were then deemed by their home local authority to be intentionally homeless and so not eligible for further homelessness assistance. We think that needs to change. That is a welcome step.

We think the Bill could go further in looking at priority need for young people leaving care. At the moment, that goes up to 21; we think it should go up to the age of 25, in line with other entitlements for young care leavers. We are also disappointed not to see in the Bill the extension of corporate parenting—something that the Government have previously committed to.

There are some welcome measures that will increase oversight and accountability, and help with some of the structural challenges, in relation to the provision of homes for children. We do not think those go far enough in addressing the huge issue around the sufficiency of placements for children. That issue is seeing more and more children moved across the country, moved far from their local areas and being moved frequently—a huge amount of instability. That is a big challenge. We would like to see a requirement for a national strategy that looks at the issue of sufficiency and collects better data, as well as an annual report to Parliament on progress against that strategy. Finally, to reinforce the point made by colleagues, young people's voices are really important. The importance of considering young people's wishes and feelings is set out in other pieces of legislation, and there are a number of areas in the Bill that would benefit from the inclusion of that, too.

Q122 Stephen Morgan: Thank you for being witnesses before the Committee today. My first question is to Mark and Lynn. Mark, you mentioned the benefits of breakfast clubs earlier. Could you say a bit more about what you think the benefits will be for families during a cost of living crisis?

Mark Russell: Perhaps I should say that we are working with about 75,000 young people around the country, and so many more young people are reporting as being hungry than have been for quite some time. We know that families are under huge strain. We saw in our "Good Childhood Report" this year that 84% of parents were anxious about being able to pay their bills, and we also saw that one in three parents were struggling to pay for a hot meal every single day. As they are provided to all children in the school, I think breakfast clubs will provide a real sense of uniformity and equality, and will give every child the best possible start to the day. Children who are hungry cannot learn and cannot thrive. I have friends who are teachers, and they are telling me that in classrooms around the country they are seeing children who are hungry and living in homes that are cold. Anything that we can do to support families is really important, so I welcome breakfast clubs. As I said earlier, I would like to see secondary school children helped, and if the pot is limited, I would probably step back from universality and provide for those most in need.

Also, alongside that, this needs to link up with the Government's child poverty strategy that is coming later this year, which we are very much looking forward to seeing, about how we lift more and more families out of poverty. According to the stats, there are 4.3 million children in this country in poverty, and those children will not get the best start in life or thrive in school if they are hungry and cannot succeed. I obviously very much welcome the measures on that in the Bill.

Q123 Stephen Morgan: Thank you, Mark. I have a similar question to you, Lynn, but perhaps around the branded school uniform measures.

Lynn Perry: Certainly. I am looking at Mark because I know that has been an area of campaigning and influencing for the Children's Society. I will first touch on the breakfast clubs, without wanting to repeat what Mark has said; we do welcome those. We are concerned about poor health outcomes for children and young people and health inequalities, particularly for the 4.3 million children and young people who are living in poverty, 1 million of whom are in destitution and whose basic needs are not being met. That means that in the provision of breakfast clubs we would like to see some real guidance, and monitoring of the guidance, on healthy and nutritious food with which children can start their day. We know that they are unable to attain educationally if they are going to school hungry and coming home to a cold house.

I want to touch on child poverty, if I may, because there is a need to join this up with the work in the child poverty strategy. Those two things should go hand in hand on parallel lines. On school uniforms, there is a question of affordability for a lot of the families that we work with. We ran the attendance mentoring pilot in seven areas, and we have had families that have been unable to get their children to school, not because of school refusal but because they cannot afford the right uniform, they do not have school shoes or transport is an issue. All those things need to join up to get children into school and to get them a breakfast, which will not only allow them to learn but destigmatise some of their experiences when they do not have the right school shoes or uniform.

Mark Russell: May I add something else? At the Children's Society we have campaigned on uniform for about seven years, and we were very grateful to the previous Administration for backing a private Member's Bill that we were working with an MP on, which placed the non-statutory guidance on school uniform on a statutory footing. That was designed to reduce the cost of uniform by providing for consultations with parents, using pre-loved items, reducing the number of branded items and not having one sole supplier. Since the Bill became law, our research has shown that a significant number of schools around the country have not changed their uniform policies. In our poll from last year, 60% of parents believed that their school uniform policy had not changed. I want to welcome the measures in the Bill that will tighten that further and reduce the number of branded items. Uniform should not be the thing that breaks the bank for parents. We know that children who are not wearing the correct uniform frequently end up being excluded from school and are then at a higher risk of being exploited by criminal groups.

Q124 Stephen Morgan: That is really helpful. Briefly—Katharine, what impact do you think the measures will have on care leavers and the support that they receive?

Katharine Sacks-Jones: They are very welcome. We would very warmly welcome the extension of Staying Close support, because we know that too many young

people do not get the support they need at that point of leaving care. That can often literally be on their 18th birthday—we regularly hear from young people who are perhaps told 24 or 48 hours before their 18th birthday that they will need to leave on it. Often the planning is poor and support is inadequate, and sadly many go on to face homelessness. We would like to see the provisions strengthened.

Our concern is that at the moment the assessment made by local authorities will enable them to ration support, and actually this should be a provision for all young people leaving care who need it. It could be a small amendment which would really strengthen the support available to young people and make sure that it is sufficiently different from what is already available on a statutory footing.

The Chair: Now Lib Dem spokesperson Munira Wilson.

Q125 Munira Wilson: Mark, you pointed out that this is a children's wellbeing Bill but there is not actually much discussion about wellbeing in the Bill. You talked about a national wellbeing measurement. Beyond that, and if we had that data, could the Bill go further in terms of talking about the provision of services to support children's wellbeing and mental health?

Mark Russell: In a word, yes. A national wellbeing measurement would be a really good place to start, because it would give us the data showing how children's lives really are, and would put the voice of children at the centre of this. In the meantime, there is the measurement we have. We are part of a coalition of charities, as well as the Children's Charities Coalition, involving pro bono economics. Lord Gus O'Donnell said the national measurement is the missing piece in the Bill.

As a group of charities we have also been urging a wider improvement of early intervention support for young people around mental health. Young people too often wait until crisis before we intervene. In the period between when a GP diagnoses that a young person needs help and when they finally get it, that young person's mental health spirals further out of control. That has an impact on their whole family and their ability to attend and thrive in school, and it means that more young people end up in the children's social care system as well. An investment in early intervention is a long-term investment to improve children's mental health, which, in my view, would create stronger adults as well.

Q126 Munira Wilson: Katharine, do you think we could go further with this Bill in terms of unregistered, unregulated accommodation for young people in care, which has been a topic of many a scandal in recent years?

Katharine Sacks-Jones: There are some really welcome measures in here, and increasing Ofsted's powers and increasing oversight, particularly of private providers, is all welcome. One of the challenges is the imbalance in the market and the fact that these private providers have so much power because they run over 80% of all children's homes. There is nothing in the Bill that really increases sufficiency and brings on board more public sector provision and more charity sector provision. While you have that imbalance, some of these challenges will remain, so we think there needs to be more to address sufficiency and we would like to see a national sufficiency strategy to address that.

The provisions as set out also do not cover the providers of supported accommodation, which is accommodation for 16 and 17-year-olds—children—who are still in care, and that can be hostels or bed and breakfasts. We would like to see these provisions extended to that group as well. The Government have previously said that that is something they would consider in time, but we think this is an opportunity to legislate to include the providers of supported accommodation to children in the provisions that are set out here, which would increase transparency and scrutiny of that section of children's home provision—supported accommodation provision.

The Chair: A number of Members want to get in. I ask Members to direct their question to whoever you think might be the most appropriate to answer it, and then if the other members of the panel say they agree, we will move forward. If they do not, of course they can say that.

Q127 Tom Hayes (Bournemouth East) (Lab): I think this question is for Mark. Before I was elected, for five years, I ran a service in support of survivors of child sexual abuse. Hearing the Children's Commissioner say, just before you, that every report makes the same set of recommendations and at the heart of that is better multi-agency working, would you talk about the ways in which the Bill helps to drive that integration at a local level, and helps facilitate that multi-agency working to keep children safe?

Mark Russell: Thank you, Tom; we have corresponded before about your previous work. I welcome a huge swathe of what is in the Bill on this. We have been campaigning on this for many years, including the identifier for young people to ensure data is shared. Home schooling is a really significant area. As the commissioner and Ofsted said earlier, a significant number of young people are home-schooled, which is really good and beneficial for them. It is also important to say that some are home-schooled because the school is unable to meet the special educational needs that those young people have, or they are struggling with their mental health. The measures in the Bill to provide for a register are really important. The local authority consent for young people is really important.

I also want to mention that we had an independent inquiry into child sexual abuse, which was seven years long. We heard from more than 7,000 survivors of abuse, and there were a swathe of recommendations that have not been acted on. I know we have heard from the Home Secretary that there is a plan coming on that, which is really welcome, but time and time again we read the same recommendations, in report after report. We know that so many young people experience sexual abuse in family settings or in settings where there is an adult that they should be able to trust. There are clear things we can do to tighten safeguarding and minimise those risks. The Bill takes a step in the right direction. It is also really important because it has been quite a while since we had a piece of legislation entirely focused on children. That, in itself, is welcome.

Q128 Ellie Chowns: Lynn, what is your view on the fact that the Bill does not contain provisions to give children equal protection from violence to adults?

Lynn Perry: We think that this is an opportunity for that to be addressed in legislation. As a charity that works across the devolved nations, we have obviously seen change in other areas. Now is the opportunity for us to address the defence of reasonable chastisement in legislation and give children equal protection. It is important to note that values, public attitudes and the way in which we frame childhood have changed significantly, so to consider that further would be very welcome.

Q129 Ellie Chowns: So you would like to see the Bill amended in that way?

Lynn Perry: We would.

Q130 Amanda Martin: Keeping children safe and safeguarding are key priorities that you guys have a lot of expertise in. Many experts have talked about the widening attainment gap and the rising number of children out of school. Most of them are our most disadvantaged and vulnerable. What difference do you think the Bill's provisions will make to those children on things such as admissions, the ability of local authorities to plan school places, and collaborative working across local authorities and across services, so that they have an appropriate and safe school place?

Mark Russell: There is a great deal in the Bill that will improve safeguarding arrangements for children, which is really important. The role of the local authority is critical, and local authorities are under enormous pressure. We all work with local authorities right around the country. We hear from directors of children's services and their teams about the sheer pressure.

Alongside that, we need to look at how local authorities commission services for children and young people. I always find it slightly bemusing that local authorities can commission a bin service for 10 years, but cannot a commission a children's service for two years. That would not cost the taxpayer any more money. If we improved the length of the periods at which commissioning were done, it would allow organisations such as ours to invest in services and teams to build stronger services locally. The environment in which local government finance works does not make our lives any easier in supporting children and young people.

Lynn Perry: We have to think about this pre-school. Early intervention in early years services is absolutely critical to ensure school readiness for children. That is not just for those children in educational terms, but for their families to be able to establish a network of support as a parent or carer and to access universal and targeted provision. We need to take a whole-family approach to support children to start well in school. What that requires, of course, is a significant shift in investment. Currently, most of the spending in the children's social care budget is on late interventions and the children in-care population. We need to re-engineer and reset the system so that there is more investment at a much earlier stage. All of that helps with school readiness, attendance and attainment. As we know, schools are at the heart of a lot of that multi-agency working across communities and the safeguarding system, in terms of their opportunity to identify children, so it is important that children have a positive experience of starting school and staying in school.

Q131 Damian Hinds: I want to come back to breakfasts, if I may. I think this is a question for Mark. The Bill legislates for universal breakfast provision at primary school, but is silent on what happens at secondary school. We do not know what will happen. The Government have been asked, including by Government Back Benchers, to extend the provision to secondary school. They have made the point, which is not an unreasonable point, that you have to make choices in a resource-constrained world, and their choice is to go universal at primary, but with quite a small per child, per day cash allowance. Recognising the resource-constrained world, would you make that choice if you were in the same position, or would you say it was better to target according to how deprived an area is—not by individual child, but by area—regardless of the age of the child?

Mark Russell: That is a very good question. I understand why the Government have taken the decision they have; I really do. Particularly in a primary school, you want to be as universal as possible.

Damian Hinds: It would be the whole school, as it is now under the school breakfast programme.

Mark Russell: Yes. With limited resources, I would probably have targeted it more at those most in need and included secondary school children in that mix. We will continue talking to the Government about secondary school children; I am deeply concerned about them as well.

Q132 Damian Hinds: This is probably for Lynn or Katharine. In terms of trying to address mental health issues as they arise early on, before they become a crisis, following the change in Government, are you aware of any change in the approach towards mental health support in schools through mental health support teams for clusters of schools?

Lynn Perry: I have not yet seen any change on the ground. We deliver a number of mental health support teams in schools. We consider them to be an effective way to reach children and young people at an early stage, and to intervene before they reach crisis point. There are often relationships of trust. Quite frequently, people know their children very well within the school context and can manage that supported and enabled engagement with provision in schools. I have not seen anything that has translated into a direct change in practice at this juncture, but we think it is a really important area of work. We think that there is potential to do more in that space, by looking at what might be described as an MHST+ type model.

The Chair: Finally, Darren Paffey. We have about 90 seconds left.

Q133 Darren Paffey: Clauses 13 and 14 make provision for the financial oversight of care providers, and clause 9 looks at better regional arrangements for accommodation. What are your views on how effective that will be in improving provision for the care of children?

Katharine Sacks-Jones: As I said earlier, these are welcome measures. There is very little oversight of the providers at the moment, so a number of measures will improve that oversight. The missing piece is that if you do not tackle sufficiency, the power imbalance will still

sit in the hands of the providers who provide the majority of homes for children. Greater oversight needs to come alongside improving sufficiency. One way to do that is to have a national strategy, which is missing at the moment. We think the Bill is an opportunity to introduce that.

Q134 Darren Paffey: To what extent does the regional co-operation deal with sufficiency?

Katharine Sacks-Jones: I think there are benefits to be had in regional commissioning. We are concerned to ensure that provision for children is not then condensed in certain areas of a region, which could mean children still being moved great distances. We would like to see a safeguard in the Bill around not moving children far from home unless it is in their interest, to go alongside the new regional co-operation arrangements.

Lynn Perry: I echo some of what Katharine said there. There has to be a focus on outcomes for children in care, and in particular for all providers to be able to demonstrate that they are taking the sort of steps that Katharine describes, which would lead to better outcomes for children. We need to recognise that with 80% of existing provision being provided privately, any sudden exit might also cause some challenges for children. So, the sufficiency piece is really important, but we need to rebuild what I reluctantly describe as the market, to provide care for children in a different way. That will take some time.

The Chair: I understand that this session should run until 3.15 pm.

Q135 David Baines (St Helens North) (Lab): Good afternoon. Can you tell us briefly, in your own words, about the urgency—in your view—or otherwise of the Bill? We all agree that your organisations do outstanding, amazing, essential work with vulnerable children and young people up and down the country. How has the landscape for children changed in the last decade? Have things got better for them or worse? Is the Bill needed or not?

Lynn Perry: As an individual charity, we run 800 services. However, right across the coalition, we are seeing an increased level of presenting need. A number of factors are influencers in that: of course, the long shadow of the covid pandemic and then, hard on its heels, the cost of living crisis, which has really impacted a lot of the families that we work with across our charities. Our practitioners across the charities also tell us that thresholds for services are getting increasingly high. Even within some of our early intervention services, we are working with increased complexity of need. That is a really important factor to recognise, because families are under pressure for much longer, which leads to issues that are much more intractable and difficult to address. That is part and parcel of the picture that we are seeking to address.

Without a significant investment in early intervention and early help—the level of spend—I do not think we will be able to achieve the radical transformation that the Bill aims to achieve. We have been doing a report since 2010 that looks at children's services and funding and the spend on them. We are now seeing a tipping point. If we do not invest now in early help, it will be very difficult for the pendulum to swing back.

Mark Russell: I absolutely endorse all of that. The data in that report shows that councils in England spent £12.2 billion on children's services, and that is an increase of £600 million on the previous year. However, expenditure on early intervention and support for families has halved during that period, and support for later interventions has doubled, so we are spending all the money at the crisis end. That is the first thing.

Allied to that, the cost of living crisis has hit families really hard around the country. My colleagues who work directly with children are having to buy food for children. We are having to buy shoes for children, duvets for children, and beds for children, who are struggling really deeply right now. I have always had a quote over my desk at home by an American writer called Frederick Douglass, who said:

"It is easier to build strong children than to repair broken men."

I think he was right. I welcome the Bill and also the engagement that our organisations have had with the Government on its content. Thank you for having us along to present our voice to this debate today. However, we need to do much more to give every child in Britain the best possible start in life.

Katharine Sacks-Jones: Just to add, children in the care system are some of the most vulnerable children in our country. We have more children in care than there have been historically—84,000 in England. The outcomes for them are getting worse on a number of issues, including more children being moved away from their local area, away from their family, brothers and sisters, and away from their school. Frequently, they are being moved just because there are not enough places for them to live closer to home. We are seeing an increase in young people leaving the care system and becoming homeless, so on all those issues the outcomes for children in the care system are getting worse. This is an opportunity to address some of those issues, and we very much welcome some of the provisions in the Bill, but there is an opportunity to go further to strengthen it and to really change things for children in the care system.

The Chair: I thank all the witnesses for coming today and giving evidence to the Committee. We now move on to our next panel.

Examination of Witnesses

Nigel Genders and Paul Barber gave evidence.

3.15 pm

The Chair: We now move on to representatives from the Churches. Could you begin by introducing yourselves, please?

Nigel Genders: My name is Nigel Genders. I am the chief education officer for the Church of England, which means that I have the national responsibility for the Church of England's work in education, and I oversee 4,700 schools, which educate 1 million children.

Paul Barber: I am Paul Barber. I am director of the Catholic Education Service, which is the education agency of the Bishop's Conference of England and Wales, and we provide just over 2,000 schools across England.

Q136 Neil O'Brien: Thank you both for coming. My first question is to you, Paul. The last Government promised to lift the cap on faith school admissions and

consulted on doing just that. Is that something you would still like to happen and potentially be put into the Bill?

Paul Barber: The cap is a policy rather than law. We would very much like to see the cap lifted. My understanding of the current policy is that it applies to free schools, and we would very much like to see that lifted. The consultation took place and there has not, as yet, been a Government response to that.

Q137 Neil O'Brien: Do you have a timescale for when the Government are going on reply to that consultation?

Paul Barber: I do not—that is not in my hands.

Q138 Neil O'Brien: I just wondered whether we might get an answer during the passage of the Bill. I have a question for both of you. There was a thought-provoking leader in the *TES* the other morning that talked about the lack of discussion in the Bill, as well as more generally, on discipline. The Bill is largely silent on discipline, even though we know it is one the biggest issues affecting teachers, and Teacher Tapp surveys show that it is a huge issue for teachers and many students as well. Do you have particular thoughts on what you would like to see in the Bill, or more broadly, on discipline that would improve your ability to run orderly schools and protect teachers? There are obviously things out there like behaviour hubs, the discipline survey and questions about alternative provision. You both have very deep experience across the whole piece, so I am interested in your thoughts about what we could be doing further in the Bill and more generally.

Nigel Genders: You are right to raise the issue of behaviour. When we talk to teachers across the country, one of the biggest things that puts people off teaching, in terms of the retention and recruitment crisis, is children's behaviour. I am not sure there are particular things that you need legislation for in that space; it is about just giving teachers greater confidence. We are doing work in teacher training and leadership training to equip teachers to be really fantastic teachers, which are all important tools available to the system to really prioritise that area. I cannot think of anything particularly in the legislative space that would be needed.

Paul Barber: I agree with Nigel that discipline is definitely a factor in the recruitment and retention of teachers, and it is something that we need to give some attention to. Like Nigel, I do not think there is anything specific that is required legislatively, but I think what is needed is an overall accountability framework within which schools have the flexibility to respond to the needs of their particular pupil populations. Our schools have a very good track record of being orderly, and I think that is one of the reasons why they are very popular with parents. It is about school leaders and professionals being able to do what is in the best interest of their pupils and enabling the behaviour to be what it should be in our schools.

Q139 Neil O'Brien: One of the major changes in the Bill is the extension of the national curriculum, for the first time, to absolutely all schools. At the same time, the curriculum is being changed and rewritten. I have a high-level question and a specific one. The high-level one is about the different visions for our schools. One vision would stress the importance of diversity and argue that there are different ways of educating and that schools can and should do things differently. I do not know whether you buy into that vision.

My second, more specific question is whether there is anything you would have concerns about being in the curriculum. I am particularly thinking of religious education and topics like that. Are there ideas out there that you would be concerned about being forced into all schools?

Nigel Genders: As previous panels have said, there is a slight complexity about the timing of the Bill and the intention to bring in a national curriculum for everyone. In broad principle, I think it is right. There are one or two caveats I will go on to talk about, but in broad principle it is right to create a level playing field and have a broad and balanced curriculum across the piece for everybody. The complexity is that this legislation is happening at the same time as the curriculum and assessment review, so our schools are being asked to sign up to a general curriculum for everybody without knowing what that curriculum is likely to be.

Certainly among the schools and leaders I have spoken to the hope is that through the process of the curriculum review, and certainly in the evidence we have been giving to that, we will end up with a much broader, richer balance of both academic and vocational and technical skills within the curriculum. We hope to have something of broad appeal to everybody that is at a high level, and under which everybody can find an equal place in that space. But we do not know at the moment.

The Chair: We do not want to go too far into the curriculum today, because it is not really part of the Bill.

Paul Barber: I will keep my remarks brief. We have a very clear understanding of what a curriculum is in a Catholic school. It is very much a broad, balanced and holistic curriculum in which there are no siloes and the curriculum subjects interact with each other. There is of course the centrality of RE, which you mentioned. We are hopeful that the review will provide a framework within which we will be able to deliver alongside other views of curricula in other schools.

Q140 Catherine McKinnell: Thank you for being here today. What is your assessment generally of the impact of the Bill on faith schools?

Nigel Genders: The Church of England's part of the sector is very broad in that of the 4,700 schools that we provide, the vast majority of our secondary schools are already academies, and less than half of our primary schools, which are by far the biggest part of that number, are academies. We would like to see the system develop in a way that, as is described in the Bill, brings consistency across the piece. In terms of the impact on our schools, my particular worry will be with the small rural primary schools. Sorry to go on about statistics, but of the small rural primary schools in the country—that is schools with less than 210 children—the Church of England provides 65%.

The flexibilities that schools gain by joining a multi-academy trust, enabling them to deploy staff effectively across a whole group of schools and to collaborate and work together, is something that we really value. What we would not like to see is a watering down of the opportunities

for that kind of collaboration. We set out our vision for education in a document called "Our Hope for a Flourishing School System". Our vision is of widespread collaboration between trusts, and between trusts and academies. The diocesan family of schools is one where that collaboration really happens.

We want to ensure that this attempt to level the playing field in terms of the freedoms available to everyone is a levelling-up rather than a levelling down. I know that the Secretary of State commented on this in the Select Committee last week. I also know that the notes and comments around this Bill talk about those freedoms being available to everybody, but, for me, the Bill does not reflect that. It is not on the face of the Bill that this is about levelling-up. In terms of risk to our sector, I would like to see some reassurance that this is about bringing those freedoms and flexibility for innovation to the whole of our sector because we are equally spread across academies and maintained schools.

Paul Barber: Equally, we have a large foot in both camps. Slightly different in shape, we are involved in all sectors of the school system but the vast majority of our schools are either maintained schools or academies. Currently academies make up just over half. Because our academy programmes are led by dioceses in a strategic way, we buck the national trend in that the number of our primary schools, secondary schools, and academies is almost identical. I agree with what Nigel said. This is a jigsaw of many parts. What we need is an overall narrative into which these reforms fit. It was good yesterday to be able to sign the "Improving Education Together partnership", to collaborate with the Government in a closer way to create that narrative.

Q141 Munira Wilson: I want to pick up on the faith cap issue that the hon. Member for Harborough, Oadby and Wigston raised. The 50% faith cap for all new free schools was a policy put in place by the coalition Government. There are concerns that the provisions in this Bill to allow other providers to open new schools would mean that the faith cap does not apply to them. Nigel, I know you are on the record as saying that Church of England schools should be inclusive and serve the whole local community. What do you think will be the impact of losing that faith cap, and should we be putting in an amendment to ensure that the cap is in place for all new schools?

Nigel Genders: I have a couple of things to say on that, if I may. I think where this Bill makes a statement in terms of legislative change is in the ability for any new school not to have to be a free school. That opens up the possibility of voluntary-aided and voluntary-controlled schools as well as community schools and free schools. In each of those cases, you are right, our priority is serving that local community. It is an irony that there is a part of the Bill about new schools when, actually, most of the pressure is from surplus places rather than looking for more places. In particular areas of the country where there is rapid population and housing growth, or in areas of disadvantage and need, we would be really keen to have every option to open a school. I am concerned to ensure that local authorities are given the capacity to manage that process effectively, if they are the arbiters of that competition process in the future.

For us, opening a new school, which we do quite regularly as we are passionate about involvement in the education system, is done with the commitment to provide places for the locality. Where schools can make a case for a different model, and in other faith communities as well, which I am sure Paul will go on to say, is for them to do. Our position is that a Church school is for the whole community and we will seek to deliver that under the 50% cap.

Paul Barber: As I understand the Bill, it removes the academy presumption, so if a local authority runs a competition, there has to be a preference for academies. The provision for providers to propose new schools independently of that has always existed, currently exists and is not being changed, as I understand it, in this legislation as drafted.

In terms of the provision of new schools, we are in a slightly different position because we are the largest minority community providing schools primarily for that community but welcoming others. Our schools are in fact the most diverse in the country. Ethnically, linguistically, socioeconomically and culturally, they are more diverse than any other type of school. We provide new schools where there is a need for that school—where there is a parental wish for a Catholic education. We are very proud of the fact that that demand now comes from not just the Catholic community, but a much wider range of parents who want what we offer. We would not propose a new school, and we have a decades-long track record of working with local authorities to work out the need for additional places.

Admissions is one half of a complex thing; the other is provision of places. Our dioceses work very closely with local authorities to determine what kind of places are needed. That might mean expansion or contraction of existing schools. Sometimes, it might mean a new school. If it means a new school, we will propose a new Catholic school only where there are sufficient parents wanting that education to need a new Catholic school. The last one we opened was in East Anglia in 2022. It was greatly appreciated by the local community, which was clamouring for that school to be opened. That is our position on the provision of new schools. We will try to provide new schools whenever parents want the education that we are offering.

Q142 Munira Wilson: Nigel, I was interested that you said that 65% of small rural primaries are Church of England schools. The Bill's provisions state that breakfast clubs will be a universal offering. Will those small rural primary schools have the capacity to deliver what is laid out in the legislation?

Nigel Genders: That is a really important question. Broadly, all our schools are really supportive of the breakfast club initiative and think it is helpful to be able to provide that offer to children, for all the reasons already articulated during the previous panel. You are right that there will be particular challenges in small schools in terms of staffing, managing the site, providing the breakfast and all those things. As the funding for the roll-out of breakfast clubs is considered, it may be that there need to be some different models. The economies of scale in large trusts serving 2,000, 3,000 or 4,000 children are quite different from those of a school that has 40 or 50 children, one member of staff and probably a site

manager. The ability to provide breakfast for every child in a fair way needs further consideration. The legislation is right to endeavour to do that, but the detail will be about the funding to make that possible.

Q143 Lizzi Collinge: I want to follow up on a couple of previous questions and make sure that I have clarity about something that I appreciate is complex. This is about faith selection, particularly in relation to clause 51. Do you expect that Church of England and Catholic schools—if you have any information about other faith groups, I welcome it, but I appreciate that you do not represent other faith groups—in the short, medium or long term will use the changes brought in by clause 51 to open new schools with 100% faith-based selection?

Paul Barber: Clause 51 does not change the parameters within which we can open new schools. As drafted at the moment, the Bill leaves that possibility exactly as it is today. I have outlined my position on when we would seek to open new schools. The idea of opening new schools and creating new places is to satisfy all the parental demand. The provision of places and admissions are two things that work together. If an area has insufficient places in Catholic schools for all the families who want to take advantage of that education, obviously the longer term solution is to create more places, but in the shorter term it has always been part of the system—in our view, very reasonably—that if there are insufficient places, priority should be given to the community who provided the school in the first place, with others afterwards. That has always been part of the system that we have operated in since the 19th century.

Q144 Lizzi Collinge: May I clarify? In certain circumstances, yes, you would like to have schools with 100% place selection?

Paul Barber: We are talking about oversubscription criteria, which only kick in when there are insufficient places to satisfy parental demand. In those cases, we would wish to continue to give priority to Catholic families.

Nigel Genders: Again, Paul has identified a difference in policy area between the two Churches in this space. My answer is the same as previously: that would not be the case for the Church of England. We are much more interested in some of the other parts of the previous consultation, which have not come through yet—around special schools and the designation of special schools with religious designation. The Church of England would love to be able to provide special schools in those circumstances. In the provision of new schools, whether voluntary-aided free schools or voluntary controlled, we would not be looking to do 100%.

Paul Barber: We would also welcome having more. We already have special schools, but we would like to have more.

Q145 Damian Hinds: I would like to go back to the curriculum—

The Chair: Order. Is that relevant to the Bill? As long as you relate it directly to the Bill—

Damian Hinds: I promise you, Mr Betts, that it will be relevant to the Bill. As Nigel I think rather charitably said, his schools would be "asked" to sign up to something without knowing what the something is—but I do not think they are going to be asked, Nigel; I think they are going to be told. You also said that we hope—I include myself in that "we"—that it will be a broad framework, which will allow everyone to do their distinctive thing, as they do today. That is a hope, but we do not know. For example, there is a movement to rebrand religious education as "world views"—does that make you nervous?

Nigel Genders: I am in danger of getting into the curriculum discussion, rather than the—

Q146 Damian Hinds: To keep us both in order—

The Chair: Order. You will emphasise that this must relate to the Bill.

Damian Hinds: I will, absolutely. Do you feel any nervousness or concern about the removal of the safety valve that says academy schools can deviate from the national curriculum?

Nigel Genders: With all the discussion about the curriculum and the national curriculum, RE is part of the core curriculum; it is not in the national curriculum at the moment. Levelling the playing field up or whichever way you want to do it, there is a requirement to teach a breadth of RE within that curriculum as a core subject, but it is not defined in the national curriculum. We are happy with that position but, either way, the important thing is that we enable a broad, rich and holistic curriculum to develop—for the reason of behaviour that Neil mentioned as much as anything. We want children to enjoy coming to school, and the curriculum is a fundamental part of that.

Paul Barber: Maintained schools have to follow the national curriculum, and over half of ours are maintained schools currently. We have a very rich religious education curriculum. Recently, we published a curriculum directory, which I can share with the Committee if interested. Our position on RE is also well set out in our evidence to the curriculum and assessment review—again, we can give copies to the Committee if that would be helpful.

Q147 Damian Hinds: RE is not the only sensitive subject; there is also English literature, history or RSHE. My question had a religious bent to it, but it was really about taking away that safety valve and that ability of academy trusts to say, "We are not going to follow precisely what has been set out."

Nigel Genders: I think our point is that we would like to see that flexibility within the national curriculum available to everybody. I am very much in favour of levelling up, as long as the curriculum gives the space to do that.

Q148 Damian Hinds: We have just talked a little about the admissions arrangements for VA and VC schools. You have also alluded to the fact that rolls are falling in many places—they are falling initially mostly in primary, but that will feed through. Are you concerned about the more directive nature of what will be available to councils and the position that that would put your schools in, particularly voluntary aided schools? On the question of new schools, as you rightly pointed out, Paul, it has always been possible to open a VA school—it is not a very well-known fact that some VA schools have

[Damian Hinds]

opened. With this Bill, do you think it is more or less likely that in the near future you will be able to open more Catholic schools?

Paul Barber: From what I can see, I do not think it is any more or less likely. In terms of the directive power, my understanding is that the position in VA schools remains the same, and that it is academies that will have a direction-making power similar to that which already applies to voluntary aided schools.

Q149 Damian Hinds: Forgive me—we are very short on time. I was talking about a council's ability to stop a popular school expanding, for example. You both mentioned earlier that you have some really quite popular schools, and now the council will have much more an ability not to let that happen.

Paul Barber: Sorry; I misunderstood. You are talking about the restrictions on schools unilaterally changing their published admission number. Our position on that is that it is because of this relationship between admissions and the planning of school places, which must be planned in some way. Our diocese has a long track record of decades of working with its local authorities and with the diocese in the Church of England to work out what is required in the future, and looking forward for places and planning that. Having some kind of regulation of schools' published admissions numbers is quite helpful in ensuring that that works smoothly, because if you plan it and three schools then arbitrarily decide to increase their published admission number, that creates some real problems locally with place planning.

Nigel Genders: We would agree with that. Not to rehearse all that Paul has just said, but a further point is that when it comes to resourcing local authorities to carry out their role in the allocation and direction of schools to take particular pupils, we are really keen to see that done in a way that makes fairness the arbitrating factor to ensure that there is a real fairness of approach. The collaboration between maintained and academy and diocese and local authority very much needs to happen, and we would welcome that.

Q150 Neil O'Brien: I have a very specific question on small rural primary schools attempting to deliver breakfast clubs, potentially with a very small number of staff. What is your understanding of whether the time spent doing breakfast clubs will count as directed time?

The Chair: Let us have a fairly quick answer. One other Member would like to ask a question as well.

Neil O'Brien: Do we know whether that is the case?

Nigel Genders: There is the question of how to make all that possible within the allotted hours that staff can be directed. It needs resourcing. It does not have to be teachers who provide those breakfast clubs—

Q151 Neil O'Brien: No, but what if it is a teacher in your little schools?

Nigel Genders: They will have to be resourced to do it in other ways to make it possible.

The Chair: The last question is from Ian Sollom.

Q152 Ian Sollom (St Neots and Mid Cambridgeshire) (LD): There is hopefully a very simple answer to this question. I am trying to pick through your previous answers on the curriculum. This question relates to the Bill. Should RE be included in the national curriculum?

Paul Barber: We are very content with the current position. If there were proposals to change that, we would need to work very carefully with everybody to try to get to a position that retains the necessary safeguards, as we see it, contained in the current position.

Nigel Genders: I would agree with that.

The Chair: Thank you very much to our witnesses. We will move on to our next panel. I do not know how long we will have, because we will have votes in the Chamber at some time, but we can at least make a start.

Examination of Witnesses

Sir Jon Coles, Sir Dan Moynihan and Luke Sparkes gave evidence.

3.45 pm

The Chair: We will now move on to representatives from various academies. If you could begin by introducing yourselves, that would be helpful to the Committee.

Luke Sparkes: I am Luke Sparkes, and I lead the Dixons Academy Trust. We run urban complex schools in Leeds, Bradford, Manchester and Liverpool.

Sir Dan Moynihan: I am Dan Moynihan, CEO for the Harris Federation. We run 55 academies in and around London, most of which were previously failing schools.

Sir Jon Coles: I am John Coles, and I run United Learning, which is a group of just over 100 schools nationally—again, mostly previously failing schools. Before the 13 years I have spent doing that, I spent 15 years in the Department for Education, and the last four on the board.

Q153 Neil O'Brien: Thank you for being here. I want to direct my first question to Jon and Dan. You have both been quite critical of the loss of academy freedoms in this Bill. Could I persuade you to say a bit more about why that matters? Why do those freedoms matter? What do they enable you to do? Do you accept reassurances from the Government, who are saying, "No, no, you've misunderstood: the Bill doesn't reduce your freedoms; it just increases other people's freedoms", or do you think that it would be helpful to amend the Bill further in order to ensure those freedoms? We will start with Jon and then go to Dan.

Sir Jon Coles: My top concern is about pay and conditions freedoms. We take schools that have got themselves into serious difficulty and look to turn them around. If you want to turn around schools that have failed seriously—often generationally—to give children a good standard of education, clearly you need to attract very good people to come and work in those places; the quality of a school is never going to exceed the quality of its teachers. Therefore, the things that we do with pay and conditions are designed to make sure that we can attract and retain the very best teachers to do the toughest jobs, which I think is our fundamental role as a trust.

I think we really need those freedoms. They are very important to us. Obviously, that applies to this Bill, in relation to schoolteachers' pay and conditions, but it also applies to the Employment Rights Bill, in relation to the school support staff negotiating body. Those are fundamentally important to us.

I have been hugely encouraged by the Secretary of State's remarks that what she wants is a floor but no ceiling, and that is something that we can absolutely work with. I hope that that is what we see coming through. At this moment, that is not what the Bill says; it says that we have to abide by the schoolteachers' pay and conditions document. I think there is an ongoing conversation to be had about whether that is where we end up, because that is not quite a floor but no ceiling.

Neil O'Brien: Having looked at that document, it does have a whole bunch of different maximums in it. It has quite specific maximums as well as minimums.

Sir Jon Coles: The thing about the schoolteachers' pay and conditions document is that it is fundamentally a contract. Section 122 of the Education Act 2002—it happens to be an Act that I took through Parliament as a Bill manager, when I was a civil servant—essentially says that the Secretary of State may, by order, issue what is commonly known as the pay order, but the pay order includes a lot of conditions. Section 122 of the Act says that that applies as if it were a contract. Indeed, if you are a teacher in a maintained school, typically your contract will literally say, "You are employed under the terms of the schoolteachers' pay and conditions document," so it is your contract.

Therefore, the schoolteachers' pay and conditions document has to act as a contract. It has to be specific. A teacher looking it up has to be able to see, "What are my terms and conditions? Have I been treated properly?" and so on. That is how the schoolteachers' pay and conditions document needs to work, so if we have to abide by it precisely, that is what we would have to abide by.

I think that officials—I speak as an ex-official—should be asked to look again at whether the Bill they have produced for Ministers does what Ministers want it to do, and whether it actually provides a floor but no ceiling, or whether there is something slightly different that would enact Ministers' policy.

Q154 Neil O'Brien: That was a superbly diplomatic answer—particularly the end of it. I will come on to Dan. You talked about QTS freedoms and the importance of being able to employ mature people in STEM and the like, and the risk that not having that freedom might put some of them off. I will just ask you about the freedoms on curriculum and things like that, and how those are being used by academies and trusts at the moment to find solutions that are right for individual situations. My impression is that those freedoms are quite often used to focus on core subjects in areas of high deprivation where there is great difficulty, and to have a model that works in those areas. It seems quite important for you.

Sir Dan Moynihan: We have taken over failing schools in very disadvantaged places in London, and we have found youngsters in the lower years of secondary schools unable to read and write. We varied the curriculum in the short term and narrowed the number of subjects in key stage 3 in order to maximise the amount of time given for literacy and numeracy, because the children were not able to access the other subjects. Of course, that is subject to Ofsted. Ofsted comes in, inspects and sees whether what you are doing is reasonable.

That flexibility has allowed us to widen the curriculum out again later and take those schools on to "outstanding" status. We are subject to Ofsted scrutiny. It is not clear to me why we would need to follow the full national curriculum. What advantage does that give? When we have to provide all the nationally-recognised qualifications —GCSEs, A-levels, SATs—and we are subject to external regulation by Ofsted, why take away the flexibility to do what is needed locally?

Q155 Neil O'Brien: Luke, you wrote a very interesting piece in the *TES* the other day about the importance of variety and difference between schools. You work in some exceptionally disadvantaged areas, turning around particularly difficult schools. I saw that you had used the academy freedoms to offer the nine-day fortnight so that teachers can have more preparation time, particularly because they are working in quite a demanding environment. How are you using those freedoms and how useful are they to you?

Luke Sparkes: They are very useful when it comes to conditions. As Jon was saying, the narrative coming through about a floor and no ceiling is encouraging. I can see that working for pay, but I am not sure how that would work for conditions. My significant concerns with the Bill are about conditions. We have done more than most as a trust to try to position ourselves as a modern organisation. We know that post-millennials are not going to accept the norms that currently exist in our sector. We have also tried to overcome the rigidity of the job with innovations such as the nine-day fortnight. That innovation is starting to diffuse across the sector.

We want to be even bolder. We are really starting to think about how we can totally re-imagine the school workforce. That is because most complex schools—the kind of schools that we lead—have become, in many ways, the fourth emergency service. That is by stealth and not by choice. We have had to address the scope and intensity of the job.

I wanted to make that position clear. It is from that position and understanding that we still believe that a rigid set of expectations around conditions will stifle innovation—the kind of innovation that the three of us have led across our trusts. Leaders working in our context need the freedom to do things differently. That, of course, was the point of Labour's academy policy in the first place. I accept that in some instances, it is possible to negotiate around standard conditions, but not everybody can do that. The innovations we are leading will not be scaleable if we are all forced to align to a set of rigid standards.

It is also worth knowing that our most successful schools at Dixons—the ones that are getting the best results for disadvantaged students nationally—would have to fundamentally change as schools if they had to align to a set of rigid standards. That would be bound to impact negatively on outcomes for children, and not just academic outcomes. It would be a significant backward step. Finally, an interesting point is that our most innovative schools—the ones that are using their

freedoms the most—actually have the highest staff engagement scores. These freedoms benefit and are attractive to staff.

Q156 Neil O'Brien: Would you say that the Bill, broadly speaking, erodes that kind of freedom and diversity in the system? That is at the moment, as drafted—it can change.

Luke Sparkes: Certainly, around the areas that I have just described.

Q157 Stephen Morgan: I have two unrelated questions on which I am keen to hear from all three of you. What assessment have you made of the introduction of registers of children not in school and how they will help schools and local authorities to support vulnerable children?

Sir Dan Moynihan: It is an excellent idea. Too many children disappear off-roll and are not monitored sufficiently. I would say it probably does not go far enough. When any child leaves the school roll, whether they are at risk or not, we should know why it happens and whether the parent can make proper provision for them, so it is a really good idea. My concern is whether local authorities have the resourcing to make this thing work. As we all know, they are under immense pressure. However, it is about time that we had it, and it is a real move forward. The question is about their ability to deliver it.

Sir Jon Coles: I agree with all that. I am not sure quite how many Secretaries of State have thought it was a good idea to do this, but it is a lot of them, and they have all backed off it before now. I think it is good, important and brave that it is being done, because while I support the right of parents to home educate, and I think that is an important freedom in society, those of us who work in challenging areas can see that there is an overriding child protection and child safeguarding risk. That risk has grown, is growing and does need to be tackled.

Luke Sparkes: I echo that. I think the correlation of families who apply for elective home education, for example, and the vulnerability of those children is known. Whether it is in relation to attendance, unsupportive parenting or poor relationships with schools, challenging EHE is the right thing to do. However, as Sir Dan said, it will need significant additional resource if a school is to ensure that the child is supported to integrate into school in that way.

Q158 Stephen Morgan: My second question is about admissions. Do you think that it is important for all schools to at least co-operate with local authorities on school admissions and place planning?

Sir Dan Moynihan: It is important for all schools to co-operate. With 9 million children in schools, I think only 55 directions were given in 2023 by local authorities. For me, the key issue is that it is important that there is co-operation, but there is potentially a conflict of interest if local authorities are opening their own schools and there are very hard-to-place kids. There is a conflict of interest in where they are allocating those children, so there needs to be a clear right of appeal in order to ensure that that conflict can be exposed if necessary.

Luke Sparkes: It is important for academies to work with local authorities. I think we accept that the current arrangements are fractured, but—similarly to what Sir Dan said—it is that conflict of interest that we have been concerned about. Although there is going to be an independent adjudicator, the question is whether they will be well placed to make those policy and financial decisions—almost becoming a commissioner role—and whether that would be the right way or not.

Sir Jon Coles: The short answer is yes. I do think it is important. I would like to see Government issue some guidance on how the powers will be used, and to say to everybody, "Here are the rules of the game, and this is what good practice looks like." I think people are worried about whether there are conflicts of interest and poor practice. Of course, these powers could be abused, but my personal concern about that is very low. I do not think they will be abused. However, I think it would give everyone a lot of reassurance if the Government—you, as Ministers—put out some guidance saying, "This is how we would like this to work. These are the criteria. This is what good practice looks like. This is how we want the system to work." I think that would make everybody feel comfortable that things will be done fairly.

Sir Dan Moynihan: Could I add to my previous answer, please? Some of the schools we have taken on have failed because they have admitted large numbers of hard-to-place children. I can think of one borough we operate in where councillors were very open about the fact that there was a school that took children that other schools would not take. They said that openly, and the reason they did not want it to become an academy was because that process would end. The school was seen as a dumping ground. I think there are schools that get into difficulty and fail because there is perceived local hierarchy of schools, and those are the schools that get those children. That is why there needs to be a clear right of appeal to prevent that from happening.

Q159 Munira Wilson: I have a very simple question, first of all. As senior leaders in the academy trust space, were you consulted on the measures in the Bill, either formally or informally?

Sir Dan Moynihan: *indicated dissent.*

Sir Jon Coles: *indicated dissent.*

Luke Sparkes: *indicated dissent.*

Q160 Munira Wilson: No. Okay. Some of the data that we have seen about how these freedoms are used across the country shows that actually, the vast majority of academies do follow the national pay scales, QTS and the national curriculum. I take on board the concerns that you have raised about pay and conditions, and that is why a number of us are pressing for pay to be a floor, not a ceiling—we will be trying to amend the Bill that way. However, do you think that if this legislation goes through as is, it will make much difference day to day, on the ground? Will it especially make a difference if we put the floor in place?

Sir Jon Coles: The provisions, as drafted, in relation to pay and conditions, would make a big difference to us. It is interesting that you say that the data says that not many people are doing it. I don't think there is good data on that question—I have never seen any. Among the schools that we take on, including both maintained schools and academies, more schools are deviating from the rules than think they are. It is very common for us to

take on both maintained schools and academies that have, usually in small ways but sometimes in slightly bigger ways, adopted different terms and conditions to the national terms and conditions. They have made local agreements without necessarily having themselves identified that they are diverging from national pay and conditions. There are more examples than people might think of schools using some flexibility.

In relation to the other things, as Dan says, there are specific circumstances in which people do vary in relation to the curriculum for specific reasons, in specific circumstances, and tend to do so for short periods of time. There are specific occasions on which people use the QTS freedoms, usually for short periods of time, usually while people are being trained, sometimes because they could not get somebody for other good reasons.

Fundamentally, my top concerns and priorities are pay and conditions provisions because they will have a serious impact on us.

Munira Wilson: To clarify, my point about data was based on DFE data in the briefing from the House of Commons Library. Should we look at it the other way? Rather than trying to restrict academy freedoms, should we give those freedoms to all schools so that we are not differentiating between academies and other types of schools?

Sir Dan Moynihan: Yes. The public purse is going to be hugely constrained, as we all know, for years to come. The base at which we are constraining schools is inadequate and we are freezing the system where it is now. If we want a world-leading system in the future, given that the resource is not going to be there to materially change things, one key way to do it is to give schools the freedom that academies have had to transform failing schools in the worst circumstances. Why should every school not have that freedom? It makes sense.

Luke Sparkes: Yes, and the majority of schools are academy schools, so it would make sense to level up rather than level down. On the innovation point, there are more academies that innovate than we would perhaps think. Innovation tends to happen on the edges and our schools, the most complex schools, are on the edges. The idea is that a few innovate, then that innovation diffuses over time and becomes the norm. If we lose the opportunity for anybody to innovate, we will just stifle and stagnate.

Sir Jon Coles: I agree with all of that. If it were up to me, I would be saying, "More freedom; more accountability." What has made a difference in improving education and public services, not just in this country but internationally, has been giving more responsibility to the people who are accountable for performance. If you are the person who has to achieve results and do the right thing for children, the way to get strong performance is to make you the person responsible for making the decisions and then hold you to account for them. I think that is a good system-wide set of principles, not just in education but in public service reform generally: sharp accountability for decision makers, and decision makers as the people accountable for performance. That is what drives us. I would absolutely make the case to free up everybody.

Sir Dan Moynihan: It is not clear what problem this is solving. I have seen no evidence to suggest that academy freedoms are creating an issue anywhere. Why are we doing this?

Q161 Amanda Martin: The Minister touched on admissions and I would like to widen that. Positive and best outcomes and the destination of children and young people should be at the heart of every Government mission on education, as it should be at any school trust or local authority. However, concerns continue to grow about the widening attainment gap of our most vulnerable pupils. More worrying is the fact that parents feel they have no choice if they want to remove their children from a school setting. The Bill does have provisions on admissions and allows local authorities to plan school places. Today we heard from the Church of England and the Catholic Education Service about how they have always worked with local authorities to ensure fairness and collaboration in the wider services. You all have academies and schools across the country. How would you work with local areas, where your schools are, to ensure that collaboration really does find places for children and reverses that worrying trend that we still see?

Sir Jon Coles: The worrying trend being poor attainment and the widening gap?

Amanda Martin: Yes.

Sir Jon Coles: I suppose everything we do addresses trying to tackle the gap. We take on schools in areas of severe deprivation, places where schools have failed, where children are not succeeding. We look to turn those schools around. I guess my starting point for this is that we do already, in the overwhelming majority of cases, work with local authorities on admissions. None of our schools change their admission arrangements when they become academies. We stick with the pre-existing admission arrangements, unless we are asked by the local authority to do something different. That is our fundamental starting point for everything we do. As I said, I do not have concerns about the provisions around admissions; we are basically happy with them. If the Government issue guidance on how those are to be used, I think other people's concerns will go away as well.

The one thing that I would love to see the Government do is really set out their strategy for improvement, how they think things will work and how we will drive improvement across the system. I think part of the reason for response to the Bill has been that the Government have not published a policy document ahead of publication, so people have read into the Bill their concerns and fears and worries. There has not been a clear Government narrative about how the Bill will drive forward improvements in the school system overall and how we are going to tackle the achievement gaps.

We want to work with Government. We want to work with local authorities—we already work with local authorities and other trusts and maintained schools. We want to do that. We think we are all on the same team trying to do the right thing for children. Our worry about some provisions in the Bill is really just a concern that in future we might be prevented from doing things that we do that we know are effective.

Sir Dan Moynihan: On the disadvantage gap, the biggest thing was the coalition's introduction of an explicit strategy focusing on disadvantage, and they introduced a pupil premium. It was highly effective for probably five years, then withered and disappeared. The Government, in my view, need an explicit strategy for tackling disadvantage, whether that is a pupil premium

that is higher or whether it is metrics. That is not something that we have seen for a long time and not something that we have yet seen in the new Government, but it is a door that is wide open. The system wants that. That is the clearest thing: making it a Government priority.

The second thing for me, to be a bit more controversial, is that good schools should reflect their local area. Sometimes that does not happen, including for many selective schools. If we are really going to have a world-class system, that needs to be addressed.

Luke Sparkes: I do not have anything of significance to add. We try to work as closely as we can with local authorities. In north Liverpool, for example, we took on a school that would have closed had we not taken it on. We take on the most challenging schools and try to do the very best we can for disadvantaged children.

Q162 Patrick Spencer (Central Suffolk and North Ipswich) (Con): You spoke about the importance of intent and accountability in driving school improvement, yet the Bill tilts the balance back towards giving responsibility to local authorities, and ultimately to Sanctuary Buildings the role of school improvement. Does that concern you? Do you think local authorities can do the same job as a multi-academy trust in turning schools around?

Sir Jon Coles: That is a very tendentious way of describing the Bill. I think you would struggle to substantiate that. To give you my perspective, whatever this Bill does, I am still going to be accountable for running the schools that we are accountable for running. They will still be in the trust. I will still be line-managing the heads. We will still be accountable for their performance. We will still be accountable for teaching and learning.

Q163 Patrick Spencer: Will this Bill see fewer schools becoming academies going forward?

Sir Jon Coles: I am not sure.

Q164 Patrick Spencer: If it takes away the automatic academy order—

Sir Jon Coles: I would like to see what the Government's policy underpinning this is. What is the Government's school improvement policy? Is it their policy to do what you have just said? I do not think the Bill does that. The question is: what is the Government's preference? Do the Government actually want to see as many or more schools become academies? I don't think we know that, and I don't think the Bill says one way or the other what the answer to that is.

In due course, we will see a new framework from Ofsted. In due course, I imagine the Government will say how they want the accountability system to work. When the Government say how they want the accountability system to work and Ofsted says how it wants the inspection system to work, we will see whether there will be more or fewer academies, but I do not think the Bill does that one way or the other. That is why we want to see the Government's overarching strategy for school improvement.

I do not want this to be political knockabout; I want this to be about children in schools. I want this to be about how we are going to make the schools system better. That is the fundamentally important question, and it is the only question I care about—how are we going to do better for our children? I don't want to overreach and say that I know what the Government's policy is on that, and I don't.

Q165 Patrick Spencer: You have sat there and given evidence on your interpretation of why you guys have been very successful in turning schools around. The Bill takes away a lot of the freedoms that you have exploited in turning schools around, and it includes a specific order that prevents schools from becoming academies, and it puts the power in the local authority's decision on what to do with it. It is dumb.

Sir Jon Coles: I don't think it does that. What I am reacting to is that point, because it does not do that.

Sir Dan Moynihan: There will be fewer academies because, by definition, if the Secretary of State is making the decision that a school that fails will not automatically become an academy, that must be because the intention is that some failing schools will not become academies. Therefore, there will be fewer than there would otherwise be. I think that is a huge mistake, because all our experiences are that academy conversions are sometimes very hotly politically contested and opponents are prone to go to judicial review, which can leave children in a situation of failure for months or even more than a year. By using ministerial discretion, the opponents are likely to go to judicial review on those decisions, because they will want to know on what basis that discretion is given. Then the schools that are not considered to be failing enough to become academies will be subject to the new RISE—regional improvement for standards and excellence—teams, which are being run from within the DFE. My view is that if you want to improve a school in difficulty quickly, it is much better to give somebody, such as an academy trust, full power over that school to improve it and to do what is necessary quickly. That must be more effective than a RISE team going in that does not have that authority over the governance of the school.

Q166 Patrick Spencer: For what it is worth. Luke Sparkes, do you have anything to add on top of that?

Luke Sparkes: I do not have a huge amount to add beyond agreeing with what colleagues have said. My most significant concern, as I have said, is about conditions for teachers. On the point about capacity within local authorities—I can only speak on the local authorities that we work with, which we try to have positive relationships with—they probably would not have the capacity to do the kind of things you said around school improvements.

Trusts were set up purely for the purpose of running and improving schools, and nothing more or less than that, so we have the expertise and capacity to do that school improvement work. I agree with Sir Dan that, when trying to turn around a very challenging school, it is much better when it is within the accountability structure of a trust as they are able to move much quicker. I am interested to see how the regional improvement for standards and excellence teams develop. They seem similar to what national leaders of education were in the past, and they did not always necessarily have the

teeth to do what was needed, so I am interested to see how they develop, but for me, the significant concern is about conditions.

Q167 Catherine Atkinson: We heard from the National Association of Head Teachers that they wanted to see more collaboration, and some concern was expressed that not enough collaboration was taking place to date. I would be interested to hear your views as to how we can improve that, and whether you would acknowledge that, across a lot of different areas, it is not happening to date. I understood what you said in relation to narrowing to core, but given that we are in a position currently where we are seeing a 47% reduction in arts GCSEs, and in Derby the only place you can do engineering at high levels is the UTC in the college, there is some concern that that narrowing has cut off some opportunities to some of our young people. I would be really interested in your views, both on collaboration and on trying to ensure that we have a really broad option for all our children.

Luke Sparkes: In terms of curriculum, we have always tried at Dixons to give as much breadth as possible. Our curriculum is fairly traditional. It does focus on the EBacc, but it has done so since before the EBacc existed. We have always specialised in the arts and sports as well. We have two schools with an arts specialism. We have always valued those, so I would agree with you that breadth is really important. There is a place to have, at a macro level, some kind of framework that is evidence-informed around the subjects that should perhaps be taught, but we also need the ability to enact the curriculum in a responsive and flexible way at a local level. I can see the desire to get that consistency, but there needs to be a consistency without stifling innovation. I support the idea that there needs to be breadth, but I think we have demonstrated that.

Q168 Catherine Atkinson: So you are doing something, but that is not necessarily happening across other trusts and academies?

Luke Sparkes: I cannot speak for the whole sector,but I can say what we believe.

Sir Dan Moynihan: I agree with you on breadth, and we too emphasise the EBacc. Around 40% of our kids are pupil premium and another 30% are just about managing, highly disadvantaged children, but we want them to learn history, geography and a modern language to 16 because that gives them cultural capital that they will need. That does not mean that they cannot be doing high-quality vocational qualifications alongside. The only way to engineer that is to broaden the range of qualifications that will count towards measures such as Progress 8. That will be the incentive that the system needs.

Collaboration is, of course, a good thing as long as it is focused on standards, and does not alternate or deviate from that. It is possible to spend a lot of time talking in talking shops, but what we need is collaboration between multi-academy trusts and schools that is about sharing best practice. That will raise standards.

Sir Jon Coles: On collaboration, it has always been an issue in the school system that practice gets trapped within the boundaries of institutions. Around 20 years ago, when I was setting up and running London Challenge, you could walk from one school to another in London and you would find outstanding practice in one school, and in the next school down the road they would have absolutely no idea what was going on. Occasionally you would find a forward-thinking, energetic and effective local authority—such as Tower Hamlets in what it did with primary school literacy and numeracy, which had created a really collaborative structure in which great practice was being shared and standards were improving. But if you went to the next borough, it would—almost because Tower Hamlets was doing it—not be doing it.

This problem of practice getting trapped within institutions has always been there and remains an issue in education. One of the things I set up post-Department was Challenge Partners, which is about sharing practice across the system and trying to use some of the school-to-school collaboration ideas we had in London Challenge. That is powerful and effective, and where that is working it is good.

The best collaboration in the system at the moment is within academy trusts, because they are under a common governance and people are sharing practice very openly. The next challenge is how we share practice and get collaboration working beyond the trust. We do a lot of work on that: working to support schools that are struggling, sharing leaders and leadership, sharing our subject advisers beyond the trust, working with governors and leaders in other trusts to support them, trying to be part of professional development programmes for leaders and staff, and offering our curriculum resources and our professional development beyond the trust.

Of course, the risk is that people think you have some ulterior motive for doing that or that it is predatory. It is an ongoing piece of work. I think it always will be ongoing within the education system.

The Chair: We will have to leave this evidence session there; we have come to the end of our time for it. I thank all three witnesses for their evidence. We will now move on to the next panel, but I will have to suspend briefly because one of the next witnesses is online and we have to make sure that we can get the connection right before we start.

4.21 pm

Sitting suspended.

4.23 pm

On resuming—

Examination of Witnesses

Rebecca Leek, Jane Wilson and Leora Cruddas gave evidence.

The Chair: We have three witnesses representing headteachers and trusts. Can Jane Wilson, who is online, introduce herself? I will then come to the witnesses in the room to do the same.

Jane Wilson: I am Jane Wilson, the deputy chief exec of Northern Education Trust. Our trust is 30 schools—17 secondary schools and 13 primary schools—working predominantly in the north of England between Blyth and as far down as Barnsley.

The Chair: Could the two witnesses in the room introduce themselves as well?

Rebecca Leek: I am Rebecca Leek. I am currently the executive director of the Suffolk Primary Headteachers' Association. There are 253 primary schools in Suffolk; around a third of them are local authority and two thirds are academies. I am currently also an interim headteacher in a local authority school. I have been a headteacher in an academy school and a CEO of a trust, and I have worked in inner-city London, urban Ipswich and rural Suffolk.

Leora Cruddas: I am Leora Cruddas; thank you very much for the invitation to give evidence to this Committee. I am the chief executive of the Confederation of School Trusts, which is the national organisation and sector body representing school trusts in England. Around 77% of all academy schools are in membership.

Q169 Neil O'Brien: Thank you all for being here, and welcome. My first question is to Leora. We heard in the last session some concerns about taking away academy freedoms on pay, the curriculum and QTS. In some of the things that you have written, you have also raised concerns about two other things. The first is clause 43, which is a sort of general power to direct academies on a range of subjects. The policy summary notes to the Bill indicate that that will be used for some not particularly high-level things, such as school uniform and the like.

Do you have concerns that the general power is a bit untrammelled at the moment? Might it be sensible to table some amendments to that, so that we have some proportionality and do not have the Secretary of State being constantly sucked into intervening in schools and being pressed to do so by lots of different activists?

Leora Cruddas: The first thing I should say is that we really welcome the children's wellbeing part of this Bill. There are a lot of good things in the Bill. We do have some concerns, as you say, about the schools part of the Bill, including, as you have heard from my colleagues, about pay and conditions. We welcome the Secretary of State's clarification on that in her evidence to the Education Committee. We now need to work with the Government to make sure that the clarification around direction of travel is reflected in the way that the Bill is laid out. We do not think that the Secretary of State's intention is properly reflected in the clause as it stands.

We do have concerns about the power to direct. We think it is too wide at the moment. We accept that the policy intention is one of equivalence in relation to maintained schools, but maintained schools are different legal structures from academy trusts, and we not think that the clauses in the Bill properly reflect that. It is too broad and it is too wide. We would like to work with the Government to restrict it to create greater limits. Those limits should be around statutory duties on academy trusts, statutory guidance, the provisions in the funding agreement and charity law.

Q170 Neil O'Brien: That is very helpful and specific. Another thing you have raised concerns about is clause 50, which will give local authorities the ability to challenge a school's PAN, even if it is just keeping it the same. I am sympathetic and understand what they are trying to do, with place planning and so on, but I have concerns about the local authority being both the regulator and the provider of other schools.

I worry about that, particularly in the context of falling school numbers in some areas, which will make these questions quite acute, because of the lack of any guidance or trammelling around it. For example, if there is an outstanding school and one that is struggling and may shut, where is the prioritisation? Where are the rules that say, "You must not treat academies unfairly compared with your local authority schools."? Do you share any of those concerns? Do you think that there is scope to make amendments to improve the Bill?

Leora Cruddas: I start by saying that we really welcome the duty to collaborate at a local level. Trusts already work with local authorities; you may have heard that from my colleagues in the previous session.

We are concerned about some of the potential conflicts of interest. We say "potential" conflicts of interest in the context, as you point out, of falling primary school rolls. We would like to work with Government to set out a high-level, strategic decision-making framework that would mean that, in a local area, we know our children really well and we get our children into the right provision at the right time. That means working together strategically around pupil numbers, admissions, falling rolls and the sufficiency of need in a local area. Those conflicts of interest can be managed, but they would need to be set out in a very carefully framed decision-making framework so that they are managed properly.

Q171 Neil O'Brien: You said:

"We accept current arrangements are fractured: introducing the Schools Adjudicator worsens rather than improves this".

What do you mean by that?

Leora Cruddas: We are not sure what the intention is behind the Government's need to bring forward the clause in the Bill that would introduce greater powers for a schools adjudicator. That is one of the conflicts of interest that we would be alive to—if a local authority could bring forward a case to resist an academy trust's pupil admission number, that would be a source of concern for us. That is why we need this high-level decision-making framework.

Q172 Neil O'Brien: Thank you; that is very helpful. I have a question for Rebecca. In *Schools Week* you wrote:

"The schools bill working its way through Parliament…is not good legislation."

You described it as "micromanagement" and "stifling". You talked about some of your experiences as a headteacher. Can you expand a bit on the overall vision and direction of travel?

Rebecca Leek: Yes. I love being a headteacher—I was a headteacher yesterday, doing an assembly—but I have stood in both camps, and I have worked in very rapid turnaround situations with trusts.

4.30 pm

Suspended for Divisions in the House.

5.8 pm

On resuming—

Q173 Neil O'Brien: Thank you to our witnesses for their patience while we voted. I was asking you about what you wrote in *Schools Week*, Rebecca—you said that the Bill was "not good legislation" and described it

as "micromanagement" and "stifling", and you talked about your experience of using some of those school freedoms. I wonder whether you could say more about why you think that is the case and what you think the problem is with the Bill.

Rebecca Leek: One of the things about the school sector is that it is incredibly complex, so you have to have complex solutions for complex systems—if you know anything about systems thinking. To support such a complex system, there needs to be room for agility, so the reason why I was writing that—we will talk about my specific experience as well—is that I know quite a lot about systems theory and governance. I have written a book on governance, subsidiarity and why it is important to have flexibility and agility in localities. That comes from theoretical knowledge about how to create good systems that meet the needs of very complex things, which is what schools are. I cannot impress on the Committee enough how much diversity there is in the school system, and how much there is the need for agility.

As a headteacher on the frontline, my dominoes can topple within a term: I am in a small school; I lose two senior teachers; a safeguarding issue happens because something in the locality changes, and I suddenly have to find a pastoral lead, because there are more safeguarding issues; I am trying to get more engagement with some of the local services, which might be struggling because they are undercapacity; and there is a recruitment crisis with teachers, honestly, and also with headteachers—hence I am an interim headteacher, as we can never recruit headteachers, because it is such a hard job, given so much grit in the system. There is that fundamental need for agility.

I do therefore have a concern, and my colleagues share that. I speak to headteachers and CEOs all the time in Suffolk—I met a trust last week and spoke to a CEO of a trust with 12 primary schools on the phone yesterday. We went over some of the things in the Bill. We know that the agility that the academies legislation and other changes brought into the system have helped us to be very adaptive to certain circumstances. Anything that says, "Well, we are going to go slightly more with a one-size-fits-all model"—bearing in mind, too, that we do not know what that looks like, because this national curriculum has not even been written yet—is a worry. That is what I mean. If we suddenly all have to comply with something that is more uniform and have to check—"Oh no, we cannot do that", "Yes, we can do that", "No, we can't do that", "Yes, we can do that"—it will impede our ability to be agile around our school communities and our job.

Q174 Neil O'Brien: That is very helpful. You have run both types of school and have said that when you were running local authority-run schools, you were often told, "No, we cannot do that", even when the action would solve a problem and benefit our pupils, and even though you can see the academy down the road doing exactly that. What sort of freedoms are the most valuable? What have you found with those academy freedoms that the Bill is eroding?

Rebecca Leek: There are a few specific things, and some other things. I had to step in as an interim headteacher in Ipswich just prior to covid. I did not have an early years lead and we had Ofsted six weeks in: we got RI—with good for leadership and management, thank you very much—but I still did not have an early years teacher. I needed to solve that incredibly quickly, so I liaised with three different agencies and made contact with various different people. There was someone who was not a qualified teacher, but who had been running an outstanding nursery. She had decided to stop running it, because of her work-life balance, and she thought she might want to work in a school. I took her on, and although she was not qualified, she was really excellent. I was able to do that because it was an academy school, and it was not an issue. In a maintained school, there is a specific need for a qualified teacher to teach in early years, so I would not have been able to take her on.

That is just one example. Another example is that maintained schools, I think under the 2002 legislation, must have a full-time headteacher—they must have a headteacher at all times. In a small rural school, that is financially a real burden, and it is one of the reasons why I am not a permanent headteacher. Last year, I was an interim headteacher. I came to an agreement with those at the local authority that I would do it on four days a week, and they kind of accepted that—it was a bit of a fudge, because it is actually non-compliant. They asked, "Will you carry on?", and I said, "No, because I am not going to be full-time." At the moment, I am three days a week and, again, it is okay because I am interim—academies can have great flexibility around leadership arrangements.

Q175 Neil O'Brien: That is a potential problem for a small rural school.

Rebecca Leek: It is a real problem for small rural schools particularly. They function really well in little pockets of two or three schools together, with maybe one executive head dealing with some of the headaches—because there are headaches—and with some things that are more systematic across the three schools. Yes, definitely.

Q176 Neil O'Brien: I have a quick one for Leora on academies' freedom with the curriculum. Some trusts not far from my constituency have used those freedoms quite strongly. They have deliberately focused on the core academics. In some cases, they do not necessarily even have the facilities to provide the national curriculum—if they are to be made to do that immediately—because they have focused on getting the core academic stuff for kids in situations of deprivation. Are you aware of others? There are definitely schools and trusts out there that are using those freedoms around the national curriculum, are there not?

Leora Cruddas: There definitely are trusts that have used their freedoms around the national curriculum. I would say it is not unreasonable for a state to want a high-level national curriculum framework—that is not an unreasonable position—

Q177 Neil O'Brien: But in adjusting to that, some schools might face severe adjustments or even need new capital, facilities and stuff—

Leora Cruddas: That is exactly right. Under this legislation, we could end up with a high-level national curriculum framework—once again, as I said on pay

and conditions, with a floor but no ceiling. That would protect the right of schools and trusts, all schools and trusts, to innovate, to be agile, to respond to local context, and to be centres of curriculum excellence—you heard Sir Jon Coles talk about his curriculum. We want to retain that notion of curriculum flexibility, curriculum freedoms.

Q178 Neil O'Brien: Would an amendment to that effect be helpful to preserve those freedoms?

Leora Cruddas: It would be very helpful to have clarity on that position. Obviously, we have not had the curriculum and assessment review report yet. I have absolute confidence that Professor Francis will be eminently sensible. She is a very serious person, and will follow the evidence; but I think we need to be careful that we are not tying ourselves into high levels of prescription in all parts of the Bill, including the national curriculum.

Q179 Neil O'Brien: On pay and conditions, you might think that the idea of a floor, not a ceiling, is a decent direction of travel, but to be clear, that is not where the Bill is now and it needs to change. That is my position.

Leora Cruddas: Again, I would cite the Secretary of State's evidence to the Select Committee, where she made clear that it is also her expectation around curriculum to have that floor and to be able to innovate and have flexibility above that floor.

Q180 Neil O'Brien: What I am getting at is that we need to change the Bill as it is currently drafted by officials, in order to achieve those things.

Leora Cruddas: Yes, I would say that was true.

Q181 Catherine McKinnell: I want to ask a question about admissions initially, which can go to any of you. Do you think it is important for schools to at least co-operate with local authorities on school admissions and place planning, in your experience?

Rebecca Leek: I can only tell you, from my experience, that there is a lot of collaboration where I work. We have Suffolk Education Partnership, which is made up of local authority representatives, associations, CEOs and headteachers. Admissions are not really my area, in this Bill, but my experience is that there is collaboration. We are always looking to place children and make sure that they have somewhere if they are permanently excluded. There is real commitment in the sector to that, from my experience where I work.

Q182 Catherine McKinnell: Do you think that is important?

Rebecca Leek: Yes, I do.

Jane Wilson: I agree with that completely. We work with our local authorities and follow the local admission arrangements in all of them. We think it is really important, and we obviously want children to get places in school very quickly.

Leora Cruddas: The duty to co-operate does that. We really welcome that duty.

Q183 Catherine McKinnell: This question is probably more for you, Leora, but if other people have comments, they are perfectly welcome. I understand that many small trusts are free to follow the school teacher pay and conditions document without variation. Does that indicate that the current pay and conditions framework is working for those trusts?

Leora Cruddas: Thank you for that important question. Our position as the Confederation of School Trusts is that we must not just think about the practice as it is now, but consider what we want to achieve in the future. The freedom, flexibility and agility that Rebecca talked about is important if we are to ensure that leaders have the flexibility to do what is right in their context to raise standards for children. It is also important in terms of creating a modern workforce. We know that we have a recruitment and retention crisis. We know that there is a growing gap between teacher pay and graduate pay, and that the conditions for teaching are perhaps less flexible in some ways than in other public sector and private sector roles. So it is incumbent upon us to think about how attractive teaching is as a profession and think in really creative ways about how we can ensure that teaching is an attractive, flexible, brilliant profession, where we bring to it our moral purpose, but also create the conditions that the workforce of the future would find desirable and attractive.

Q184 Munira Wilson: May I start with you, Leora? I want to ask the same question that I asked the academy leaders who came before you. As a membership organisation representing academy trusts, were you consulted on the provisions in the Bill relating to academies, either formally or informally?

Leora Cruddas: The conversations that we would be having with any Government prior to a policy being announced or a Bill being laid are typically quite confidential. There is also something about what you mean by the term "consultation". We did have conversations with the Government, and those conversations were constructive and remained constructive. I would say that CST is committed to continuing to work with the Government to get the Bill to the right place.

Q185 Munira Wilson: On school improvement, I have long called for there not to be an automatic order to become an academy if a school requires improvement. There seems to be a concern, as was brought out in some of the earlier sessions, that that is being done in a bit of a vacuum. It is all very well saying that the Secretary of State "may" issue such an order, but she may not, so what might she do instead? Would you like to see more information on that and more consultation on whatever the school improvement framework would look like before we pass that provision in the Bill?

Leora Cruddas: I think the answer to that is yes. The Government are bringing forward a consultation alongside Ofsted imminently, which might be an opportunity to set out some of those accountability arrangements.

I would also say that academy trusts have really proved their mettle here. You might want to go to Jane next, because the Northern Education Trust is such a strong northern sponsor trust and has taken schools that have not been good in the history of state education, turned them around and made them into schools that parents and communities can be really proud of. The school that I often cite is North Shore, which was really struggling and is now an absolutely brilliant school with

high levels of attendance. There is a proven model here, and I would say that if Ofsted decides that a school is in special measures, our view is that a governance change is necessary.

However, I do take the policy position that the Government have put forward that they need a range of levers to improve schools. We are not opposed to there being a range of levers to improve schools, but we would want to acknowledge the fact that trusts have excelled in that area and have turned around those schools that have been failing for a long time.

Q186 Munira Wilson: How do you think the curriculum provisions in the Bill might impact university technical colleges, which are by definition much more specialist in their offering?

Leora Cruddas: That is a question that we have raised. We hope that the curriculum and assessment review will address that issue, but it is also for the Government to address it, because the review will look at the high level of curriculum and assessment, whereas it is the Government who have laid the legislation. We have raised that as a specific issue, and we have also raised the issue about special schools and what it means for them.

Q187 Damian Hinds: Good afternoon. Leora, how central a role would you say that academy trusts have played in school improvement in this country? Is there any reason to believe that the same results could not have been achieved with just some support to the school as previously structured?

Leora Cruddas: I am an advocate for academy trusts, because of the clarity of accountability arrangements, the strong strategic governance, and the powerful, purposeful partnership between schools in a single legal entity. If a school is part of an academy trust and it is perhaps not improving or the quality of education is not as strong as it could be, and a conversation is had with that school, the school cannot walk away. The accountability for school improvement—the partnership mindset—is hardwired into the trust sector.

For the last 20 years, spanning all political Administrations, trusts have been building their school improvement capacity. Again, I would cite Northern Education Trust, which has an incredibly strong model of school improvement, and that is how it has turned around failing schools in the way that it has. The school improvement capacity sits in the trust sector.

That is not to cast aspersions on local authorities—I was a director of education in local government for most of my professional life—but over time, as local authority settlements have decreased and local authorities have reduced their school improvement capacity, so we have seen the rise of school improvement capacity in the trust sector. That is not true everywhere—Camden Learning, for example, has a very powerful model of school improvement—but overall, we see that the capacity for school improvement is in the trust sector.

Q188 Damian Hinds: I wanted to turn to Northern, actually, and to Jane. One of the things that you are famous for at Northern is your work on attendance. I wonder if you might say a word about the role that breakfast clubs play in that, and whether that is restricted only to primary schools.

Jane Wilson: We have breakfast clubs in our primary schools and our secondary schools that children can attend. Most of those are free or charge a very small amount for the food and care that the children receive. It is an offer that we have across the trust. In terms of attendance, it enables children, often from very disadvantaged backgrounds, to have a very settled start to the day and receive care and attention before the school day starts. It means that once the school day does start, learning can become the priority. So they play a fundamental role in improving attendance in our academies, particularly for those disadvantaged children—and we serve communities of real disadvantage. We have roughly twice as many disadvantaged students as the number seen nationally across our trust.

Q189 Damian Hinds: Finally—

The Chair: Briefly, because other Members want to come in.

Damian Hinds: Very briefly, Rebecca, what role does uniform play in identity for your school and the sense of belonging?

Rebecca Leek: I think that uniform does play a role. It is sometimes a really useful mechanism to improve a school—to sort it out—as well. I do have some further things to say about uniform, if there is time and anyone wants to ask me about it.

Q190 Damian Hinds: How do you keep it affordable and make sure it is not a barrier?

Rebecca Leek: School uniform is generally very affordable. You are asking a primary school, so we do not have blazers, but certainly it is very affordable. It has never been an issue. We also give away free uniform. I think there are problems in the Bill with the uniform wording.

Q191 Darren Paffey: I want to pick up on the previous point about the curriculum floor. I wonder whether the panel agree that the opportunities of a broad, balanced curriculum that is modern, engaging and offered regardless of the badge and branding over the school door should be available to young people everywhere. Would you consider that a good thing, or would you consider the Bill—as I think Rebecca described it—a reactive, retrograde step?

Rebecca Leek: I do believe that a broad entitlement for children is really important. What I am concerned about is that, first, we do not know what will be in the national curriculum and, secondly, schools sometimes need a little bit of flexibility to maybe not do a couple of subjects because they are addressing something that has happened within their school community over a couple of years or months or a term.

I had a school in south Essex in a trust that I led where we needed to reduce the curriculum for a little while. It was post covid. You may say, "Well, that was covid," but we do not what is coming. I needed to work with some children in key stage 2 on a slightly narrower curriculum to really help them with their maths and English so that they would be able to access secondary school. That is what we decided to do, and it was an academy school, so I had the freedom to address that.

I think that it was a moral duty for me to make sure that they got those core skills, so that they would be able to access a broad and balanced curriculum in the secondary.

I am just very worried about there being these kind of concrete bricks. If there is permissiveness and agility within it, then that is fine. I do agree with the concept of an entitlement for children to a broad and balanced curriculum.

Q192 Darren Paffey: I think we all recognise that there are sometimes staffing issues in particular curriculum areas, but if something gets taken out of the curriculum, particularly at secondary but sometimes at primary, does that not risk equating to a freedom to shut off that opportunity for future generations of children? I know from having taught modern languages that when you lose those staff, you end up not replacing them, and you do not replace the subject on the curriculum. Is that not a risk?

Rebecca Leek: It is a risk. Basically, sometimes schools have to do things that are a bit of an emergency, or to handle a crisis situation. We do not have a factory line of ready-prepared teachers that are already available. We also have fluctuations in pupil numbers. Some years we have to put together years 2 and 3, sometimes we have to put together years 4 and 5, and then the next year we have to put together years 2, 3 and 4 because of the pupil numbers. So we just have to have a certain level to be able to work around. We do not want headteachers to always be worrying in the back of their heads, "Am I allowed to do this? Am I not allowed to do this?" There just needs to be a certain level of permissiveness.

What I say in my headteacher assembly at the end of year 6 is that I want to give all my children a travelcard to all zones in London. I do not just want to give them a zone 1 and 2 travelcard. We all believe that as school leaders, but sometimes we just have to focus on one thing, or we have to do some crisis management, so there has to be some agility within the system.

Jane Wilson: Can I comment? I think Ofsted has played an important role in that. As a serving inspector, part of the work I do on every inspection is to look at whether the curriculum is meeting the needs of the children; that where modifications have been made, they are appropriate; and that the curriculum the children are receiving is of equal quality to the national curriculum. So I think Ofsted, with the work it is doing, is already enabling that oversight of curriculum entitlement across the country.

The Chair: Thank you to the witnesses for the evidence you have given—sorry for the interruption in the middle of it, but we cannot help that.

Examination of Witness

David Thomas gave evidence.

5.31 pm

The Chair: Good afternoon. May I ask our next witness to introduce himself?

David Thomas: I am David Thomas. I am a former teacher and headteacher, I co-founded Oak National Academy, and I was an adviser in the last Government, in the Department.

Q193 Neil O'Brien: David, welcome and thank you for joining us.

I want to ask you first about the national curriculum and its imposition on all academy schools. We have heard about the use of that flexibility as a form of freedom—where schools are being turned around, they might do something different for a while and diverge from the national curriculum. But I know there are also trusts and school leaders who use it on a longer-term basis—they make a conscious choice to focus on, for example, the core academics, often in situations of great difficulty, in order to secure what they regard as the most important, core things for their students that will enable the maximum number of choices later on.

Obviously you have been a maths teacher—you have been in that core discipline—and I wondered whether, in an education system where parents have school choice and can choose different things that are right for their child, you thought it was legitimate for people to have different models and to have that flexibility, and whether it was useful to have that freedom from the national curriculum.

David Thomas: We need to strike a careful balance. It is absolutely a central purpose of education to make sure that all children going out into society have some shared knowledge in common and can interact as a society and function in that way. That is very important. It is also important that people running schools get to look at their children, look at the challenges they are facing and have bold and ambitious visions for what they want those children to go on and do and what that community wants for itself, and that they can be flexible and go on and achieve that. That is why you need a balance of different things.

At the moment we have statutory assessments that apply to all schools, whether an academy or a maintained school. We have Ofsted making sure that you teach a curriculum that is at least as broad and balanced as the national curriculum, so that you cannot go narrow. But you need to be ambitious for your children, and my understanding from Sir Martyn's evidence earlier was that that system appears to be working for children.

Q194 Neil O'Brien: Right, so you do not think that there is a particular problem out there that needs to be solved.

David Thomas: No, there is not one that I can see.

Q195 Neil O'Brien: Can I ask you about the very general powers in clause 43 that give the Secretary of State the ability to intervene on a whole range of subjects? The explanatory notes to the Bill talk about using that to intervene on relatively micro things like school uniform. Do you think that untrammelled power is desirable, or would it be more sensible to amend that to have it slightly more focused, so that the Secretary of State does not get dragged into attempting to micromanage schools from the centre?

David Thomas: Clause 43, as drafted, goes beyond the explanatory notes and what Ministers have stated their intention to be. If the intention of the clause is to allow Ministers to intervene where an academy trust is breaching a power, but to do that in a way that is short of termination, that is a very sensible thing to want to do and the Government should absolutely be able to do

that. If the purpose is, as it says in the explanatory notes, to issue a direction to academy trusts to comply with their duty, that feels like a perfectly reasonable thing to be able to do. The Bill, as drafted, gives the Secretary of State the ability to

"give the proprietor such directions as the Secretary of State considers appropriate".

I do not think it is appropriate for a Secretary of State to give an operational action plan to a school, but I think it is perfectly reasonable for a Secretary of State to tell a school that it needs to follow its duty. I think there is just a mismatch between the stated intention and the drafting, and I would correct that mismatch.

Q196 Neil O'Brien: So an amendment to bring those two things back into line—the stated intent and the actual Bill—would be sensible.

David Thomas: Yes.

Q197 Neil O'Brien: I want to ask you about a few other issues, including pay and QTS. As a headteacher, you have used academy freedoms, and you have also worked in a global shortage subject, mathematics. I do not know what you think of the Bill more generally and whether there are things beyond what we have talked about already that you would amend, or what you think of the general tenor of the Bill—trying to take away academy freedoms and make things more similar. What do you think of the Bill's direction of travel and what would you amend, if you were able to control it yourself?

David Thomas: On pay and conditions, I agree with the Secretary of State's stated intention to spread the freedom to innovate, and to make teaching a more attractive profession, to all schools. I think we are only scratching the surface as a profession of what it means to offer flexible working within education. I do not think anyone has really mastered that, and it is a really big challenge. We need to be allowing the maximum freedom for people to be able to innovate. Of course, we have just done an experiment in what happens if you tell lots and lots of schools that they do not need to follow the statutory teachers' pay and conditions: people only ever exceed it and offer things that are more attractive, because you want the very best teachers in your school.

I think it is essential that we have that freedom, and it is not enough for a Government to say that their intention is to grant that in a future statutory teachers' pay and conditions document. It needs to be there in legislation for trusts to know that will be the case, which is really important for both pay and conditions. If you want to nail flexibility and offer that to teachers, you need to be able to trade off around conditions to make something more flexible. I think that is really important, and I agree with the Government's intention, but I do not think that the Bill, as drafted, achieves that at the moment.

Q198 Neil O'Brien: Do you think it would be more attractive to extend those freedoms over both pay and conditions to local authority schools?

David Thomas: I think it would absolutely work, as CST has suggested, to say that statutory teachers' pay and conditions should be an advisory thing that schools and trusts need to have due regard of, and to continue with something like the School Teachers Review Body. As it is at the moment, they are effectively setting a default starting position from which people can innovate out if they want to, rather than capping what people are able to do.

Q199 Neil O'Brien: There are lots of other big challenges in the sector at the moment: attendance, discipline and lots of other things. Is there anything else that you would like to either amend in the Bill or add to it?

David Thomas: I have concerns about limiting the number of people with unqualified teacher status who are not working towards qualified teacher status.

Q200 Neil O'Brien: What is the problem?

David Thomas: I have worked with some fantastic people—generally late-career people in shortage subjects who want to go and give back in the last five to 10 years of their career—who would not go through some of the bureaucracy associated with getting qualified teacher status but are absolutely fantastic and have brought wonderful things to a school and to a sector. I have seen them change children's lives. We know we have a flow of 600 people a year coming into the sector like that. If those were 600 maths teachers and you were to lose that, that would be 100,000 fewer children with a maths teacher. None of us knows what we would actually lose, but that is a risk that, in the current system, where we are so short of teachers, I would choose not to take.

Q201 Catherine McKinnell: You have previously written about the value of ensuring that teachers can do some of their work from home, specifically marking and planning, so do you support the Government's direction of travel in ensuring that greater flexibility and flexible working is available to more teachers and more schools?

David Thomas: Yes. I find it very odd how little flexibility lots of teachers are given. As a headteacher I remember teachers asking me questions such as, "Am I allowed to leave site to do my marking?" and I thought, "Why are you asking me this? You are an adult". I absolutely agree with that direction of travel, but I do not see that reflected in the wording of the Bill, so I think there is an exercise to be done to make sure that that is reflected in the Bill. Otherwise, the risk is that it does not become the actual direction of travel.

Q202 Catherine McKinnell: You said some months ago that deciding what to teach is a value judgment, and reasonable people would teach different things, because they value them differently. Is that still a view you hold, and therefore do you also hold that it is not unreasonable to ensure both that there is a common core national curriculum and that that curriculum is periodically updated?

David Thomas: I absolutely still hold that view. I think that, as I said earlier, a core purpose of education is to ensure that people have a core body of knowledge that means they can interact with each other. That is really important. I think that we should update the curriculum and not hold it as set in stone.

My concern would be that the legislative framework around the national curriculum does not ensure that the national curriculum is a core high-level framework or a core body of knowledge. It is simply defined in legislation, which I have on a piece of paper in front of me, that the

national curriculum is just "such programmes of study" as the Secretary of State "considers appropriate" for every subject. We have a convention that national curriculum reviews are done by an independent panel in great detail with great consultation, but that is just a convention, and there is no reason why that would persist in future. I would worry about giving any future Government—of course, legislation stays on the statute book beyond yours—the ability to set exactly what is taught in every single school in the country, because that goes beyond the ability to set a high-level framework. I agree with the intention of what you are setting out, but there would need to be further changes to legislation to make that actually the case.

Q203 Amanda Martin: I have a question in two parts, but before I ask it, when we come to this Committee, we have to make declarations of interest. Can I confirm that you were the Conservative party candidate for Norwich South in the last election?

David Thomas: Yes, that is correct.

Q204 Amanda Martin: I want to come back on two points that you made, one of which is on the flexibility around schoolteachers' pay and conditions. We have the document on national schoolteachers' pay and conditions, and there are personnel documents from local authorities, as there are from academies, that will add to those things. Within that, there is room—we are hearing a lot about restricting pay—for recruitment and retention points, and teaching and learning responsibility points. We no longer have performance-related pay because of the things that the Government have changed, and there is also no longer a need to wait to move up to the upper pay scale, so there are still options in the hands of trusts or local authorities. Also, the document refers to 1,265 hours, so would you agree that there is some flexibility within that?

My second question is around the qualified teacher status element. Many parents. and in fact pupils. in my constituency tell me that they do not see training to be a teacher in a profession as bureaucracy. They see that it is a profession, and people want their children to be taught not just by a qualified teacher, but by a specialist qualified teacher. Do you agree that this Bill does not really make a change in allowing people to work toward QTS, but it does put QTS and qualified professionals at the heart of classrooms and the heart of our kids' education?

David Thomas: On the first point, of course an amount of flexibility is available within the system, but we are not talking about the status quo; we are talking about the creation of powers that can be amended in the future. Statutory teachers' pay and conditions are set by the Secretary of State, and that could be different next year from what it is this year. We have to ask what powers we want people to have rather than just saying whether the status quo happens to be acceptable or not. Even that status quo is limited, and I do not think we know what the right flexibilities are within the system to be able to give people optimal flexible working. That is something we are learning by innovation. There are great innovations, but they are all quite new. People have not been doing this for a very long time, so I would not want to cap us at the flexibility we have now; I want us to be ambitious and innovative about the future.

On qualified teacher status, the goal is a subject specialist and a qualified teacher who has as much experience as possible. That is the gold standard you want to be shooting towards. The reality on the ground is that you do not always have that choice in front of you on an interview panel. You might have a subject specialist or a qualified teacher, and you have to make that judgment call. You are there, you know your timetable as a headteacher, you know which classes need to be staffed, you can see those people teach some lessons, you are aware of their past experience and you have to make that judgment call. Ultimately, headteachers should be able to make that judgment call because they are the ones who will have to manage those people, and to look parents and children in the eyes and tell them that they believe they have made the right decision for them.

The Chair: We will have to leave it there; we have come to the end of the allotted time for the witness. I thank the witness for coming to give evidence to the Committee today, and we will move on to the next panel.

Examination of Witness

Kate Anstey gave evidence.

5.46 pm

The Chair: Thank you very much for coming. Apologies; we are a little bit later starting than we had anticipated because of the delay for voting earlier. Could you introduce yourself?

Kate Anstey: I am Kate Anstey, the head of education policy at Child Poverty Action Group.

Q205 Neil O'Brien: Good afternoon. Thank you for bearing with us while we voted. During the course of the day we have been discussing free school meals in secondary schools. It is obviously desirable to give lots of people free breakfasts, but there has been a bit of a debate about how to prioritise in a situation of inevitably scarce resources. We heard from Mark Russell that, if given the choice, rather than go for a universal obligation in primary schools, he would have the roll-out of breakfast clubs in more secondary schools targeted at schools with high levels of deprivation. Should we focus first on areas of deprivation and secondary schools with deprivation? Obviously, we would like to have infinite money. What do you think of his argument?

Kate Anstey: We certainly welcome the introduction of free breakfast clubs in the Bill. We speak to children and families in schools extensively and carry out extensive analysis. We know that where breakfast clubs are provided freely, they make a huge difference to low-income families —they make a big difference to lots of children, but to lower-income families disproportionately. The fact that provision is universal is very important; we know that removes a lot of barriers for parents. Where there is any kind of targeted approach, there are issues around stigma and families are less likely to use provision.

Q206 Neil O'Brien: Do you mean universal within the school—everyone has access to it?

Kate Anstey: Yes, exactly. Take-up of breakfast clubs varies, but the fact that it is universally available is very important.

I would say that it feels like secondary school pupils need more attention. They are being missed in the Bill. More could be done to support those families. There is also the issue in primary schools of how much support breakfast clubs can provide in terms of childcare, which is much more needed at primary level, but secondary school pupils certainly need support. They need support to get to school and they need food available as well.

Q207 Neil O'Brien: That is a very interesting point. Do you have a sense yet of the future funding arrangements for breakfast clubs in secondary schools and for HAF—holiday activities and food? What is the current status of those, as you understand it?

Kate Anstey: My understanding is that the HAF funding for holiday programmes has been committed to until 2025—some time this year. There are concerns about what will happen next with holiday programmes. In terms of funding for breakfast clubs more generally, there has been commitment to carry on funding the national school breakfast programme until 2026. That supports some secondary schools that meet the criteria. That is welcome, but one of our concerns with the work going on around breakfast clubs is funding and commitment to funding. We know that there is funding until 2026.

Q208 Neil O'Brien: But there is no certainty after that.

Kate Anstey: Yes, there is no certainty after that. The costs cannot land on families—we know that that will be a major barrier—but they also cannot land on schools, which need to know that they can continue that provision.

Q209 Neil O'Brien: There are charities, voluntary groups and various people out there funding free breakfasts, and there are paid-for free breakfasts at the moment, so the interaction of the Government-funded entitlement for the 30 minutes and those two other things will be quite complicated. Do you have any thoughts about anything that we need to do in the Bill to make that work well and to avoid the problems you have described? More generally, do you have thoughts, based on the experience of the groups that you speak to, about what it really costs to deliver this well? What is the unit cost of doing it properly? I am interested in both of those things.

Kate Anstey: Around 75% of schools have some form of breakfast provision already, but, as you say—

Q210 Neil O'Brien: Is that primary?

Kate Anstey: There is a higher proportion in primary, but that 75% is across all. Sorry—I have forgotten your question.

Q211 Neil O'Brien: I was trying to get at what the unit costs look like and how you manage the interaction of providing a new, free entitlement to 30 minutes together with paid-for sessions that offer longer and existing, charitably funded things. Is there anything we need to do in the Bill to ensure that that does not get tangled up?

Kate Anstey: A large proportion are already running breakfast clubs. It is a real mixture in terms of how that is funded, whether it is through schemes or other things. In primary schools, it is much more likely that parents are paying in some form for that. Again, it is a mixed picture. There is a postcode lottery for families. If you are in a more affluent area, you are more likely to have breakfast club provision available to you, and you are more likely to be supported by family.

In what the Bill is trying to do on breakfast clubs, we really welcome the fact that it is bringing consistency and ensuring that there is access for all families. In the early adopter phase, it would be good to understand what schools are doing already and how this can work, but I think that standardised limit that includes both time and food for families should be standardised for everybody. There might be other things that go around that.

Q212 Neil O'Brien: On unit costs, I saw in the Government document that there was an initial grant—a lump sum—but the unit cost was about 65p per session per child. I know that there was the lump sum as well, but that struck me as being not a huge amount. I do not know what it really costs to deliver these things in practice in a lot of other places.

Kate Anstey: It is probably worth speaking to organisations; I am sure that Magic Breakfast will be able to speak more to that. There are certainly economies of scale that can help you bring down costs, but again, our area of expertise is free school meals, and schools are struggling with the funding that they have for free school meals. I would imagine that 65p might be a struggle for schools—I do not know. You would have to have conversations with some of the providers about that.

Q213 Stephen Morgan: Kate, it is good to see you again. Thank you for giving evidence to the Committee. I have a specific question around school uniform provisions in the Bill. Do you think that the provisions in the Bill on school uniform items for primary schools will support families and children with the cost of living?

Kate Anstey: We were very pleased to see Government taking action on reducing the cost of the school day, and uniforms are a huge pressure for families. We have done some research looking at the cost of uniforms for families. If you are a primary-aged family, the cost is £350 minimum, and it goes up to about £450 for secondary-aged families. That is for one child, of course, so that multiplies if you have more children. Part of that includes the fact that schools sometimes have excessive lists of compulsory branded items, so we were very pleased to see that acknowledgment in the Bill and the recognition that that needs to be limited. We think that that will make some difference to families.

The Bill could have gone further. I am not sure why the difference has been made between secondary and primary on the minimum. I think that those should be the same; there should not be a discrepancy there. I encourage Government to consider going further on this and bringing down the branded items as much as possible, because that is one of the things that place pressure on families.

In addition, the Bill could go further to support families with the cost of uniforms. In every other UK nation, families get grants and support with school costs. England is the only one that is lagging behind in that area, so we would like the idea of lower-income

families getting more support with the cost to be looked at. This is two-pronged: schools need to do more, but families really do need help to meet some of those costs as well.

One more thing on uniform that comes up a lot in our research with children and young people is that children are being isolated or sent home from school because they do not meet requirements around uniform. DFE data showed that 18% of children in hardship were sent home for not meeting uniform requirements. I find that kind of shocking when we have an attendance crisis. Something needs to be done around the guidance for behaviour in schools to ensure that children are not sanctioned for poverty-related issues or issues relating to uniform. Those are areas where I think that the Bill could have gone further, but we certainly think restricting branded items is a good thing.

Q214 Munira Wilson: Kate, you touched on the fact that the Bill does not really address the needs of children at secondary school who might be in poverty. I know that the Child Poverty Action Group has long campaigned on expanding eligibility for free school meals. Could you tell us whether you would like to see the threshold of eligibility across both primary and secondary raised? Also, should we be looking at auto-enrolment?

Kate Anstey: I think the Bill was a real missed opportunity to do more on free school meals. Again, school food comes up in every conversation we have. At the moment, we estimate that about one in three children in poverty do not qualify for free school meals because that threshold is painfully low. It has not been updated since 2018. As CPAG, ultimately, we want to see means-testing removed from lunchtime altogether. We want children to be in school and able to learn. They have to be there at lunchtime. There is no reason why we should not feed every child universally and make it part of the school day, but I think there is an urgent need to increase that threshold as much as possible to support more lower-income families.

Q215 Munira Wilson: To what level?

Kate Anstey: As I say, we would like to see universal provision, but the fact that currently you can be eligible for universal credit and state-funded benefits and yet your child cannot get a bit of support in the form of a hot meal at lunchtime is completely wrong, in my mind. I think, at the very least, it should go to all families on universal credit.

Q216 Munira Wilson: And auto-enrolment?

Kate Anstey: Yes. The data on auto-enrolment shows that around one in 10 children who are eligible for free school meals are not registered. That is for a whole host of reasons, including families not knowing they are entitled and families struggling with the admin. There is a very clear fix to this: if the DWP and the DFE work together to do the right data sharing, those children can be automatically enrolled. At the moment, many local authorities are doing a brilliant job of putting opt-out schemes in place, but that is highly onerous and those systems are not perfect, so they still miss children. We absolutely would say that increasing eligibility for free school meals is a priority, as is making sure that everybody who is entitled is getting one. The children who are missing out because they are not registered are some of the poorest. They are missing out on the meal and the benefits that go alongside that.

Q217 Munira Wilson: Nutritionally, would you say a hot meal at lunchtime is more beneficial than a breakfast?

Kate Anstey: As I said, take-up of breakfast clubs or different schemes is around 40%, whereas the vast majority of children are in school for lunchtime. Children will be there and able to access that hot meal, so they are more likely to feel the benefits, whereas the effects of breakfast clubs depend on whether that offer is taken up.

Tom Hayes: I want to make a reference to the previous witness. It is my first time at a Committee oral hearing, and I am slightly astonished that there was no declaration that the previous witness was a parliamentary candidate at the election just gone—*[Interruption.]*

The Chair: Order. Can we please get on to the questions to the witness on the Bill?

Tom Hayes: I make this point in the context of the Labour peer who did disclose her party allegiance.

Neil O'Brien: And others.

The Chair: Order. It is not acceptable to have this backwards and forwards across the Committee. Please ask a question of the witness.

Q218 Tom Hayes: I want to ask somebody who clearly has long professional experience about the nutrition of food in the free breakfast clubs. Children are experiencing significant difficulty, whether it be from the cost of living crisis, the pandemic, reduced opportunity for play outdoors or their increased screentime. Children are struggling, so we need to make sure that the food that they get from this Government is as nutritious as possible. There is clearly a correlation between poor health outcomes and people's financial hardship. How do you expect health outcomes will improve for children, particularly from disadvantaged backgrounds, by their having access to free breakfast clubs?

The Chair: You have one minute to answer.

Kate Anstey: Food that is given at breakfast time has to be in line with school food standards. Those standards certainly need to be looked at and more could be done around them but, again, I pivot back to the fact that although there is a need to look at what children are getting at breakfast, there is even more of a need to look at making sure that more children can get access to food at lunch time.

Schools themselves will say that there are sometimes struggles in terms of meeting school food standards because of the costs. Schools have faced increased costs of food, and they do not want to pass those costs on to families, so there are challenges there, but there is a will from schools to try to meet those standards and give children a complete meal. That can hopefully happen at breakfast and at lunch time. It is fundamental that

children are able to have that nutritious hot meal, and we know it has really fantastic benefits for the rest of the school day.

We recently evaluated the Mayor's universal free school meals policy in London. We found that, as well as the health benefits, families are also able to spend on food at home when they save that money. Children are also much more likely to try new foods when they are around other children, when teachers are there and when they are socialising, so there are multiple health benefits to children eating well at school. We need to support schools to be able to do that.

The Chair: We now have to move on to the next panel. Thank you very much for coming to give evidence to the Committee.

Examination of Witnesses

Catherine McKinnell and Stephen Morgan gave evidence.

6.2 pm

Q219 The Chair: We now move on to the Ministers on the Bill. We all know who you are, but can you give us your formal titles?

The Minister for School Standards (Catherine McKinnell): I am Catherine McKinnell, the Minister for School Standards.

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): I am Stephen Morgan, the Minister for Early Education.

Q220 Neil O'Brien: We have heard from four or five different school leaders today alone that the Bill needs to be changed to deliver what the Government are committed to rhetorically, not just on pay and conditions, but on the national curriculum. They say that "It is nice that this is your intention" and "It is nice that this is what you say", but four or five distinguished school leaders have said, specifically, over the course of the day, that the Bill needs to be amended. Will the Ministers work with those school leaders now to produce those amendments?

Catherine McKinnell: I want to say first that the Government's mission through the Bill—

Neil O'Brien: Could you answer the question?

Catherine McKinnell: I will answer the question.

Vicky Foxcroft (Lewisham North) (Lab): We are supposed to be polite to each other.

Neil O'Brien: We have limited time. Can you please just answer the question. I have incredibly limited time.

The Chair: Order. We have had a question, and the Minister is going to answer it.

Catherine McKinnell: The Government's mission through the Bill is to deliver on the ambition of giving every child a national core of high-quality education, while allowing schools more flexibility and to innovate beyond it. We know that excellence and innovation can be found in all school types, so our priority is to create a school system that is rooted in collaboration and partnership so that we can spread that best practice throughout our very diverse system, which was commented on in the evidence we heard today. That is just the schools part; there is obviously a whole other section on children and safeguarding, and making sure we bring forward the landmark reforms that we need to see in child safeguarding.

In direct answer to the hon. Gentleman's question, the factor that makes the biggest difference to a young person's education in schools and colleges is high-quality teaching, but there are severe shortages of qualified teachers across the country. We know that they are integral to driving high and rising standards, and they need to have an attractive pay and conditions framework. That is essential to both recruiting and retaining teachers who are qualified in every classroom.

We know academies have made transformational change, and we want them to continue driving those high and rising standards for all pupils, but especially disadvantaged pupils. That is why, as the Secretary of State set out, we want to create a floor with no ceiling, enabling healthy competition and innovation beyond that core framework to improve all schools. That is what we intend to deliver. We have heard the feedback from the sector. I have listened very carefully to the evidence that has been given today.

What this means for our ambition for teachers pay and conditions is that it should be clearer. In the same way that we have tabled other amendments to the Bill to make sure the legislation delivers our objectives, we are also intending to table an amendment to the clause covering teachers' pay and conditions. That is entirely in line with the Government's approach to providing clarification on the intention of legislation while we go through Committee stage.

The amendment will do two things. First, it will set a floor on pay that requires all state schools to follow minimum pay bands set out in the school teachers' pay and conditions document. Secondly, it will require academies to have due regard to the rest of the terms and conditions in the school teacher's pay and conditions document. In doing so, we make it clear that we will deliver on our commitment to create a floor with no ceiling, so that good practice and innovation can continue to spread and be used by all state schools to recruit and retain the very best teachers that we need for our children.

Q221 Neil O'Brien: So it is still your intention to make all academies comply with the school teachers' pay and condition document, despite what Sir Jon Coles talked about regarding the problems that that would create?

Catherine McKinnell: As I said, the amendment will require all state schools to follow the minimum pay bands set out in the school teachers' pay and conditions document, and then it will require academies to have due regard to the rest of the terms and conditions in the school teachers' pay and conditions document. This is so that we can deliver that core offer to all state schools, but without a ceiling.

Q222 Neil O'Brien: Is the Minister prepared to commit to work with school leaders, both the ones here today and others, to generate that amendment so that they are all satisfied with where we end up?

Catherine McKinnell: We are in close consultation with all of the stakeholders that we have been collaborating with to make sure we create the best framework of legislation that will deliver opportunity for all children, and we will continue to do so.

Q223 Neil O'Brien: Is the only amendment that we will be seeing from the Government on some of the issues we talked about today on pay, with nothing on clause 43, QTS or the national curriculum? If the answer is yes, and you are not planning an amendment on those, that is fine. I just wondered if the Minister had been persuaded by any of the things discussed, particularly around clause 43 and whether it is a bit too untrammelled in its current form and did not necessarily reflect the intent as put down in the notes?

Catherine McKinnell: I can respond to the hon. Gentleman on the new power in clause 43 that he has raised a number of times today. It will provide the Secretary of State with a more proportionate and flexible remedy, where it is really important to address quite a narrow or specific breach regarding unreasonable behaviour within an academy trust. I can give you an example as to why this is necessary: at the moment existing intervention powers require the Department for Education to use a termination warning notice and subsequently a termination notice. That is not always necessary or appropriate when dealing with an isolated breach of a legal duty.

Q224 Neil O'Brien: I understand the sense of that.

Catherine McKinnell: We need a proportionate response and that needs to be framed—

Q225 Neil O'Brien: On that front we are in agreement. My question is whether the Minister would be prepared to limit that to schools' actual duties, rather than just anything that the Secretary of State sees fit to direct them to do. That is the worry. It is not an "in principle" objection to it. It is a problem that the power is so untrammelled. Would she consider listening to the point that was made on that?

Catherine McKinnell: Is the hon. Gentleman talking about a point that he has made on that or a point that—

Q226 Neil O'Brien: It was a point that David made in his evidence on it. I thought he made a good point.

Catherine McKinnell: Obviously, we will listen to legitimate concerns on that. At the moment our view is that it is a much more proportionate way of dealing with a breach by an academy of a legal requirement within the legislation, so that we can avoid disruption to children where there is another way of dealing with it.

Q227 Neil O'Brien: One last point. Zooming back a bit, a few different witnesses called for a vision of where the system is going, and they intuited what the Government's vision was from the contents of the Bill. I thought that was very interesting. I just wondered what Ministers' view was of what had gone wrong in Wales. Obviously in Wales a lot of the different academy freedoms were never taken up, academies were not put in place and league tables were abolished. It was effectively a natural experiment going the opposite direction to England. The IFS report "Major challenges for education in Wales" is incredibly damning about what has happened there as a result. In terms of the Government's overall theory and the vision they are trying to enact in the Bill, I am curious about why Ministers think things have gone so wrong in Wales. Why have things gone so backward? Why is the IFS report so damning?

Catherine McKinnell: I am conscious that other Members of the Committee might want to actually ask about the legislation, but I am happy to set out our overarching vision.

The Chair: Order. Given the shortage of time, this is moving further away from the legislation than we should allow. Can we move on to Munira Wilson?

Q228 Munira Wilson: It has become clear from some of the evidence today that in terms of the priorities and challenges facing schools today, it feels like some leaders have been a bit blindsided by the provisions in the schools part of the Bill. The provisions are also not really tackling the biggest challenges, which are the SEND system in crisis and the children's mental health crisis. They are perhaps tackling problems that some leaders do not feel are there. Could you explain why you have decided to go for these measures as opposed to the areas that union leaders, school leaders and children are telling us that we really need to be focusing on? Arguably recruitment and retention is another crisis area, and some of these measures could actually hinder recruitment and retention.

Catherine McKinnell: I would point blank refute your last assertion on the basis that any measures in the Bill are very much intended to tackle some of the challenges with recruitment and retention. We are committed to making sure that not only do we have the teaching professionals we need in our schools, but that they are suitably qualified and that we drive those high and rising standards. We know that having excellent teaching and leadership in school, and a curriculum that is built on high standards and shared knowledge, means a system that will break down the barriers that are holding children back.

On the specifics you raise in relation to mental health and other challenges in the school system, we are very alive to these issues. I am conscious that I have done all the talking so far, so perhaps Mr Morgan wants to come in on that point.

Stephen Morgan: To echo my ministerial colleague, this is a landmark Bill, and we are really pleased to be bringing it forward so quickly in the new Government's term. We are looking forward to working with all Members as we get into the detail of the clauses in the coming weeks.

On mental health, you will be aware of the commitment we set out in our manifesto to recruit 8,500 new mental health professionals and to introduce dedicated mental health support in every school. We also have our young futures programme. We take extremely seriously our commitments on mental health, because we know that it can be a barrier to behaviour and attendance at school. While they are not specifically included in the Bill, we will bring forward further measures to support children and young people with their mental health.

Q229 Munira Wilson: I would include SEND as well as being missing in the Bill, but I am conscious of time. The Children's Commissioner in her email to the Committee last night said that we need to see an impact assessment and a children's rights assessment. When can we expect to see those?

Stephen Morgan: There is more work to do before presenting the impact assessment to the Committee. It is currently with the regulatory committee, but we acknowledge that this is information that should be brought before the Bill Committee, and we will do so as quickly as we can.

Q230 Munira Wilson: Specifically on the register of children not in school and the powers you are giving to local authorities to deny parents the right to home school their children, I go back to some of the questions I asked witnesses earlier. Why have you put in such an onerous list of information that you want from parents? Do you really need that to be able to operate an effective register? Given the state of SEND provision in our state sector, is it right that you are giving local authorities the power to say no to a parent who does not feel that their child's needs are being met at a special school and wishes to withdraw them? Will you reconsider that, given the concerns from parents of SEND children?

Catherine McKinnell: That was an awful lot of questions, and I am not sure whether we have time to address them all, but our fundamental approach is that all children have the right to a safe and suitable education, whether they are educated at school or otherwise. We have given quite significant consideration to, and had consultation with stakeholders on, how to get the balance right and having a proportionate approach: ensuring that local authorities can be assured that children not in school are receiving a high standard of education, which every child deserves, but not making any changes to a parent's ability to educate their child. We absolutely support their right to do so. The information that will be required to make those determinations has been carefully thought through, but there will be an opportunity to discuss all these matters in great detail in Committee. I reject the hon. Lady's framing of this issue, because I think it is right that we have the provisions in place to ensure that every child is safe. We have a duty to do so.

Stephen Morgan: It is worth saying that we will engage with stakeholders to ensure that any burdens the registers impose on parents are minimised, and that we will consult on statutory guidance to support local authorities and schools to implement the measures in a proportionate way. We have heard today from witnesses about how strong those measures will be and what a difference they can make.

The Chair: There is time for a few brief questions from Members.

Q231 Catherine Atkinson: How do you think the Bill will help to stop children falling through the net? How can it help to support families, in the cost of living crisis, with the costs associated with school?

Catherine McKinnell: Those are two quite big issues. Do you want to start on cost savings, Stephen?

Stephen Morgan: As we have heard today, too many children are growing up in poverty in our country, and that is why it is important that the ministerial taskforce concludes later this year and decides what actions can be taken forward. As of 2023, one in four children were in absolute poverty, and that is why I am so pleased with the many measures that will make a big difference to children's lives up and down the country. Take breakfast clubs, which we know are good for attainment, behaviour and attendance: they will put £450 per child, per year, back in the pockets of parents, but also bring real benefits to children. More broadly, the commitments around uniform limits will make a real difference, as we have heard today, and will save the average parent £50. A series of measures in the Bill will make a real difference in the cost of living challenges that parents up and down the country are facing. Thank you for the question.

Catherine McKinnell: On keeping children safe, I know that this is an area that you have spent a lot of time working in and have spoken about. The register of children not in school will be an important step, and has had cross-party support in this House for some time. We will also have the single unique identifier, which will be a way of making sure that information about a child does not fall through the gaps, and that children do not fall through the safety gap.

There is also a whole raft of changes that aim to ensure that multi-agency working is embedded in our approach to safeguarding, as well as measures to try to keep children within the family unit, wherever that is possible, and strengthen the approach to kinship care. We have put funding in place to support local kinship care arrangements and are trialling better information being available. There is a range of measures, and clearly this is a big priority for us in the Bill.

Q232 Damian Hinds: I am conscious that we are short of time. This Bill is really like two Bills, with the children and social care section and the schools section. Were there discussions about making it two separate Bills? You could have pressed on at all speed with the social care material, which has been around for quite a long time—some of it was in the 2022 Act. That would have enabled you to have a Green Paper, a White Paper and pre-legislative scrutiny, and perhaps to address more of the questions up front.

Catherine McKinnell: I appreciate the premise of the right hon. Gentleman's question. I appreciate that he is very experienced in this place and that he has had the experience of being in government for quite some time, and having the opportunity to do all those things and make the necessary changes. We wanted to move as fast as we could to make the impact that children need to see, particularly in safeguarding. We also wanted to make the long thought-through changes to our school system to support our opportunity mission and break down those barriers to ensure that every child has every opportunity to succeed. Admittedly, we are not going to lose any time in making the changes that we want to see, and we have the opportunity in the parliamentary time allocated to us.

Damian Hinds: Ah.

Catherine McKinnell: It is very important that we use it. We are a Government on a mission, and we have a lot of things to do.

Q233 Amanda Martin: How will the Bill support local partnerships? We heard from Sir Jon Coles, the Church of England, the Catholic Education Service and others about collaboration. How will the Bill support local partnerships to work together more effectively to prevent children from falling behind?

Catherine McKinnell: My hon. Friend raises an important point, and it is very much at the heart of what we want to achieve through our changes to schools. We want to ensure that every child has a good school place; that every parent can be confident that their child will be taught by a qualified teacher within their local mainstream school wherever possible, being educated with their peers; that no vulnerable child falls through the cracks; and that we know where they are if they are not in school. We are making important changes on admissions to ensure

that all the schools in a local area collaborate with their local authority on place planning, so that we can really deliver on that vision.

The Chair: That brings us to the end of today's sitting. The Committee will meet again at 11.30 am on Thursday 23 January to begin line-by-line consideration of the Bill.

Ordered, That further consideration be now adjourned. *—(Vicky Foxcroft.)*

6.22 pm

Adjourned till Thursday 23 January at half-past Eleven o'clock.

Written evidence reported to the House

CWSB01 Zsofia Polos
CWSB02 An individual who wishes to remain anonymous
CWSB03 Sam Rickman
CWSB04 Lacie Mckenna
CWSB05 Hannah Whitehead
CWSB06 Gemma Keenan
CWSB07 Liz Postlethwaite
CWSB08 Ben West
CWSB09 Education Otherwise
CWSB10 Cally Cook
CWSB11 Catherine Froud
CWSB12 Rowan and Dana Smith
CWSB13 Iain Duncan
CWSB14 Helen Murray
CWSB15 Mrs G E Leese
CWSB16 An individual who wishes to remain anonymous
CWSB17 Jo Rogers
CWSB18 Family Rights Group
CWSB19 Carly Bateman
CWSB20 Schoolwear Association
CWSB21 Nicola & Nigel Jenkin
CWSB22 Shelley Blakesley
CWSB23 Kinship
CWSB24 NASS (National Association of Special Schools)
CWSB25 Christopher Smith
CWSB26 Catherine Oliver
CWSB27 London Councils
CWSB28 Foundations – What Works Centre for Children & Families
CWSB29 Zoe Richards
CWSB30 C Moy
CWSB31 Confederation of Schools Trust
CWSB32 Katie Finlayson
CWSB33 Our Wellbeing, Our Voice Coalition
CWSB34 Gemma Owen
CWSB35 Liesje Wright
CWSB36 An individual who wishes to remain anonymous
CWSB37 Pause
CWSB38 Holly Lovell, Home educator

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Third Sitting

Thursday 23 January 2025

(Morning)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 27 January 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, † Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 23 January 2025

(Morning)

[Sir Christopher Chope *in the Chair*]

Children's Wellbeing and Schools Bill

11.30 am

Clause 1

Family group decision-making

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): I beg to move amendment 36, in clause 1, page 2, line 11, leave out "may (in particular)" and insert "should, where appropriate".

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

Amendment 37, in clause 1, page 2, line 21, leave out lines 21 to 23 and insert—

"(8) The child in relation to whom the family group decision-making meeting is held should be included in the meeting, unless the local authority deems it inappropriate."

Amendment 18, in clause 1, page 2, line 26, at end insert—

"(10) Nothing in this section permits an extension to the 26-week limit for care proceedings in section 14(2)(ii) of the Children and Families Act 2014."

This amendment clarifies that nothing in this section should imply an extension to the statutory 26-week limit for care proceedings.

Amendment 49, in clause 1, page 2, line 26, at end insert—

"31ZB Family group decision-making at the point of reunification

(1) This section applies where a care order is to be discharged for the purposes of family reunification.

(2) Usually prior to a child returning home, and no later than one month after the discharge of a care order, the local authority must offer a family-group decision-making meeting to the child's parents or any other person with parental responsibility for the child.

(3) If the offer is accepted by at least one person to whom it is made, the local authority must arrange for the meeting to be held.

(4) The family-group decision-making meeting should have the purpose of empowering the child's family network to promote the long-term safety and wellbeing of the child.

(5) The duty under this section does not apply where the local authority considers that it would not be in the best interests of the child for the family group decision-making meeting to be offered or (as the case may be) to be held.

(6) A 'family network', in relation to a child, consists of such persons with an interest in the child's welfare as the authority considers appropriate to attend the meeting having regard to the child's best interests, and such persons may (in particular) include—

(a) the child's parents or any other person with parental responsibility for the child;

(b) relatives, friends or other persons connected with the child.

(7) Where the local authority considers it appropriate, the child in relation to whom the family group decision-making meeting is held may attend the meeting.

(8) In exercising functions under this section in relation to a child, the local authority must seek the views of the child unless it considers that it would not be appropriate to do so."

This amendment would impose a duty on local authorities to offer family-group decision-making at the point of reunification for children in care, analogous to that proposed before care proceedings are initiated.

Clause stand part.

Ian Sollom: Broadly, the Liberal Democrats welcome the new requirement on local authorities to offer family group decision making, which gives those who care for children, including family members, the opportunity to be involved in putting together that plan for their welfare. The provision strengthens the right to hear the child's voice, which as we heard in the evidence session is important.

We have a few concerns. As the provision is currently laid out, it might be a little ambiguous. There are lots of different models of family group decision making around, so we would like clarification from the Minister about the principles and standards that are set out in regard to what it actually looks like in practice. Cases where there is domestic violence or coercive control can be hard to identify, so we would like guidance on the principles around that.

We would also like to encourage local authorities to probe into what family group decision making should look like and who should be involved. One example that came to us from the Family Rights Group was of Azariah Hope, who was a care-experienced young parent very frustrated about how she was not offered a family group conference because the local authority presumed that she did not have a family or friend network to draw on.

Amendment 36 strengthens the right for the child to be involved, but still gives the local authority the power to decide on the appropriateness of who should be involved. We would like to hear more from the Minister about what those principles and standards should be for taking family group decision making forward.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): It is a pleasure to serve under your chairmanship, Sir Christopher. As this is the first amendment on the first day of our line-by-line consideration, I will briefly say that although the Opposition have lots of serious questions about the second part of the Bill, there is much in part 1 of the Bill that we completely support.

In fact, a lot of the Bill builds on work that the last Government were doing. To quote the great 1980s philosopher Belinda Carlisle, we may find that

"We dream the same thing

We want the same thing".

It may not always seem like that, because we are going to ask some questions, but they are all about improving the Bill. A lot of them are not our questions, but ones put to us by passionate experts and those who work with people in these difficult situations.

The relevant policy document sets out why it is so important to get this clause right. It highlights the number of serious case incidents, which was 405 last year, and the number of child deaths, which was 205—every single one a terrible tragedy. Around half of those deaths were of very young children, often under 2; they are physically the most vulnerable children, because they cannot get away.

Our amendment 18 seeks to make clause 1 work in practice. It reflects some, but not all, of the concerns that we heard in oral evidence on Tuesday from Jacky Tiotto, the chief executive of the Children and Family Court Advisory and Support Service. The clause states:

"Before a local authority in England makes an application for an order…the authority must offer a family group decision-making meeting".

In general, those meetings are a good thing, and we all support them—the last Government supported them; the new Government support them. They are already in statutory guidance.

However, we have two or three nagging worries about what will happen when, as it were, we mandate a good thing. The first is about pace. As I said in the oral evidence session, I worry that once family group decision making becomes a legal process and right, people will use the courts to slow down decision making, and that local authorities will sometimes worry about fulfilling this new requirement—although the meetings are generally a good thing—when their absolute priority should be getting a child away from a dangerous family quickly.

A long time ago, when I used to work with people who were street homeless, I met a woman who was a very heavy heroin user and a prostitute. She was about to have—*[Interruption.]*

Lizzi Collinge (Morecambe and Lunesdale) (Lab): Will the hon. Gentleman give way?

Neil O'Brien: I will give way; I have finally managed to get my train of thought in order again.

Lizzi Collinge: How common does the hon. Gentleman think the situation that he describes is across our constituencies? Does he accept our understanding of that situation? We see it ourselves in our constituencies and in our inboxes.

Neil O'Brien: I thank the hon. Member for the intervention. A lot of us will have seen such situations where there is not a minute to lose. To complete my sentence, the woman was about to have—I think—her third or fourth child. This is not to criticise her, but a child would not have been safe with her for a single minute. The priority has to be getting children away from people who are dangerous to them.

I worry about pace, and our amendment 18 makes the importance of pace clear. It would insert:

"Nothing in this section permits an extension to the 26-week limit for care proceedings in section 14(2)(ii) of the Children and Families Act 2014."

I was struck by what the head of CAFCASS told us on Tuesday. She said that the Bill "probably could move" the requirement for the family group decision-making meeting

"down to the point at which there are formal child protection procedures starting so that the family can get to know what the concerns are, work with the child protection plan for longer, understand what the concerns are and demonstrate whether the protection can happen."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 31, Q68.]

This is the bit of her evidence—she knows a lot more about this than I do—that struck me:

"if the Bill were to stay as drafted at the edge of care, I think there are risks for very young children, and babies in particular. The meetings will be difficult to set up. People will not turn up. They will be rescheduled".—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 31, Q68.]

She went on:

"For very young children when you are concerned, if they are still with the parents, which is sometimes the case, or even with a foster carer, you want permanent decisions quickly. That does not negate the need for the family to be involved. You can have it much earlier because you have been worried for a while at that point."—[*Official Report, Children's Wellbeing and Schools Bill Public Bill Committee,* 21 January 2025; c. 31, Q70.]

Our amendment does not encompass all those concerns, but it does seek to ensure that this very sensible provision in clause 1 does not slow down measures to keep children safe.

Given that there we were told a few other things by CAFCASS, I should also be clear about what our amendment does not do. It does not address my concerns about people and families—indeed, extended families—using the move to primary legislation to bring about legal action, such as a judicial review, against the decisions of local authorities, or using lawfare or the threat of legal action against local authorities, perhaps to force their way into a room when most of the social workers and other people involved would much rather they were not there because they are inappropriate people. Protecting against that risk is legally much more complicated, which is why the Government have not tabled an amendment on that point.

Ministers may say that the legal worries are less than I am supposing, but will they agree to look at this issue? The last thing we want, once this goes from being guidance to being statute, is people saying, "I've got a right to this meeting. You didn't have me in the meeting. I am going to challenge this decision," and all that sort of stuff. Hopefully, there is no risk, but I would love to see Ministers consider that point.

Nor does our amendment address moving meetings earlier in the process. As drafted, the clause encourages LAs to put pretty much all their cases to a meeting at the pre-proceeding stage—it has to be done before it goes to court—but lots of the people we heard evidence from think it would be desirable to have the meetings earlier, before the case enters the much less consensual pre-court process. By the time the case gets to the pre-proceedings stage, it is normally pretty clear that it will be hard to reach an amicable solution.

As I said, these questions do not come from us, but from people who know more about the issues than I do. I would like Ministers to respond to the points made by various experts and official groups. The head of CAFCASS said on Tuesday that we should move the point at which the Bill applies to when a section 7 report is ordered. I was really struck by her saying that, because it would be quite a big change to the Bill. She was very specific, however, and she knows a lot about the issue. She said:

"One suggestion I would like to make on CAFCASS's behalf is that family group decision making should be offered to families where the court has ordered a section 7 report—a welfare report that, if ordered to do so, the local authority has to produce for the court in respect of what it advises about where children should live and who they should spend time with. I think the opportunity for a family group decision-making meeting for those families is important."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 32, Q72.]

[Neil O'Brien]

That is a big proposal, but it comes from someone with huge experience, who clearly has some real concerns. Will Ministers agree to take that away and consider it further as we make progress in Committee and in the Lords?

The head of CAFCASS made a second big proposal on Tuesday:

"The Bill tends to focus on those who are in public law proceedings. Two thirds of the children we work with are in private law proceedings, where there are family disputes about who children spend their time with and where they live. Very often, those children are in families where conflict is very intense. There are risks to them; there is domestic abuse. The Bill is silent on children in private law proceedings, and I think there is an opportunity for that to be different."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 32, Q72.]

My second question to the Ministers is: have the Government reflected on that suggestion, and do they have any plans to respond? They might not be able to give us a full and final answer today, but what is their basic reaction to that?

Another expert made some significant and specific suggestions about the clause. Will the Government respond to concerns put forward in the written evidence from the Family Rights Group, a charity that helped to introduce family conferences, which were used in New Zealand, to the UK in the 1990s? It said:

"we are concerned that the family group decision making offer in the Bill is too ambiguous and state-led in the way it is framed, with the state determining how, who attends and even if it happens. Without strengthening the provisions, we fear in practice it will not deliver the Bill's ambition, to ensure fair and effective opportunity across England for children and families to get the support they need to stay safely together."

Essentially, it is worried that the form will be followed but the spirit will be lost. It goes on:

"We are already seeing evidence of local authorities claiming to use such approaches, including reference to 'family-led decision making' to describe meetings which are led by professionals and where family involvement is minimal. Without clear definition of terms, and a set of principles and standards for practice, it is likely that in many authorities, such meetings will be professionally-led, with the child and family engagement peripheral…If the legislation does not specify what is expected, we are also concerned approaches unsupported by evidence will proliferate."

11.45 am

The Family Rights Group echoed the concerns that we have heard from others about timing. It states:

"the timing of the offer, at the point the pre-proceedings letter is issued, is potentially too late for some families to benefit…When a local authority is issuing parents with a pre-proceedings letter, the concerns in relation to a child's welfare will already be serious. The local authority should be working with the family to try to avoid care proceedings, but will also be undertaking assessments to consider who the child may live with if those concerns cannot be allayed. By waiting until this stage, opportunities to bring families together earlier, addressing difficulties before they have escalated and while there is still the possibility of the family supporting the parents as primary carers, could be missed. This includes early in pregnancy, when there's still sufficient time to address identified concerns, through a plan drawn up at a family group conference."

It also raised what I thought was a really specific and significant point:

"It would also exclude, for example, teenagers who are at risk of entering the care system, due to exploitation, through a voluntary arrangement. There is no letter before proceedings in such situations."

Of course, the hook in clause 1 is that these things have to be done before going into the proceedings, but there is a group of people for whom there will not be proceedings. The Family Rights Group goes on to spell out various detailed suggestions for amendments, which I will not read out, to remedy the problems. Given what the Family Rights Group says, my third question is: what is the reaction of the Minister for School Standards to those points? Is she happy to take up those points and look at whether there might be further improvements to the Bill?

Will Ministers consider two further proposals to stop children falling through the cracks? We know that once a pre-proceedings letter is issued, the child protection case is typically transferred to another team. If the child was on a child protection plan, the plan can be dropped, which is particularly dangerous for the youngest children. Will the Government consider an amendment to ensure that a director of children's services has to sign off any cessation of child protection plans in court proceedings for children under five? Are the Government interested in that as a way of stopping children falling through the cracks, as they are rightly interested in doing?

We know the obvious risks of family group conferences in cases of domestic abuse involving coercion and control. In my constituency, I have seen subtle and chilling examples of coercive control. As we have already discussed, all Members will have come across such cases, which are incredibly creepy. The risk is that all can appear calm when the reality is the exact opposite. A plan can sometimes put other family members at risk. Will the Government consider requiring that a systemic family therapist, who has a strong understanding of family dynamics, is appointed to chair the group? They are the ideal person.

I have some specific informational questions that I would like to ask Ministers, which I think it would be helpful for everyone to know, including peers, as the Bill progresses. How often do family group decision-making meetings happen? At present, I do not know precisely what the average percentage is for those who end up in proceedings nationally. Which authorities are using them more and which are using them less? Why do we think that is? What do we know about how often they happen at an earlier stage, rather than pretty close to proceedings or pre-proceedings? What is the Government's expectation about how often meetings will happen once the legislation is passed? What are we going to go from and to—from X% to Y% of people having such meetings?

On amendment 18, how often do local authorities currently miss the statutory 26-week timeline for taking children into care? The spirit of our amendment is that we must not let the goodness of family group decision making and conferencing get in the way of pacy decision making. There is sometimes already a problem with that as things stand.

Related to that, I was so haunted by the statement from CAFCASS about the risks posed to young children by the Bill's current drafting, and I encourage the Minister to respond to that. As a consequence, we must also think about how often there will be family group decision making as a result of this legislation, and how we expect clause 1 to change the number, or proportion, of occasions on which that happens.

Following that, do we have some sort of assessment of the Bill's impact on the number of children in care? I think one of the Government's hopes for the Bill is

that it will reduce, in a safe way, the number of children who need to end up in the care system, which we would all like to see. I know that we are expecting an impact assessment and a children's rights assessment, but when are we likely to see that? I do not think it is out yet, unless I have missed it, and that is obviously unsatisfactory in so far as we are discussing what it is designed to inform us about. Perhaps Ministers can fill in the holes today. In one sense, that is why I am asking for all this information, because the document is not quite ready. I think the Minister said the other day that the document is stuck in a committee and I know he is trying to get it unstuck as soon as possible.

The context is that the number of children in care under the previous Labour Government went up 27% from 1997 and 2010, and under the last Conservative and Liberal Democrat Governments, it went up another 27% from 2010 to 2024. It has been growing at just under 2% a year since 1994. We all want to see fewer children needing to be in care, but we also know that there are children who will not be safe unless they are taken into care. What is the Government's sense of the magnitude of the impact of clause 1, and the other measures in the Bill, on the number of children going into care? We saw a very large impact in the randomised controlled trial conducted by Foundations, and we could see that large impact again if we applied it to the total number of children in care.

We obviously agree with the spirit of the clause, but I do not know whether it is appropriate to debate clause stand part here, Sir Christopher. Would you prefer us to come back to that or to discuss it all now?

The Chair: The debate on clause 1 stand part is included in this group.

Neil O'Brien: Thank you, Sir Christopher. I will include it here—I just wanted to double-check.

Although I have asked lots of questions about it, we totally agree with the spirit of the clause. In fact, in February 2023, the last Conservative Government published a strategy and consultation on reforming children's social care called "Stable Homes, Built on Love". That was partly a response to reports published in 2022, including the final report of the independent review of children's social care, which was very ably put together by the hon. Member for Whitehaven and Workington (Josh MacAlister). The 2023 strategy said that, over the following two years, the Government would invest £200 million,

"laying the foundations for whole system reform and setting national direction for change."

After two years, the Government would refresh the strategy, scale up the approaches and bring forward new legislation, and in a sense that is what is happening now. This Government are doing some of the things that we had hoped to do when we were in government.

We are obviously not against new legislation; in fact, as part of the strategy, we provided £45 million to launch the Families First for Children pathfinder in 12 local areas for the following two years. That was going to test some of the measures in the Bill, such as more multi-agency working and early, non-stigmatising help and group decision making. We set up those pilots partly because of one of the measures in clause 1.

Those pilots started in July 2023 and, frustratingly, the results are supposed to be out in the next couple of months. Because of the way that things happen in this place, we are in the slightly frustrating position of having done a proper experiment—we have tested the concepts in clause 1 in the pilot—as we always say we want to do as politicians, but we do not get to hear the results, which are potentially just weeks away.

Have Ministers had sight of early findings from those pilots? Would they be prepared to make them available to Members of this House and of the other place, either in written form or via access to those who have been doing the work of pulling the findings together? It is very frustrating: there is a good piece of evidence, on which a lot of time and money has been spent, and yet, at the point at which we are legislating, we do not quite have access to it. It is weeks away. I hope that Ministers will find a way to share the findings with Members of both Houses.

As I alluded to, I read the Foundations report. Based on a randomised controlled trial, it states:

"We estimate that if family group conferences were to be rolled out across England, 2,293 fewer children would go into care in a 12-month period".

That would be about a 7% drop, so that is a very large effect. If the RCT is right and it is not just a pilot effect, the effect would be big. We have that estimate from an external group, but I would like to know what the Government think the clause will do to the number of people in care.

On the one hand, that is very encouraging. Having 7% fewer children safely flowing into care every year would be a glorious and fantastic outcome, which is why both sides are interested in the model. On the other hand, such a big change would bring with it some downsides and risks, as is inevitable when we are talking about so many children. The Foundations report concludes that

"There is a need to undertake further research".

I therefore have another question for the Minister: what gold standard randomised controlled trial work have the Government planned to understand the impacts of the change if it is rolled out as we expect?

I am speaking specifically of the potential negative impacts, which will be smaller in number and hard to look at. We might think, "Wonderful, we have 7% fewer children flowing into care every year. That is great," but what happens to the children who do not end up in care but have a bad experience in another way? We all hope that will be a much smaller number, but when there is a big upside, there will probably be downsides as well. It is important to have a piece of research in train to try to measure those downsides and check whether the good consequences that we hope for also come with negative consequences. Unless we have the research that Foundations has called for, we will not find that out.

We do not disagree on the attractiveness of family group decision making in principle, but we need to make it work and to minimise the risks. Our amendment is one way to do part of that. We need to make sure that we are seizing all the opportunities of this legislative moment; they do not come around too often, as the Minister pointed out the other day. As the Bill goes through, we need to get a lot more information about that consequential reform. That will come partly from

[Neil O'Brien]

the Government's impact assessment, when it is published, and partly from the Government providing the answers to some of our questions.

I have given lots of examples, and I hope that Ministers will think very carefully about some of the suggestions that we are getting from the serious experts who have been doing this for a long time. They are totally independent—they just want the right thing for kids and to ensure that we get the upsides of this change, which we all support in principle, while minimising the downsides.

Catherine Atkinson (Derby North) (Lab): I rise to speak to amendments 36, 37 and 18. It has been a number of years since I was regularly involved in care proceedings as a barrister, but I did so for the best part of a decade. I and a number of my former colleagues hugely welcome this requirement for family group decision making to ensure that it can consistently take place and that all kinship options are considered before there is an application to remove a child from their family and place them in care. I anticipate that the clause will mean fewer cases where lawyers have to get involved and where families are subject to care proceedings.

I am concerned about amendments 36 and 37, however, which would make the Bill more directive about children being present at family group decision making. The wishes and feelings of the child need, of course, to be considered at that meeting and the voice of the child should, of course, always be heard, but that is different from them being present at the meeting. It is really important that the discussion at that meeting is frank and meaningful—often, in that meeting, family members will be finding out, and coming to understand, the risks posed to a child. The appropriate way for a child to be told about their safety or an issue that parents need to tackle is likely to be very different, and more tailored, from what is appropriate for the adults in the room.

12 noon

The discussion about who will care for the child, if not the parents, can be emotionally harmful for the child. In the presence of family members, a child may also feel conflicted about the views they feel able to share, and family and friends need to be honest about the support that they are able to offer. What if no one puts themselves forward? What if they argue about who is best placed? There is a real risk that children feel rejected.

The child's presence could also lead to a kinship carer volunteering themselves because they do not want to upset the child, when, actually, they cannot commit. I am concerned that social workers will not always be sufficiently familiar with the family and friends who are present to be able to assess their likely reaction and their input at the meeting, and to anticipate the impact on the child.

In my view, a child's wishes are better obtained when it is clear what the actual options are. The child must still be listened to but children are not responsible for finding someone to look after them. It will, of course, be important for some older children to be there, when they are already fully aware of their parents' struggles and the situation their parents face, but that is rare and could be dealt with under the clause as it stands. The prescription in amendment 37 is unhelpful.

Munira Wilson (Twickenham) (LD): Does the hon. Lady recognise that amendment 37 proposes a presumption of inclusion but, where

"the local authority deems it inappropriate"—

for example, if the child is too young or because of the nature of the proceedings—the child would not be included? The problem with the Bill as it is drafted is that some local authorities, who do not necessarily respect the voice of the child or ensure that the child is involved, may routinely leave the child out of the discussion, even with teenagers who could be helpfully involved.

Catherine Atkinson: Giving that discretion is really important, but by saying "should", amendment 37 would give a directive to the local authority to first look at including the child, and only reject that in circumstances where it can be demonstrated that including them would be harmful and inappropriate. In my view, that fetters the discretion and pushes things into a potentially harmful situation, especially given the number of children that we are talking about—not younger children, but definitely those at the upper end. In my view, we should not fetter the discretion. I do not think that that kind of directive is helpful in those circumstances.

On amendment 18, I do not need to be told how important it is that childcare proceedings are conducted quickly and without delay. At the moment, the 26-week time limit set out in the Children and Families Act 2014 is not met in over two thirds of cases. I think we are averaging 41 weeks—which is better than last year, when it was nearly 45 weeks—and that includes cases where everything is agreed and not contested.

My former colleagues are regularly involved in cases lasting over a year and some lasting over two years. I do not think that, in the 10 years since the 26-week limit was enacted, the majority of cases have ever been completed within six months. The amendment is therefore somewhat incongruous given what we have seen over the last 10 years—I think that a number of my former colleagues would consider it brass neck.

The amendment does not do anything to ensure that we deal with cases rapidly, because the 26 weeks starts when an application is made, but the whole point of the clause is that family group decision making needs to take place before an application is made. In my view, the amendment does nothing to restrict the time to 26 weeks, because clause 1 does not have an impact on that timescale at all, and it certainly does not prevent local authorities from holding family group decision making earlier.

I am somewhat provoked to note that it was the coalition Government's Legal Aid, Sentencing and Punishment of Offenders Act 2012 that cut all legal aid for private family law cases unless there are allegations of abuse. Out-of-court or pre-proceeding discussions and settlements, and the involvement of professionals, have therefore become far harder since 2012.

Ellie Chowns (North Herefordshire) (Green): It is a pleasure to serve under your chairmanship, Sir Christopher. I rise to speak to amendment 49 regarding family group decision making at the point of family reunification.

Reunification—the process of returning a child in care to their family—is the most common route by

which children leave care, accounting for 27% of all children who left care in 2023. It is also one of the most sensitive and significant transitions a child can experience. When done well, it can offer children stability, security and permanence at home with their family, but too often the reunifications fail. In fact, one in three children who return home then re-enter the care system, so thousands of children are enduring yet more displacement, disrupted attachments, instability and broken trust.

The human cost of those failed reunifications is immeasurable, but the financial cost is also stark. Failed reunifications cost the public purse £370 million annually—money that would be better spent supporting families in the first place. Research tells us that too many reunifications break down because families do not receive the support that they need to make that process successful, tut there is no national strategy for supporting reunifications. Support across the country is inconsistent, and alarmingly, 78% of authorities report that the support that they offer is inadequate—the authorities report that themselves.

Amendment 49 provides a clear, practical, evidence-based solution—effectively a mirror to the Government's clause 1. The amendment would require local authorities to offer family group decision making no later than one month after the discharge of a care order for the purpose of family reunification. Of course, in practice, it is envisaged that the family group decision-making process would be offered before the child returns home to support that return.

As the Committee has already heard and discussed, family group decision making is a powerful tool. It brings families together to identify solutions, develop a plan and build a network of support around the child. It can empower families to take ownership of the challenges that they face, and foster collaborative work with professionals that promotes the safety and wellbeing of the child while also amplifying the child's voice. My argument is that that is as important towards the end of a care process as it is at the beginning.

Family group decision making is well established and recognised as best practice by professionals. We already have clear evidence on its effectiveness, and we are awaiting more, as the hon. Member for Harborough, Oadby and Wigston said. However, the lack of a statutory duty to offer it has led to patchy practice across the country. One third of local authorities do not offer family group decision making at all during reunification. Amendment 49 addresses that gap. It would ensure that every family in England has the opportunity to benefit from that approach. The requirement in the amendment is to offer it; it does not impose any sort of time limit.

Some Members might worry about the practicalities or cost of introducing the duty, but as I have already explained, the breakdown of family reunification is an incredibly costly process, both financially and for the child's welfare. The amendment is a financial cost-saving measure as well as a child-centred one. Research shows that providing support to meet a family's needs during reunification costs just £7,857 per child. By contrast, the cost of a single reunification breakdown is £105,000. Amendment 49 would be

The amendment is practical and allows for professional judgment, recognising that every family is different. Where a meeting is not in a child's best interests, the local authority would be exempt from the duty to make the offer, and that flexibility ensures that the needs of children always come first. The amendment also complements existing provisions in the Bill. It effectively mirrors the duty to offer family group decision making before care proceedings, and therefore offers a coherent support framework at both ends of the care process—effectively bookending it. It brings much-needed consistency to a fragmented system.

With more children in care than ever before, as we have noted, and with children's services under immense strain, the amendment represents a real opportunity. By embedding family group decision making we can enable more families to stay together, reduce the number of children returning to care, which is an incredibly damaging process, and relieve pressure on an overstretched system, all while delivering better outcomes for those children. This is about fairness, consistency, investing in what works and ensuring that all reunifying families, not just some, are given the help they need. It is about recognising the importance of successful reunification within the care process. I very much look forward to hearing the Minister's reflections on the proposal and the other questions raised this morning.

Damian Hinds (East Hampshire) (Con): Of course I agree with and entirely support the spirit of what the Government are doing. It forms part of the strand of development intended in the "Stable Homes, Built on Love" strategy; across the House, we share similar motivations on all these matters.

On the comments from the hon. Member for North Herefordshire on reunification and amendment 49, I do not think an amendment to a Bill is the moment to introduce such a thing, but I am sure that in their continuing work, Ministers and officials will look at how the reunification process can be improved for all the reasons that she rightly gave.

I have a couple of questions on the inclusion of children in meetings, which is relevant to clause stand part and to amendment 36. My first question is: what guidance will accompany the new provisions? In some cases it will be obvious that a child should not be present, but beyond that it is perhaps difficult to generalise. Of course we trust professional judgment, but I wonder about the extent to which further guidance may be useful. I am thinking particularly of children with learning disabilities, who sometimes feel that things are done that affect their lives in a big way and they have less of a say than other children, because somebody has made that judgment when perhaps they did not need to. Secondly—this is a minor point in the grand scheme of things—I wonder why the legislation and the explanatory notes do not say that a child may be present for part of the meeting. It may be appropriate to have part of it with the child and part of it without them.

The Chair: I call the Minister. *[Interruption.]* I call Tom Hayes. It is helpful for the Chair if you rise in your place if you intend to speak.

Tom Hayes: Thank you, Sir Christopher; that is helpful advice.

I associate myself with the comments of my hon. Friend the Member for Derby North, and will speak to oppose proposed amendments 36, 37 and 18. I think the Bill is in fact very child-centred; it is focused on the needs of children.

[Tom Hayes]

Before I was elected to this place, I ran a mental health and domestic abuse charity, so multi-agency working at a local level is very familiar to me. From that role, I know just how little local authorities have felt empowered by central Government, but so much expertise and experience sits at that level. There is so much passion and knowledge in the social workforce, yet social workers do not feel empowered and trusted to get on with their job. By providing them with the ability to deem what is appropriate and to progress on that basis, we are showing our social workforce that we respect their judgment. On balance, from working with social workers, I know that they are significantly motivated by the interests of the child and they always speak on behalf of the child.

The service that I ran embedded caseworkers within social care settings. It was intended to provide support to children in difficult circumstances, often arising from parents experiencing significant mental ill health, domestic abuse, substance misuse—mainly those three things—and other related issues. Most children sitting in the meetings will be in their teenage years. They should not be sitting in those meetings. The meetings would traumatise them. Expecting them by default to attend would not serve the needs of the child, or the needs of those around the child who want to provide wraparound support, have frank conversations and arrive at what is best for the child. That is why I support the Bill.

I listened carefully to what Mr O'Brien said, and I take the point that he made about—

12.15 pm

The Chair: Order. You need to refer to people by their constituency, rather than by their name.

Tom Hayes: In that case, can Mr O'Brien remind me of his constituency? *[Interruption.]* The acoustics in this room are quite bad, so I did not catch all of that, but I will write the constituency down next time; I apologise, Sir Christopher. I have listened carefully to what the Opposition spokesperson said, and take his point about wanting to assess the number of children who will no longer be in care as a result of these measures.

Let me broaden the debate out. A significant reason for care proceedings is that parents are experiencing mental ill health, so making progress on tackling some of the major reasons why parents in our society have mental ill health will bring significant benefits. In my experience, those reasons tend to fall into three categories: employment security, housing security and income security. The measures this Government are introducing on housing security will see a significant improvement in the families' conditions, and the Government's measures on employment security will see a significant improvement in families' security. The measures to tackle the cost of living crisis that people are experiencing, such as the Bill's provisions on free school breakfasts and the cap on uniform items, will help families with some of their cost of living concerns.

I do not agree with the amendments. The measures in the Bill are satisfactory. I will leave it there.

The Minister for School Standards (Catherine McKinnell): It is an honour to serve under you as Chair, Sir Christopher, and to be a part of this thoughtful and considered Committee, which is taking this landmark legislation through Parliament. I thank hon. Members for the spirit in which they have discussed the safeguarding aspects of the Bill. I appreciate the support that has been expressed, and thank Members for their questions, concerns and amendments, which I will seek to address.

Amendments 36 and 37 stand in the name of the hon. Member for Twickenham but were presented by the hon. Member for St Neots and Mid Cambridgeshire. I thank him for his support for the clause and acknowledgment that family group decision making is a family-led process. A family network is unique to every child, so we decided not to be prescriptive about who should attend the meetings. That will be assessed and determined by the local authority, which will consider who it is appropriate to invite, and we will publish updated statutory guidance to make it clear that the local authority should engage with the full scope of the family network. That should take place with a view to supporting the wellbeing and welfare of the child, because the child's voice and views are an integral part of the family group decision-making process.

The process is, by its very nature, child-centric, and is designed with the best interests of the child in mind. The meeting facilitator will talk to families and the child about how best the child might be involved in the meeting. I recognise some of the points made about the extent to which the child should take part in the process, but the child's participation will clearly depend on several factors, including their age and their level of understanding, and an independent advocate may also be used to help the child to express their views.

As has been set out by my hon. Friend the Member for Derby North, in some cases it may not be appropriate for the child to attend. However, there is time for the child to voice their experiences or concerns through the dedicated preparation time for those meetings. The facilitator will take further action where they think it may be required if they think that there are safeguarding concerns, and we are confident that local authorities will continue to be guided by what is in the best interests of the child. For the reasons that I have outlined, I ask the hon. Member for Twickenham not to press her amendments.

Amendment 18 has been tabled by the hon. Member for Harborough, Oadby and Wigston. I thank him for the spirit in which he presented his amendments and put on record his concerns about the situation that children find themselves in and wanting the best outcome for them. The amendment relates to the 26-week rule for children subject to family court proceedings. As the hon. Gentleman knows, the Children and Families Act 2014 introduced the 26-week limit on courts to complete care and supervision proceedings when they are considering whether a child should be taken into care or placed with an alternative carer. I reassure him that we prioritise reducing unnecessary delay in family courts and securing timely outcomes for children and families.

Clause 1 relates to a specific and critical point before court proceedings are initiated. It gives parents or those with parental responsibility the legal right to a family-led meeting when they are at the point of the risk of entering into care proceedings. There is robust evidence to show that strengthening the offer of family group decision making at that crucial stage will in fact reduce applications to the family courts and prevent children from entering the care system at all.

As much as we acknowledge the concern raised, we are confident that no provisions in clause 1 would result in an extension to the statutory 26-week limit for care proceedings, which starts when the application for a care or supervision order is made. We think it is right that families are given the time and support to form a family-led plan. By strengthening the offer of family group decision making for families on the edge of care, concerns about children's safety and wellbeing can be addressed swiftly, with the support of skilled professionals, and avoid escalation into potentially lengthy care proceedings. We want to avoid missing those opportunities for children to remain living safely with their families, so the child's welfare and best interests are very much at the heart of clause 1.

If the local authority believes that the child's circumstances or welfare needs might have changed at any point during pre-proceedings and it would no longer be in their best interests to facilitate the meeting, the court proceedings can be initiated immediately. The local authority should always act in accordance with the child's best interests. Indeed, that family work can continue throughout court proceedings being initiated, and family group decision making can also continue. For the reasons I have outlined, I kindly ask the hon. Member for Harborough, Oadby and Wigston not to press his amendment.

Amendment 49 is in the name of the hon. Member for North Herefordshire. Clause 1 gives parents or those with parental responsibility the legal right to the family-led meeting at the specific and critical point, which I referenced, when they are at risk of entering into care proceedings. As I said, we have the clear evidence to show that involvement of the wider family network in planning and decision making at that pre-proceedings stage can divert children from care and keep more families together.

Although clause 1 focuses on the critical point at the edge of care, we already encourage local authorities to offer these meetings as early as possible and throughout the time that the child is receiving help, support and protection, including as a possible route to reunification with their birth parents or a family network where appropriate. We are clear in guidance and regulations that, where a child is returning home to their family after a period in care, local authorities should consider what help and support they will need to make reunification a success and set it out in writing. We will continue to promote the wider use of family group decision making, including by updating statutory guidance where appropriate and through best practice support. We believe that this legislation is a transformative step change that will be helpful in expanding these services for the benefit of children and families right across the country.

I turn to some of the specific questions that have been raised by Members, some of which I have addressed in my comments.

Ellie Chowns: Will the Minister give way?

Catherine McKinnell: I may well be coming to the hon. Member's question, if I can pre-empt her. If not, she is welcome to intervene again.

On reunification specifically, "Working together to safeguard children 2023" was updated to ask local authorities to consider

"whether family group decision-making would support the child's transition home from care, and the role the family network could play in supporting this."

It made it clear that family group decision making cannot be conducted before a child becomes looked after, but that it should still be considered as an option later.[1] Family group decision making should be considered at all stages of a child's journey in reunification with birth parents and the family network, wherever it is appropriate. Although the duty will make it mandatory to offer that family group decision making at the pre-proceeding stage, as I said, we will also be encouraging local authorities to offer it throughout the child's journey and repeat it as necessary, because we encourage a family-first culture.

Ellie Chowns: Will the Minister respond directly to the thrust of amendment 49? The Bill is shifting from a position where the consideration of family group decision making is already encouraged to a statutory requirement before starting care proceedings. Amendment 49 asks for a mirroring of that at the potential end of care proceedings. Why does the Minister feel that it is important to move to a statutory footing at the start but not the end, particularly given the statistics that I have referenced on the frequency of breakdown? Would it not be entirely consistent for the Bill to specify this—bookending both ends of the care process?

Catherine McKinnell: I do think I have responded to the hon. Lady's specific request, and explained why we are mandating and putting on to a statutory footing the requirement to offer family group decision making at this crucial point before care proceedings. We obviously encourage local authorities throughout their work with children in these circumstances to take a family-first approach and to offer family conferencing. Indeed, family group decision making can be used at any stage of a child's journey through their relationship with the local authority. However, our decision to mandate it at this crucial point is very much based on the evidence that this reduces the number of children who end up going into care proceedings, and indeed into care.

A lot of issues were raised and I will do my very best to cover them. The hon. Member for Harborough, Oadby and Wigston raised private law proceedings. The Ministry of Justice offers a voucher scheme to provide a contribution of up to £500 towards the mediation costs for eligible cases, supporting people in resolving their family law disputes outside of court. Similarly to family group decision making, family mediation is a process that uses trained, independent mediators and helps families to sort arrangements out. I take on board the concerns he has raised that all children should be able to benefit from family group decision making where possible. On the impact assessment, as we said in the second evidence session on Tuesday, the Regulatory Policy Committee is considering the Bill's impact assessments and we will publish them shortly and as soon as possible.

Neil O'Brien: I know that the Minister is trying to get us the impact assessments and is completely sincere about that. Will she undertake to get them while we are still in Committee?

Catherine McKinnell: I believe I can, but I will check and report back in this afternoon's sitting. I appreciate the hon. Gentleman's request.

1.[*Official Report,* 30 January 2025; Vol. 761, c. 4WC.] (Correction)

12.30 pm

On the issues and concerns the hon. Gentleman raised about the delays and backlogs in the family justice system, we recognise the challenges in the family court system, which is why we hope that hon. Members will support this measure so that we can give more families the opportunity to use the family group decision-making process, which could be the thing that prevents them from having to enter the court system. The Department for Education is working very closely with the Ministry of Justice with the aim of driving system improvements, reducing the issues that are preventing cases from being heard and reducing the delays. In particular, we are investing £10 million to implement and test new solutions to address those challenges in the sector. I could go on to list them, but I am conscious of time.

As I said earlier, clause 1 mandates local authorities to offer a family group decision-making meeting to all families at pre-proceedings before any application for a care or supervision order is made. That allows family networks to come together and make a plan to respond to concerns about a child, working alongside professionals. It gives parents the legal right to that family-led meeting at the critical point when they are at risk of entering care proceedings. The independent review of children's social care reported that in too many cases, opportunities have been missed to draw on the inherent strengths of the extended family network to support children and families on the edge of care. We have robust evidence to show that involving and empowering family networks through family-led meetings can divert children from care and keep more families together.

Children are at the heart of this legislation. The clause makes sure that the offer of a family-led meeting is made only if it is in the child's best interests. Local authorities must seek a child's views throughout that transformative process. I hope the Committee can agree that the clause should stand part of the Bill.

Ian Sollom: I thank the Minister for her response. We have heard from across the Committee how much support there is for the principles of the clause. I hear what Government Members have said about the amendments not giving the relevant social workers and facilitators enough flexibility in their decision making. Nevertheless, as my hon. Friend the Member for Twickenham pointed out, there is a risk that without a stronger direction to include the child in those meetings, not enough emphasis will be placed on it. Amendment 36 would insert the words "should, where appropriate", which leaves the decision in the hands of the local authority, but gives a stronger steer that, where possible, the child needs to be included. That is something that many child-centred charities would support. We will not withdraw the amendment.

Question put, That the amendment be made.

The Committee proceeded to a Division.

Ian Sollom: I will withdraw it then, sorry; I was not clear on the process. I beg to ask leave to withdraw the amendment.

The Chair: We are in the middle of a Division now.

Ian Sollom: Apologies.

The Committee having divided: Ayes 2, Noes 12.

Division No. 1]

AYES

Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Foxcroft, Vicky
Baines, David	Hayes, Tom
Bishop, Matt	McKinnell, Catherine
Chowns, Ellie	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

The Chair: I invited the hon. Gentleman to withdraw his amendment and he said that he wished to press it, so that is why we had a Division.

As a number of people in this Committee are on a learning curve, I will just say that, if the people who tabled the other two amendments in this grouping wish to put them to the vote, that request needs to be put to the Chair now. They can then be moved formally and we can then have a Division on them. If that is not done now, those amendments will not have been moved and they will just fall. Does anybody else wish to move any of the amendments in this group?

Neil O'Brien: Yes, Sir Christopher.

Amendment proposed: 18, in clause 1, page 2, line 26, at end insert—

"(10) Nothing in this section permits an extension to the 26-week limit for care proceedings in section 14(2)(ii) of the Children and Families Act 2014."—*(Neil O'Brien.)*

This amendment clarifies that nothing in this section should imply an extension to the statutory 26-week limit for care proceedings.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 11.

Division No. 2]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

The Chair: Ellie Chowns, do you wish to press your amendment to a vote?

Ellie Chowns: Chair, may I ask a question of the Minister?

The Chair: No; we have finished debating this group of amendments now.

Ellie Chowns: I wish to ask the Minister if she would meet with me to discuss this matter.

The Chair: You can ask them later on some other issue—I am sure the Minister will always be willing to meet you. But do you wish to press your amendment to a vote?

Ellie Chowns: No.

The Chair: Okay, so that does not matter.

Clause 1 ordered to stand part of the Bill.

Clause 2

INCLUSION OF CHILDCARE AND EDUCATION AGENCIES IN SAFEGUARDING ARRANGEMENTS

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

Catherine McKinnell: By strengthening the role of education in multi-agency safeguarding arrangements, clause 2 recognises the crucial role that education and childcare play in keeping children safe. It places a duty on the local authority, police and health services, as safeguarding partners, to automatically include all education settings in their arrangements, and to work together to identify and respond to the needs of children in this area.

The clause includes the breadth of education settings, such as early years, academies, alternative provision and further education. This will ensure improved communication between a safeguarding partnership and education, better information sharing and understanding of child protection thresholds, and more opportunities to influence key decisions about how safeguarding is carried out in the local area.

Multiple national reviews have found that although some arrangements have worked hard to bring schools to the table, in too many places the contribution and voice of education are missing. Education and childcare settings should have a seat around the table in decision making about safeguarding, so we are mandating consistent and effective join-up between local authority, police and health services, and schools and other education and childcare settings and providers. We know that many education and childcare settings are well involved in their local safeguarding arrangements, but the position is inconsistent nationally, which can lead to missed opportunities to protect children.

This change will improve join-up of children's social care, police and health services with education, to better safeguard and promote the welfare of all children in local areas. It will also mean that all education and childcare settings must co-operate with safeguarding partners and ensure that those arrangements are fully understood and rigorously applied in their organisations. I hope that this clause has support from the Committee today.

Neil O'Brien: The Opposition do not have amendments to this clause, but we do have some questions. This change is generally a very good idea and we welcome it. I have sat where the Minister is sitting, so I am conscious that, even when a Minister wants to answer all the questions posed by the Opposition, it is sometimes impossible—but I hope, thinking about some of the questions in the last part of our proceedings, that she will continue to consider those and see whether she can get answers to them. I know it is utterly impossible to answer all these questions in real time.

On the Opposition Benches, we welcome the inclusion of education agencies in safeguarding arrangements. All too often, the school is the one agency that sees the child daily and has a sense of when they are in need of protection or are in danger. Our conversations with schools all underline that. We have heard that they welcome this change and that it is a good thing. Last year, schools were the largest referrer of cases, after the police, to children's social care, and I know from friends who are teachers just how seriously they take this issue. One of my teacher friends runs a sixth form and she spends her spare time reading serious case reviews, so I know that teachers take this issue deadly seriously, and we want to help them to have as much impact as they can.

My questions relate to nurseries, particularly childminders, because this clause is about an extension to education, not just to schools. We understand that child protection meetings can take place via video conference to make them easier to attend. We would just like the Government to confirm and talk about what conversations they have had with those kinds of organisations, which are often literally one-woman bands, about how they will be able to participate, given their very limited staffing and the imperative to look after children in their care effectively.

If the childminder has to go off to some meeting and are shutting down their business for the day, do they have to ask the parents who leave their children with them to find their own childcare? How do we make it easier for these organisations, particularly in relation to really small, really vulnerable children, to take part in this process? We do not doubt that they will want to contribute; we just want some reassurance that the Department is thinking about how that will work well in practice.

The Government argue that education should not be a fourth safeguarding partner because, unlike with other safeguarding partners, there is not currently a single organisation or individual who can be a single point of accountability for organisations across the whole education sector and different types of educational institutions. I understand the Government's argument, but there are other views. Barnardo's says in its briefing that

"the Independent Review of Children's Social Care recommended that the Department for Education make education the fourth statutory safeguarding partner, highlighting that the Department should 'work with social care and school leaders to identify the best way to achieve this, ensuring that arrangements provide clarity.'

However, the new Bill falls short of this recommendation, mandating only that education providers should always be considered 'relevant partners'. This should improve the recognition of the importance of education providers in safeguarding arrangements, but we believe that this does not go far enough to protect children at risk.

We recognise that the diverse nature of the education sector could pose a practical challenge in identifying a relevant senior colleague to represent education as a statutory partner. Education settings have a wealth of experience in working with children to keep them safe and we believe it is vital that options are explored to ensure they are able to fully participate in…the planning and delivery of local safeguarding arrangements."

I want to hear what the Government's response to those arguments is. As the Minister said, this is a rare legislative moment, so we want to ensure that these important contributions and questions are heard and answered.

[Neil O'Brien]

Turning to a slightly different question, I understand that there might not be a single point of accountability—which is why this Government, like the previous Government, are not pursuing education providers as the fourth safeguarding partner—but to make this work well, a single point of contact for education might be sensible. Can the Minister confirm that, to support the successful operation of this provision, every local authority currently provides childminders in particular with a line they can call to discuss any concerns, both specific and more general? Schools generally know where to go, but is that true at the moment of nurseries and childminders?

12.45 pm

We all agree on early engagement with people in education, rather than only talking to them when it has got to a crisis point. How do we make that easy and normal for such bodies, particularly smaller ones? What will the Government do to bring that about? I also want to ask about the families first for children pathfinder programme. The DFE says that it has been testing a strengthened role for education in local safeguarding arrangements, and as part of that it will ensure that the evidence is shared. I do not think we have that yet. Again, we are doing the experiment and getting useful evidence, but at the point of legislation it is not quite with us.

Will those learnings be shared more widely with local authorities, and might Members and peers be able to see some of that super-valuable evidence before the Bill completes its passage through Parliament? The programme is literally testing out and trying to do exactly what the Government is trying to do, so I am sure there are important learnings that we can take from that. At the moment we do not have the information to read as parliamentarians, so will the Government undertake to try to extract some of that for us and make it available before the Bill passes all the way through Parliament?

Munira Wilson: It is a pleasure to serve under your chairmanship, Sir Christopher. I will say very little on clause 2, because the Liberal Democrats strongly support and welcome it—it is much needed. However, I echo the official Opposition's question why education and schools are not being made the fourth statutory safeguarding partner. I know that is something that the Children's Commissioner and the various children's charities that were quoted are pushing for. I look forward to hearing the Minister's comments on that.

The Chair: Ellie Chowns, do you wish to participate in this debate?

Ellie Chowns *indicated dissent.*

The Chair: Just to be helpful, last time you said you wanted to speak after the debate had closed. What you could have done was to participate again in the debate before it ended. It is open to anybody who is a member of the Committee to speak more than once in a debate—there is no limit on the number of times you can speak in a debate, but you cannot speak after the question has been put.

If you wanted to tell the Minister that you were dissatisfied or that you wanted to have a meeting, then the time to have done that would have been during the debate. At the end, you could have caught my eye and you would have been able to participate. I am trying to help people so that nobody feels that they are being excluded, because I know how difficult it must be for new Members who have not got the support of an established network in this place.

Catherine McKinnell: I thank Members for their contributions, and I appreciate the support—generally speaking—for the change. I can give the hon. Member for Harborough, Oadby and Wigston confidence that the impact assessments will be produced before the Committee has ended, so there will be an opportunity to study them. In response to his question, we are not making schools the fourth safeguarding partner with this measure. As the hon. Gentleman set out and appreciates, the education and childcare sector does not have a single point of accountability in the same way that a local authority, a health service or the police do. There is not currently an organisation or individual that can take on the role of a safeguarding partner.

The measure is therefore crucial to ensuring that education is consistently involved in multi-agency safeguarding arrangements across England. It places a duty on safeguarding partners to fully include and represent education at all levels of their arrangements in order to ensure that opportunities to keep children safe are not missed. It gives educational settings a clear role in safeguarding locally. It is a vital step towards consistency in local areas, and sends out the clear message that education is fundamental at all levels of safeguarding arrangements.

I appreciate the question that the hon. Member for Harborough, Oadby and Wigston asked about childcare settings, and about childminders in particular. We deliberately ensured that the measure includes all educational settings, covering early years, childcare and all primary and secondary schools. It spans maintained and independent schools, academies, further education institutions, colleges and alternative provision. It is important that the measure covers the breadth of education and childcare settings in a local area to ensure that opportunities to help and protect children are not missed. I appreciate that, in some childcare settings, those arrangements will be more formal and practised than in others, but it is important that we ensure that no child is left out.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Clause 3

Multi-agency child protection teams for local authority areas

Catherine McKinnell: I beg to move amendment 1, in clause 3, page 3, line 33, leave out

"the director of children's services for".

This amendment and Amendment 2 make minor changes relating to local authority nominations to a multi-agency child protection team.

The Chair: With this it will be convenient to discuss Government amendments 2 to 5.

Catherine McKinnell: Amendments 1 to 5, in my name, relate to the nomination of individuals by safeguarding partners for multi-agency child protection teams. These important amendments ensure that primary legislation is consistent. To be consistent with the Children Act 2004, the reference to those who nominate should be to the safeguarding partners, not to specific roles. It is, after all, the safeguarding partners who are best placed to make the nomination for individuals, and have the required expertise in health, education, social work and policing. We will continue to use the statutory guidance, "Working together to safeguard children", to provide further information on safeguarding partner roles and responsibilities, which will include nominating individuals in the multi-agency child protection teams.

These amendments ensure consistency with the Children Act and set out that safeguarding partners are responsible for nominating individuals with the relevant knowledge, experience and expertise to multi-agency child protection teams.

Neil O'Brien: I have nothing to say about these amendments. I will reserve my comments for our amendment, which is in a different group. I completely understand what the Minister is doing.

Amendment 1 agreed to.

Amendment made: 2, in clause 3, page 3, line 36, leave out

"the director of children's services for".—*(Catherine McKinnell.)*

See the explanatory statement for Amendment 1.

Neil O'Brien: I beg to move amendment 19, in clause 3, page 5, line 3, at end insert—

"16EC Report on work and impact of multi-agency child protection teams

(1) The Secretary of State must report annually on the work and impact of multi-agency child protection teams.

(2) A report under this section shall include analysis of —

(a) the membership of multi-agency child protection teams;

(b) the specific child protection activities undertaken by such teams;

(c) best practice in multi-agency work; and

(d) the impact of multi-agency child protection teams on —

(i) information sharing;

(ii) risk identification; and

(iii) joining up services between children's social care, police, health services, education and other agencies, including the voluntary sector."

This amendment would require the Secretary of State to report on the effectiveness of multi-agency child protection teams.

The Chair: With this it will be convenient to discuss clause stand part.

Neil O'Brien: Members will know that we are extremely supportive of this principle and agenda. We generally welcome the clause and think it is sensible, but we of course have questions, and we have tabled an amendment.

Members know that a huge amount of good multi-agency work is already going on to safeguard children, and it has the potential to address some of the really serious information-sharing gaps that have been so visible in pretty much every serious case review, from Victoria Climbié to the present day. Although we welcome the introduction of the multi-agency child protection teams, we have some substantive questions about them.

First, will the Minister set out her expectation for the activity of these teams? Teams can have a formal meeting, but then there is what they really do. If there is just one team in a local authority, that team may become a source of advice but not really generate new activity. I have a question about the scale of different local authorities and how many teams there will be in an area. This might seem a bit specific, but obviously there is a huge difference between Rutland, which is a single unitary authority with a population of 40,000, and Birmingham, which is also a single unitary authority. We need to ensure—I will come back to this in a second—that we can have provision for these teams to meet and work on a geography that makes sense.

The Government are building on a lot of activity that already exists, but they are slightly changing it in various ways. Will the Minister be specific about what these teams will do that is not being done today? How do they relate to, and how are they different from, existing multi-agency safeguarding hub teams? Linked to that, should we assume that they will be resourced to deal with all section 47 referrals? If they are not, it will potentially become another gatekeeping process—they would be making judgments in good faith, but not necessarily with the information to make them safely. I hope that the Minister can reassure me that the teams will be expected to do things like carrying out home visits, attending strategy meetings and having a much clearer view of health information.

There is also the crucial area of private law proceedings, where children are all too often invisible. I wonder what the expectation is for the involvement of these teams in private law cases. There are real concerns, as we heard the other day, that when CAFCASS makes a referral to the local authority in these cases, it looks like the threshold is not met because of the lack of social services and police involvement with the family in the past. Particularly in cases of domestic violence, we know that those kinds of appearances can be deceptive.

The clause makes provision for two or more local authorities to work together to deliver multi-agency child protection teams, and the explanatory notes state that that would enable police and health services to work within local authority boundaries to make the best use of their resources, which they do not always do. I can see the sense in that. To go back to our neighbours in Rutland, they come under Leicestershire and Rutland for the police and for health, and they have a lot of cross-border students in their schools. However, I want to check that the reverse is also true, and that there will be no impediment to having multiple teams within a local authority, and no sense that the police or health services with a bigger geographical footprint should not be expected to service more than one team in a large local authority. That question is about the geography.

Another question is about the timeliness of meetings, which is crucial. The best possible group of people in the world could be down to attend a meeting, but if they do not meet often enough, things will go wrong. Does the clause give the Government the power to specify in regulations how often such meetings take place? Do the Government intend to specify that kind of thing, or—maybe perfectly reasonably—not? Will they try to establish

[Neil O'Brien]

some norms around the frequency of these teams meeting? I do not have an incredibly strong view; I am just interested.

I also have some questions about the cast list, which was the subject of the last group of amendments; we went from a named person with a specific role to someone from a particular organisation. Subsection (4) lists a social worker, a police officer, a health professional and so on. Is the assumption that it will be the same person who attends each time? What happens in the absence of those people? Presumably, a person of the same category can be substituted for a period—for example, if the policeperson on the team goes off sick, someone can be substituted.

Although I am not an expert, I think that having the same cast list each time is broadly the right model. It is a much better model than one where, for example, the social worker for that case turns up once and perhaps do not go to that meeting ever again or for another year, meaning they are not in a position to join the dots. However, there is always a risk that appointing specialists within a team deskills others on the team. That sense that everybody has to stay alert and maintain professional curiosity gets a bit lost, and there is an assumption that the specialists on the team will deal with it. That is obviously not what the Government intend, but can we get some reassurance that they have thought about how to avoid that?

In oral evidence on Tuesday, we heard from— *[Interruption.]* May I ask you, Sir Christopher, whether we are going until 1.30 pm? The Opposition Whip is looking anxiously at the clock.

The Chair: The Opposition Whip may be looking at the clock, as indeed am I. Under the rules that have been agreed, the Committee will meet again at 2 o'clock. If people wanted to have a reasonable time for lunch, normally, by convention, the Committee would adjourn at 1 o'clock and come back at 2 o'clock. That is obviously in the hands of the Committee itself—

The Lord Commissioner of His Majesty's Treasury (Vicky Foxcroft) *rose—*

The Chair: But I detect that Vicky Foxcroft wishes to move a motion.

Ordered, That the debate be now adjourned.—*(Vicky Foxcroft.)*

1 pm

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Fourth Sitting

Thursday 23 January 2025

(Afternoon)

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not later than

Monday 27 January 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, † Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 23 January 2025

(Afternoon)

[Sir Edward Leigh *in the Chair*]

Children's Wellbeing and Schools Bill

2 pm

Clause 3

Multi-agency child protection teams for local authority areas

Amendment moved (this day): 19, in clause 3, page 5, line 3, at end insert—

"16EC Report on work and impact of multi-agency child protection teams

(1) The Secretary of State must report annually on the work and impact of multi-agency child protection teams.

(2) A report under this section shall include analysis of —

(a) the membership of multi-agency child protection teams;

(b) the specific child protection activities undertaken by such teams;

(c) best practice in multi-agency work; and

(d) the impact of multi-agency child protection teams on —

(i) information sharing;

(ii) risk identification; and

(iii) joining up services between children's social care, police, health services, education and other agencies, including the voluntary sector." *—(Neil O'Brien.)*

This amendment would require the Secretary of State to report on the effectiveness of multi-agency child protection teams.

The Chair: I remind the Committee that with this we are discussing clause stand part.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I have already talked about our general support for clause 3, as well as some of the issues around the geography, content and cast lists of the teams, which brings me on to funding. On Tuesday, we asked the Local Government Association about the new burdens doctrine and whether there would be clarity on funding for these new requirements. The Government do not plan to commence this clause until 2027, so will local authorities be appropriately resourced to meet these demands? In its summary of the Bill, the Department for Education says:

"Later commencement allows more time to secure funding and resources and workforces will have more time to engage and prepare for change."

Do the Government know roughly how much extra funding will be required? As Ruth Stanier from the LGA said in her evidence to us on Tuesday,

"the new burdens doctrine must be applied in the usual way. There are a number of measures in this Bill for which additional funding will be required, for example the new multi-agency units."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 13, Q21.]

We are talking about those multi-agency units here. What are the Minister's rough estimates of what will be required, and at roughly what point will that be agreed? Again, the DFE notes on the Bill say that it will be

"set out in regulations how the multi-agency child protection teams will carry out their day-to-day activities."

That will be extremely specific; for example, it says:

"The new provisions will 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 multiagency child protection teams. This might include examples of the types of 'minimum qualifications or experience' that they will need, which have not been included in the legislation as this will require discussion with the relevant work forces, including police, health and education, to understand what would be relevant".

The big question is: how much will this roughly cost, and when will the Government agree that with local government, so that we can fulfil the requirements of the new burdens doctrine?

I would like to turn to amendment 19. I have come to believe very strongly, in public services, in the importance of setting up self-improving dynamics whenever that is possible. The Japanese talk about the principle of "kaizen", or continuous improvement, and really that is the spirit of our amendment. Everybody supports the idea of the new multi-agency meetings, and we are all supportive of the principle of trying to make that happen really well. We do not want just a meeting, or that the letter of the law is followed, but the spirit of it is. We really want to do this as well as we can, and that is what our amendment is about.

There are very different ways of making these things work, and they work in very different places already. There is lots of scope to learn from each other at the local level, and central Government have scope to learn from them all. The amendment is self-explanatory, so I will not go through it, but it is basically looking for a report on all the different aspects of the ways in which this clause plays out on the ground. I am keen to press it to a vote, and I hope it is one that the Government might accept, at least in some form.

Damian Hinds (East Hampshire) (Con): It is very good to see you in the Chair, Sir Edward. I think everybody agrees with the principle of this clause, and there is undeniable valuable in having all the relevant agencies working together. I am afraid it is invariably a conclusion of reviews that, when things go badly wrong, part of the issue is that working together has not functioned as well as it could. The Bill does not invent multi-agency working—that is not a new thing—but it does write something very specific into primary legislation, and that is welcome.

Amendment 19 is good and important and requires reporting back on the work and impact of multi-agency teams. What we need to focus on is actual practice. It is one thing to set out that so-and-so must talk to somebody else—no one would argue with that—but as my hon. Friend the Member for Harborough, Oadby and Wigston said, there is quite some variety in the way these things happen. Will there be more guidance in terms of operations to stress the importance of following process and procedure, but also recognising the centrality of professional curiosity and taking ownership of problems through to their solution?

I am keen to understand better from the Government the extent to which what the clause proposes is different from multi-agency safeguarding hubs, commonly known by their acronym, MASH. Is it the same, or is it for a subset of higher level cases? Are we drawing a distinction between safeguarding and child protection?

MASHs themselves have worked in quite different ways. I said that these things are not new—I remember that in 2012, when I was on the Education Committee, we did an inquiry in this area. We visited a couple of different MASHs and had a couple of local authorities, one from Devon and one from Leeds, at a Committee hearing. One of those authorities had a MASH; the other had actively decided not to because it felt that there were better ways of achieving some of the same aims. That highlighted the importance of what is done operationally and what is done in practice. We were frequently told about the advantages of physical colocation —simply being in the same room facing each other across the desk—but that does not guarantee that people will work as well together as they could. Relationships are incredibly important, and so is the willingness to appropriately share information, and these days that can arguably be done without colocation in ways that it could not in the past.

As far as I can make out, the clause does not adopt the principle from what we used to call the troubled families programme, which is now the supporting families programme, of having a designated key worker for each family. Can the Government say why that is, or if it is their intention that that should be the case? More generally, it would be interesting to hear how this programme works with the supporting families programme—probably still better known to many as the troubled families programme.

The creation of that programme straddled the previous change in Government: it started in pilot and research form before 2010 and came into being fully after 2010. Louise Casey is now Baroness Casey of Blackstock and still very involved in incredibly important work. Some of the work of that programme is on the key upstream stage where, sadly, we sometimes end up in child protection territory. Some of the common features identified in Baroness Casey's report, "Listening to Troubled Families" —abuse, institutional care, violence, mental health problems, drug and alcohol abuse, and so on—are incredibly prevalent in this group.

I hope the Government can say more about how the multi-agency child protection teams and the supporting families programme would work together, particularly since that programme, which used to be in the Ministry of Housing, Communities and Local Government, is coming or has come—I do not know if it already has—into the Department for Education, so there are great opportunities for good working with children's services.

Neil O'Brien: My right hon. Friend asks a really good question, and I intervene to sharpen that further. He asks whether the new teams are displacing or replacing the MASHs. Does the Government think that the MASHs that exist now will still be running alongside these new teams, or does the one turn into the other?

On the point about continuity of knowledge, which is so important in these cases as often the same family is in trouble for a long time, is it the Government's expectation that it would be quite normal for people who are currently on one of the MASHs to find themselves on the new teams as well, or is this a new thing? I am just trying to understand the intent.

Damian Hinds: I think amendment 19 has a lot of value and I hope it will be agreed.

I want to ask about resourcing. My hon. Friend the Member for Harborough, Oadby and Wigston has rightly asked about cash resourcing—how much there will be—and there is of course the new burdens principle to follow, but I want to ask about staff availability. It is one thing to legislate for people to do a certain thing, but if it is very difficult to hire those people, that is obviously an impediment. To what extent and, if it is possible to quantify, by how much, does this programme create a new human resource requirement? How many more person days per year are we talking about?

The Minister for School Standards (Catherine McKinnell): It is an honour to have you in the chair today, Sir Edward. Clause 3 requires the establishment of multi-agency child protection teams in every local authority area.

I welcome the focus of amendment 19, laid in the names of the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich, on monitoring the impact of the effectiveness of these multi-agency child protection teams and on continuous improvement, as the hon. Member for Harborough, Oadby and Wigston put it so well. It is essential that we know how the multi-agency teams are leading to better outcomes for children and that we share that learning right across the system.

It may be reassuring to know that safeguarding partners already have a statutory responsibility to publish annual reports on their multi-agency safeguarding arrangements. Once clause 3 comes into force, that responsibility will include reporting on the multi-agency child protection teams.

We are already funding 10 local areas to implement multi-agency child protection teams. From April, we are investing more than £500 million to roll out family help and multi-agency child protection teams nationally. The evaluation of the 10 pathfinders and the national roll-out of the families first partnership programme will inform the operational detail, including reporting, which will then be set out in regulations and updated statutory guidance.

On the question about how the teams will work, local authorities are currently not required to have a multi-agency safeguarding hub. This new duty will impose a specific form of child protection arrangement. The emerging evidence from the 10 local area pathfinders shows that where there is an effective multi-agency safeguarding hub, local areas can build on that existing multi-agency infrastructure and achieve closer multi-agency working relationships, which then creates that multi-agency child protection team.

The right hon. Member for East Hampshire asked about the supporting families programme. That has moved to the Department for Education, and the multi-agency child protection teams will be based on best practice from supporting families. Where there has been good work done in recent years, we are very much building on

[Catherine McKinnell]

that and taking it to the next step, to make sure that, as far as we can possibly legislate for, no child is left behind.

The teams will bring together the right people with the right skills, so that support is formed around the child. That is also to ensure that the team can address many types of harm to children, whether that is through criminal gangs or sexual exploitation or otherwise. These new multi-agency child protection teams will build on the expertise and knowledge of local authorities and police forces to make sure that they work on a base of geography and local knowledge.

2.15 pm

Clause 3 sets out the requirement for multi-agency protection teams to be established in local areas. We see this as a crucial step to strengthening the safety and protection of our most vulnerable children. Every child deserves to be protected from harm, but sadly, we know it does not always happen. Legislating for multi-agency child protection teams in this way will help ensure we have a more consistent approach nationally to child protection. The child safeguarding practice review panel recommended introducing multi-agency child protection units in every local authority to address the current lack of joint working across agencies that often leads to missed opportunities to protect children in a timely way.

These multi-agency child protection teams will bring together the right people with the right skills, they will share information, and they will take decisive, timely and co-ordinated action to protect children from all types of harm. We know that the police, the health service and local authorities already share those responsibilities for safeguarding, so the purpose of this clause is to place new duties on safeguarding partners and relevant agencies regarding how they operate to ensure child protection. They will nominate required members with expertise in education, policing, health and social work, and they can ask other agencies to bring their skills and expertise to work as part of that team.

The flexibility will allow the multi-agency teams to work in a tailored way and bring in expert and specialised skills and knowledge to ensure that all aspects of a child's wellbeing can be considered. Within those roles and responsibilities, the teams will address inconsistencies and ambiguities in child protection practice, and improve joint working. It will stop children falling through the cracks.

Neil O'Brien: I agree with everything the Minister is saying—it all sounds very sensible. She may be coming to this, but on this point about where MASHs already exist, do these new teams replace them? Are they likely to have similar members? What happens to the existing bodies when the new one is created?

Catherine McKinnell: As I said earlier, at the moment, local authority teams are not required to have multi-agency safeguarding hubs. We will build on the work that has been done and make sure that every local authority has a child protection multi-agency team, so that no child will fall through the gaps where provision does not currently exist.

Damian Hinds: I hope that the Minister does not mind me intervening to ask this question, but I genuinely am not clear on it from reading the legislation and the explanatory notes. Is the multi-agency child protection team replacing or in addition to any multi-agency safeguarding hub that exists today?

Catherine McKinnell: The multi-agency child protection teams will be based on those models. We have used robust evidence including the supporting families and strengthening families programmes. It very much follows the recommendations from the child safeguarding practice review panel to make sure that we have a multi-agency child protection unit in every local authority to address a lack of joint working across agencies.

We are already testing this approach with the 10 new pathfinders and working to make sure that safeguarding partners in all areas have a consistent approach nationally. Where we have seen this working well in practice, we will build on that. This clause will ensure that is delivered in every local authority and for every child.

Damian Hinds: For clarity, could there be a local authority in which there is both a multi-agency safeguarding hub and a multi-agency child protection team?

Catherine McKinnell: This will build on the work of those teams to make sure that it is rolled out nationally and that every local authority has a multi-agency team that can deliver on those—*[Interruption.]* Does the right hon. Gentleman mind if I just finish answering?

Damian Hinds: I am really sorry. I am genuinely not trying to be difficult, but I do not quite understand. I think we all agree, and absolutely support the hon. Lady in what she says, that of course this should build on the existing best practice in a MASH and everything that has been learnt from supporting troubled families. I am trying to understand whether it will make existing MASHs—although they do not happen everywhere and work differently sometimes—a bit more consistent and give them a new name? Alternatively, is it taking whatever the MASH does—which might be looking out for safeguarding review cases for a broader group of children—perhaps at a slightly lower level, and then adding something new called a multi-agency child protection team, which will exist in parallel? Will it replace an existing MASH or become subsumed into it?

Catherine McKinnell: I think what the right hon. Gentleman is potentially getting at is how the multi-agency child protection teams will work alongside the MASH teams. To some extent, this is moving existing resource around. This will be in addition to the MASH teams. We recognise that it will require some additional resource, so there will be £500 million coming from April 2025 for the family first partnership programme. As the right hon. Gentleman rightly raised, we need to ensure we have good, qualified, people working in these roles, which is really important to get right. As I said, building on the good work, we are putting in additional safeguards for children through these provisions. We are making sure that, while we have the good work of MASHs happening, we can have a consistent approach to child protection on a national scale by ensuring that we have multi-agency child protection teams working together.

Neil O'Brien: I have two specific questions, although there may be no answer to the first—it may be for regulations, and there may be no decision yet. If a large local authority such as Birmingham wants to have more than one of these things, can it do so? My other question —which Iaised before the break—is about substitutes. What happens if one of the nominated people is sick? The meeting obviously still needs to go ahead, so can substitutes be used?

Catherine McKinnell: The hon. Gentleman is really getting into the detail of how these will work operationally and in practice. We are exploring through 10 pathfinder programmes how this will work most effectively, to ensure that no child falls through the cracks. This will be set out in greater detail to ensure that we have a consistent approach nationally. Obviously, the point is to ensure that it can be tailored to local need; indeed, different areas will ensure that they are bringing the expertise and adding to the capacity already in the system, wherever it is needed, to keep children safe. I implore members of the Committee to support the passing of this clause.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 11.

Division No. 3]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

Amendments made: 3, in clause 3, page 5, line 36, leave out "the director of children's services for".

This amendment is consequential on Amendment 1.

Amendment 4, in clause 3, page 5, line 40, leave out "the director of children's services for".

This amendment is consequential on Amendment 2.

Amendment 5, in clause 3, page 6, line 7, leave out "whose director of children's services" and insert "which".—*(Catherine McKinnell.)*

This amendment is consequential on Amendments 1 and 2.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4

INFORMATION SHARING AND CONSISTENT IDENTIFIERS

Neil O'Brien: I beg to move amendment 20, in clause 4, page 6, line 33, at end insert—

"(4A) Where the relevant person considers that the disclosure would be more detrimental to the child than not disclosing the information, this decision must be recorded."

This amendment requires decisions made not to disclose information to be recorded.

The Chair: With this it will be convenient to discuss amendment 21, in clause 4, page 7, line 5, at end insert —

"(6A) Where information is disclosed under this section, the recipient must consider the welfare of others to whom the information may relate or involve and take steps to promote their welfare."

Neil O'Brien: The first thing to say about clause 4 is that we are extremely supportive of the principle of consistent identifiers. This is something we were working to deliver when I was in Government. I remember being in meetings about it when I was at the Department of Health and Social Care, discussing for example whether it would be possible to use the NHS number as the identifier. We are really keen that this happens. We have seen far too many young people fall through the cracks because of inconsistent identification, which means that problems are not connected and dots are not joined up. Government Members will not always hear me say this, but this is a very good and important idea, and one of which we are completely supportive.

Our amendments are therefore tweaks to ensure the idea works as well as it can. I will also ask some questions that do not have an amendment with them, but which I hope the Government will take away and think about so that this can work as well as possible.

To start with our amendment 20, I understand the reason for the safety valve in clause 4(3); however, I am wary. In practice, how can a single agency take the decision not to share information until it knows what other information its partner agencies hold about the same case and person? Surely there needs to be a level of trust and strong information-sharing protocols to allow sharing to happen. For example, there might be concerns about a child who has delayed speech at school, but without knowing that the mother has suffered years of abuse, been to A&E and never called the police, it is difficult to judge the situation accurately. What is the Minister's answer to that concern about the safety valve? I hope one part of the answer can be our amendment. That is what it is there for.

Where information disclosure is not carried out because of a risk of detriment, something pretty serious is obviously happening. That information itself—that there has been deliberate, conscious non-disclosure—is very important. It is information from which we can possibly learn, and we certainly do not want it to just disappear into the ether and be lost. That is totally against the spirit of what we are all trying to do here. Our suggestion is that a conscious decision not to disclose for that reason should be clearly recorded, so that there is no confusion later about what happened or whether it was a conscious choice to not disclose, or just inaction or error.

Our amendment 21 would insert a new subsection (6A), in order to encourage those involved in taking such decisions to consider not just the welfare of the person whose information is being disclosed, but

"the welfare of others to whom the information may relate or involve".

The person whose confidential information is being shared is not necessarily the only one whose welfare is going to be affected by that sharing.

Ellie Chowns (North Herefordshire) (Green): The amendment appears to have two parts. The first is the requirement to consider the welfare of others to whom the information may relate. That seems quite reasonable; however, the requirement to take steps to promote the welfare of potentially anybody to whom the information may relate seems to me very broad.

Neil O'Brien: I thank the hon. Lady for her thoughtful question. It is a very general point to say that people should take steps to think about their welfare. We are not asking people to move mountains or work miracles or anything like that—I cannot think of a clearer way of putting it. We want them not just to think about it, but to act on it, and there are two different amendments here.

2.30 pm

I also have a question, which does not have an amendment attached to it, about proposed new section 16LB(9) of the Children Act 2004. The construction of this provision is a bit tortured. One can see, as it has been constructed, the different principles that are in play, but I would find it hard to parse if I were a frontline social worker—I find it hard to parse as an MP. I can envisage the lawyers in action trying to say two things. Some might say, "Don't be scared of data protection legislation, share important information and look after the welfare of children", while other lawyers would be saying, "But obviously, don't break data protection legislation."

So we end up with this slightly complicated sentence, which I think is trying to prioritise reassuring professionals about data protection laws, because we have seen some quite scary cases where people have been so busy complying with data protection rules that they have not used their common sense to do things that are extremely important. That point is for Ministers to ponder, rather than something we will attempt to amend now, because the world of data protection law is complex. However, the Ministers might want to look at that, and turn it around to put the onus on the principle that we have to think first about safety and not be scared off by over-enthusiastic interpretations of complex data protection law.

I also want to press the Ministers somewhat on proposed new section 16LB(7) of the 2004 Act. Once again, I understand why this safety valve is here. As I argued earlier, we must not undermine the need for speed in order to protect people. However, I wonder whether Ministers, as the Bill progresses, might decide that it would be sensible to have some way of recording when the identifier is not used because people do not know it or cannot find it in time. That might work in a similar way to our proposed amendment that would allow us to record decisions not to share information in order to learn from them. Particularly in the early years of this new, complex system, when it will be difficult to get some things right, understanding how well the system is working—or not—will be really important for improving it.

Something similar to that would also enable us to record, in each individual instance, whether an identifier not being used, as per our amendment, is an error, or whether it is a conscious decision because someone cannot find it, does not think they need to find it, or cannot find it in a timely way. We would propose an amendment today, but Ministers might want to decide, as the Bill progresses through Parliament, whether there is something to do there. I can see why they are creating the safety valve—if someone cannot find the identifier in time, they should do the right thing to keep kids safe, but recording when that is not happening is important. It would be antithetical to the spirit of what we are trying to do here if people routinely start not using it; that would take us back to square one.

I have similar questions about proposed new subsections (5) and (6). They feel like quite a big dilution of the single identifier principle. With subsection (5), for example, how is someone to know in advance if a decision to use the identifier will facilitate safeguarding, or if failing to do so will harm that? With subsection (6), how can someone judge if the sharing of information would make a child less safe unless they have a fuller picture from other safeguarding partners in the first place? It may be that there is no way to improve on this—I remember how difficult this all is from when I worked on it—but I encourage Ministers to think, as they take the Bill through Parliament, about how the system launches, how we make sure that things do not just disappear into black holes and, if the system is not fully operational for various reasons or because people are, perhaps consciously, not using it properly, how we understand that.

Finally, I have some specific information questions. I note that the Government plan to trial the use of the NHS number as the single identifier, which is something I referred to earlier. I do not have any objection to that. Can the Minister give the Committee a bit more information on those pilots? What is the timing? How many will there be? Which places will be chosen? How will we choose places?

I also have a question about how we keep information up to date. Let us take an example where a child's record is updated by the local authority to reflect the fact that they are in a foster family, and the police note that in their files, but the child then returns to their family and the information on the police file is not updated, so they go to the family address and the child is not there. In that example, how do we make the system work in a joined-up way? How do we make sure the information is updated for everybody?

Also on information, what consideration has the Department given to children who might not have an NHS number, or indeed other numbers, for example migrant children or people who are home educated? I remember that it was always a challenge when we were thinking about this before. Specifically, up to what age will the identifier be used and will that be consistent across all agencies? Are we talking about 18 or 21-years-old for everybody? Earlier we were talking about continuing care leavers and things like that.

Finally, I must press the Minister on when this will be implemented. It is not at all an easy thing to do. It is a big undertaking, as the Minister knows. The Department for Education's explanatory notes for the Bill say that specifying the agencies that must use the consistent identifier by regulations means that agencies will be required to use the number only once they have the appropriate systems in place to make it an effective tool in supporting children and families. Where have we got to with that? Are agencies ready to use it? Which are more ready? Which are less? If agencies are not ready, when roughly do we expect them to be?

I think we all want this thing to move as fast as possible—consistent with it being done well and being safe, of course. I am not having a go at the Minister; I

appreciate that this is not an easy thing to do. However, can the Minister put some sort of timeline on what she expects to happen when, and when the consistent identifier will get rolled out, particularly given that this is something that we all agree is incredibly important?

Catherine McKinnell: I appreciate the spirit in which the hon. Gentleman has set out his questions. To clarify, amendment 20 would require the relevant person to record their decision to withhold information if they considered disclosing it to be more detrimental to the child than not disclosing it.

We absolutely agree that practitioners should record the reasons for their information-sharing decisions. However, that should happen irrespective of the reason for sharing or not sharing particular information. The current, non-statutory information sharing guidance for practitioners and managers issued by the Department for Education covers this point, making it clear that practitioners should keep a record of their decisions, including their rationale. Rather than legislating on this issue, it is our intention to cover it in statutory guidance, which relevant persons would be required to have regard to in relation to these matters.

I appreciate that the hon. Gentleman raised a range of other issues and questions about clause 4 more generally, and I will respond to those in the clause stand debate.

Neil O'Brien: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Munira Wilson (Twickenham) (LD): I beg to move amendment 44, in clause 4, page 7, line 37, after "welfare" insert "or wellbeing".

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

Amendment 43, in clause 4, page 8, line 20, at end insert—

> "(11A) The Secretary of State may, by regulations under subsection (10), require every designated person to use a consistent identifier in relation to all children."

Amendment 45, in clause 4, page 8, line 23, leave out lines 23 to 26.

Munira Wilson: It is a pleasure to serve under your chairmanship this afternoon, Sir Edward.

For clarity—after some mix-ups this morning, for which I apologise—these are probing amendments that we are not seeking to press to a vote today. We have tabled them to get on record some responses from Ministers about how the single unique identifier will be used.

As the shadow Minister has pointed out, there is widespread agreement that clause 4 is absolutely necessary and long overdue. Failure to share information effectively has been identified, over many years, as one of the key barriers to keeping children safe, to providing joined-up support to meet their needs and to conducting research across the children's system. Professor Jay's report on child sexual abuse brought that, and the failure of agencies across the system to share data, into stark relief. In the Committee's evidence session on Tuesday, the Children's Commissioner cited the same example as Professor Jay gave me when I met her last week: teenagers in a particular area had a very high prevalence of sexually transmitted diseases and that data was not shared with relevant agencies, although it clearly should have put up a red flag.

I strongly welcome the clause and pay tribute to the Children's Charities Coalition, which has done a lot of work and research in this space. Amendment 44, in my name, would expand the criteria that require a designated person to use the consistent identifier in the information that they process. As the Bill stands, it requires consideration of

"safeguarding or promoting the welfare of"

the child. As we have all said, those criteria are vital, but they could be interpreted as relating only to acute risk. We want to insert the word "wellbeing" into the Bill to seek to ensure that the broader needs of the child would be taken into account when considering the provision of joined-up support across the children's system.

Will the Minister explain why the Bill limits the use of the consistent identifier only to "safeguarding" and "welfare", and state how broadly she envisages those being defined? For instance, would sharing information about a disabled child with health and educational needs but no social care needs fall into this category? Will she also give an indicative timeline for when local services will be required to start using the consistent identifier in their systems?

Amendment 43 seeks to provide clarity where we think there may be ambiguity in the Bill, by ensuring that all babies, children and young people are assigned a consistent identifier regardless of whether they have been identified with any safeguarding or welfare concerns. I think that is the intent of the Bill, but the amendment seeks to clarify it. We know that, for years, professionals, charities and commissioners have called for this measure, and we need it across all our systems to be able to manage the interactions between the different services and to share information efficiently and securely. I would be grateful for the Minister's confirmation on that point.

Amendment 45 would enable the use of a consistent identifier for research and commissioning purposes. The subsection that would be deleted by the amendment appears to explicitly exclude the use of anonymised cohort data for those purposes. This probing amendment questions why that use is being ruled out. I recognise that I, and many others, have always raised concerns that data sharing should be done safely and in an appropriate way.

I worked for a brief period in the organisation formerly known as NHS Digital; I used to walk around with a lapel badge that said, "Data saves lives". Data does save lives and is so important for not only safety but research and commissioning. If data is de-identified and shared safely, we can use it for certain cohorts of children who are at risk of poor outcomes, such as children with special educational needs, looked-after children or children missing from education. It would allow commissioners and researchers to analyse such children's needs, risk factors and outcomes across different services, and provide a much more complete picture of the needs of children and young people, identifying gaps in provision and

[Munira Wilson]

interventions that could be used. It would also support the development of new, qualitative indicators to measure impacts. I would welcome the Minister's comments on the Government's rationale for the Bill's specifically not allowing that use.

I have one final comment on the use of the single unique identifier: it will work only if there is investment in the systems so that they are able to share that data. I know from talking to my own local authority about the barriers to sharing information. Sometimes there is an unwillingness among agencies to share information, but sometimes it is just that the systems cannot talk to each other. We now have the technology to be able to do that. In order to implement it and use the single unique identifier to the best effect, we have to provide the agencies with the means to share information for the safety, welfare and wellbeing of our children and young people.

2.45 pm

Catherine McKinnell: I appreciate the spirit in which the probing amendments have been proposed. Amendment 43 would provide the Secretary of State with the power to make regulations, providing that each designated person must attach a consistent identifier to the records of every child without being limited by a particular purpose. I absolutely share the desire of the hon. Member for Twickenham to ensure that as many children as possible are able to benefit from a consistent identifier. We are very conscious of the need to ensure that the identifier has complete coverage, from birth to 18.

On timelines, I appreciate the urgency with which Members wish to see the consistent identifier come into play. Obviously, it is not yet legislated for—we very much hope it will be. But we are piloting the use of the NHS number, which is assigned to all UK-born children at birth or, for children born outside the UK, when contacting the NHS, so we deem it to be universal. The exact services, systems and data shares that store and move the number will have to be developed during the piloting. Regulations will stipulate the agencies that must use the number when recording and sharing information for the purposes of safeguarding and promoting the welfare of children. I will give a little more information about the timeline of the pilot and intentions on implementation when I move the clause stand part, because I am conscious that the Opposition spokesperson also raised those concerns.

I turn to amendment 44, which seeks to amend the scope of the duty by including a reference to promoting the wellbeing of children. The legislation will enable statutory guidance to be issued, which relevant agencies must then have regard to. That will outline the type of information that may be relevant to safeguarding and promoting the welfare of children, including information that relates to their wellbeing, so that practitioners are able to more easily apply the legislation in practice. The legislation has very much been framed to co-exist with other child social care legislation, so "welfare" would cover the wellbeing of the child.

Amendment 45 seeks to remove the stipulation that a consistent identifier must be used when it is likely to facilitate safeguarding and promoting the welfare of children directly. I appreciate the hon. Member's concern that it limits the use of a consistent identifier, in particular for research purposes; I know that stakeholders have been calling for that. The measures make provision for the Secretary of State to specify which agencies must use the consistent identifier. When it is introduced, it is intended that it could still be used for research purposes if that is authorised in accordance with UK GDPR and the Data Protection Act.

We have purposely prioritised linking use of the consistent identifier with safeguarding and welfare functions, and will be testing the benefits and implementation of that through our pilot. If additional benefits are realised, we can obviously explore the provisions further. For the reasons I have outlined, I hope that the hon. Lady will be happy to withdraw her amendment.

Munira Wilson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Catherine McKinnell: To improve the safeguarding and welfare of children and to stop families and children from falling through the cracks of public services, clause 4 seeks to address long-standing issues that hinder information sharing.

Current legislation permits information sharing to safeguard and protect the wellbeing of children, but user research has identified that practitioners often feel confident only where there are serious child protection concerns. As a result, information is often held by different agencies, and practitioners are left unaware of crucial data that could provide evidence for the whole picture of a child's wellbeing, health and safety. That gap in knowledge can make it difficult for professionals to support families, and make it harder for families to be aware of their entitlements and to access the support that they need.

The clause gives professionals a clear legal basis to request and share information with other relevant professionals for the purposes of safeguarding or promoting the welfare of a child. It also enables the Secretary of State, by regulations, to specify a consistent identifier for children. Agencies specified in regulations will be required to use the number when recording or sharing information about a child for the purposes of safeguarding or the promotion of welfare. The measures aim to ensure that practitioners share relevant information confidently and consistently.

As I mentioned, the Department will pilot the implementation of the consistent identifier and introduce it nationally at a later point. We will test its ability to facilitate the linking of data across datasets. The changes made by the clause aim to ensure that information about a child and their family is shared effectively and that risk is correctly identified and understood.

In response to the hon. Member for Harborough, Oadby and Wigston, I should say that information sharing is a two-way duty. The duty, along with the consistent identifier, will help to bring together multiple pieces of information so that practitioners can make informed decisions. As I said, it is standard practice to

record decision making, regardless of whether information is shared, and we will ensure that that is covered in the guidance.

We are committed to implementing the consistent identifier as soon as possible, but we recognise that it has to be delivered proportionately and where it will have an impact. Before mandating its use by certain agencies, we need to explore information governance, privacy, technology choices, and the associated costs of its implementation and use. We are committed to starting pilot activity from April 2025, subject to the passage of the Bill, and will provide further timings once the pilot findings are known.

In response to the hon. Member for Twickenham, I should say that a disabled child would likely be considered a child in need, and so would benefit from the information-sharing duty and a single unique identifier. We need to ensure that systems can talk together, and that is why we are piloting: so that we can see the full cost of the measure and how it can be put in place so that it is as effective as possible in supporting children.

On the basis of today's debate, the reassurances and the significant difference that the measure will make to the safeguarding of children, I commend the clause to the Committee.

Damian Hinds: I rise in support of the clause, for all the compelling reasons that the Minister gave in her rationale. We talked earlier about the value of multi-agency working, and the sharing of information is fundamental to that. As she outlined, there have been too many cases in which the heart of the problem was the lack of a way of identifying that two agencies were talking about the same child. The unique identifier will help to address that. These are never things that we are likely to disagree about on party political lines.

However, the clause raises some big questions, which I hope the Minister will take in the spirit in which I mean them. The first may sound like a semantic question, but I think it is important. It relates to the phrase "Duty to share" on page 6, line 19. The word "share" can mean different things, and its common English usage has probably changed somewhat over the past 20 years or so. "Share" used commonly to mean something held in common between two parties, but more recently—this has a lot to do with social media and the internet—it has come to mean "pass something on to a wider group". Those are different things. I think that we are using the word "share" in the title of the proposed new section more in the sense of disclosure than of holding in common, but I would be grateful for some clarification. Although it is a semantic question, this will be primary legislation created by Parliament and precision is therefore important.

What is the link or overlap with mandatory reporting? Is what we are talking about today exactly the same as mandatory reporting or something different? The existing statutory guidance on safeguarding says:

> "Anyone who has concerns about a child's welfare should consider whether a referral needs to be made to Children's Social Care and should do so immediately if there is a concern that the child is suffering significant harm or is likely to do so."

It is not a legislative requirement, therefore, to report abuse, but there is the expectation that people who work with children will do so, unless there are truly exceptional circumstances. Of course, people in particular roles also have additional codes of conduct set by their professional regulatory body.

The independent inquiry into child sexual abuse of 2022 put forward the mandatory duty—which, to be clear, I support—and in 2023 the previous Government committed to introduce a mandatory duty to report sexual abuse for those working or volunteering with children, although the Criminal Justice Bill then fell with the Dissolution of Parliament before the election. Historically, people have identified problems with the concept of a mandatory duty to report sexual abuse—the same principle applies more generally to neglect and other forms of child abuse—and it has not only been people in government; for a very long time one leading children's charity had a stance against mandatory reporting, citing the possible effect on the relationship between a child and a trusted adult and on the child's willingness to open up to that adult, given what doing so might trigger. I am sure that the Government have been through the issue in a great deal of detail, as it is a serious and difficult area, so I wonder whether the Minister might say a little more on that point.

The matter of the practicalities of sharing information takes us back to the semantic question. It is stated in lines 24 and 25 on page 6 of the Bill that the proposed new section applies where a person

> "considers that the information is relevant to safeguarding or promoting the welfare of the child."

There is a question about whether we are talking about disclosing a particular piece of information that is directly and specifically relevant to an individual child—an incident, or an observation made by a social worker or teacher with eyes on that child—or whether we are talking about data more generally. For example, do we mean that if there is a particular indicator in a dataset that is relevant to the question of safeguarding for all children in the local authority area, then the entire dataset should be shared with other agencies?

Assuming it is the former, as my hon. Friend the Member for Harborough, Oadby and Wigston has already said, lines 11 to 15 on page 7 suggest that there could be a difficulty in terms of the balance. That part of the text states:

> "A duty under this section to disclose information does not operate to require or authorise a disclosure of information which would contravene the data protection legislation",

but we all know that often when people say, "Such and such wasn't shared with another agency", the reason given is data protection. I do not necessarily have the answer to how the Government should do this, but to the extent that it is possible, it would be helpful if they could create some clarity so that that balance could be understood.

My hon. Friend also referred to lines 31-33 on page 6, which mention that

> "the duty imposed by subsection (2) does not apply if the relevant person considers that the disclosure would be more detrimental to the child than not disclosing the information."

That is very difficult for any individual. From the point of view of being inside one agency—in this case a school—making a judgment without knowing what the police or social workers may know is very difficult. But it is helpful that the provision gives the legal basis.

3 pm

This also raises the question of what the threshold is. We talk about a child being at risk, and obviously there are degrees of that. We also know how, sadly and sometimes tragically, these things can quickly escalate. It is not totally clear and probably never can be, on the face of a Bill or in an Act of Parliament, at exactly what stage a child might deteriorate and at what point the duty kicks in. These are questions the Government will have to go back to.

Being able to share information, in whichever of the two senses, is to a large extent dependent on there being a unique identifier. I support this idea, which builds on work that was already under way before July last year, but there are some big issues that the Government—not just the DFE, as it goes beyond its boundaries—have to think about.

We have talked previously about using the national insurance number for other applications, on the grounds that every adult has one, but it turns out that the database of national insurance numbers is not quite as perfect as everybody assumes. The national health service number was not designed for the purpose we are discussing, so what stress-testing of the system have the Government done? Historically, and until recently, most NHS records were paper-based. That creates a set of governance issues that is very different from the ones we have with databases today.

The hon. Member for Twickenham asked an important question about the extent to which data would be available for anonymised cohort analysis. There are currently conversations in other parts of Government about the use of NHS datasets, en masse, to empower artificial intelligence; my God, with this cohort of children that raises some very important—but not conclusive, because there are arguments both ways—discussions about morality and so on.

Will the database reside inside the NHS system? Or is there going to be something new that uses the NHS number? If it is something new, there will be big budgetary requirements—it would be a very large new IT project with very demanding security requirements. There is also the question of how to interface with the police national computer or other security-related databases.

It is largely possible to guarantee that the same NHS number does not go to two different individuals, but I am not 100% sure it is possible to guarantee that the same individual does not get two different NHS numbers at different times, because there are different points at which someone may receive an NHS number. At birth is, of course, when it ordinarily happens, but it can happen on immigration or at the moment of first treatment. In the case of first treatment, getting an NHS number will not be high in the minds of families, and of course the NHS will not refuse to treat somebody in those circumstances, but there could be issues there. Particularly if a child was born abroad, moved here, re-emigrated and then remigrated, we can imagine circumstances in which the same child could have two different numbers.

For the avoidance of doubt, I do not expect the Minister to come up with answers to all these questions now. The point I am making is that they are big questions and the Government will have to come back again and again on some of the implications.

Once we have a database of every child in the country, there are a lot of other things we could do with it, some of which could be very useful. Elsewhere, for example, we are debating online safety and age verification to try to protect children from material they should not see. This kind of identifying term could be used for that purpose. There might be some benefits to that but boy does it also throw up a lot of questions in a country where, historically, we have not had a single list of every child in the country.

My hon. Friend the Member for Harborough, Oadby and Wigston alluded to this question. If someone had an NHS number—a unique identifying number—when they were born, they would still have it when they were 12, 17 or 18, so what is the implication for adults of the existence of the database? This is not the place to have that debate, but although there could be some great advantages, there could also be disadvantages. There will certainly be privacy questions. This country has had a debate about identity cards multiple times, and it has ended up being incredibly complex.

The big question is what the unique identifier can be used for as an index term to interface with and therefore link to other databases. For child protection purposes, if that cannot be done, it is not worth that much—they have to be able to be linked all together. That raises some difficult questions for children, and potentially for adults if the numbers stay with people as they turn 18.

Ultimately, some of this governance stuff covers not only the Department for Education but the Department of Health and Social Care and the Cabinet Office. I would love to know, even at this stage, about the involvement the Information Commissioner's Office and its future involvement.

Neil O'Brien: I have already asked most of my questions, but I want to add some simple ones to those. First, I may have missed this in the conversation, but is the intent that the system will be for people up to the age of 18? Secondly, what are the Government's initial thoughts about people who do not have NHS numbers?

Thirdly, I wish to sharpen and bring out the point I was making in my questions about all the different get-outs from the system. The case of Victoria Climbié is the ultimate example: she had eight different identifiers with her name spelled differently every single time. The worry is that the system needs not to have too many holes in it—although it needs some, otherwise everything would grind to a halt.

At the bottom of page 7 of the Bill, proposed new section 16LB(5) of the Children Act 2004 says:

> "Subsection (4) applies only so far as the designated person considers that the inclusion of the consistent identifier is likely to facilitate the exercise…of a function…that relates to safeguarding".

That is one out. Proposed new subsection (6) says:

> "Subsection (4) does not apply if the designated person considers that"

it would be "detrimental" to include it, which is another out—and perfectly sensible in a way. Proposed new subsection (7) says that the person does not need to comply if they do not know the consistent identifier and it would slow things down. So there are quite a lot of outs.

We will not press our amendment to a vote, and the Minister is right to say that the statutory guidance requires a record of why decisions have been made at the local level, but I am sure that the Department and

officials would want to set things up in such a way that a national report can be built out of that data, to figure out what is going on at a local level.

Finally, let me explain what I was going on about with the complexity of parsing proposed new subsection (9), which says:

"A duty under this section does not operate to require or authorise the processing of information which would contravene the data protection legislation (but the duty must be taken into account in determining whether the processing would contravene that legislation)."

That is quite a complicated sentence that I find difficult. I would be supportive of Ministers if they want to give frontline professionals more legal protection so that they think, "I don't need to worry about data protection first—I need to worry about the safety of children first."

Catherine McKinnell: I totally accept that Members' comments have all been made with a view to making sure that the legislation can be as effective as it needs to be, and that we all share the desire to ensure that it serves to safeguard children.

The right hon. Member for East Hampshire asked whether the information-sharing duty is the same as mandatory reporting. The duty in the clause and the mandatory reporting are intended to address different problems. The information-sharing duty underpins how existing multi-agency partners, along with schools and early years providers, can share—I appreciate the right hon. Gentleman's philosophical reflection on the word "share"—and request information among themselves so that they can build a full picture of a child. They can then use that to assess risk and put in place appropriate support and intervention.

The mandatory reporting of child sexual abuse is due to be introduced in Home Office legislation. It will impose a duty on professionals to report instances of child sexual abuse, and will also impose criminal sanctions on those who prevent others from reporting abuse. The duty in the clause and mandatory reporting have different purposes and different legislative frameworks.

The right hon. Member for East Hampshire asked about the terminology and the meaning of the word "share". In this context, the sharing of information covers the exchange of knowledge, data or insights with others, and it can happen in a number of ways.

On the specific question of whether information about an individual child or dataset is relevant, we intend the duty to be about supporting individual children day to day, to ensure their safeguarding and to make sure that they and their families get the support they need.

The right hon. Gentleman thoughtfully raised a range of important questions and kindly acknowledged that I would not be able to respond to them all in this debate. We will take them away and work them through, and that will feed into how we pilot this idea and test the system so that we get this right, as he rightly highlighted.

The single unique identifier in the NHS system will apply to children up to the age of 18. The right hon. Gentleman asked what would happen to a child without an NHS number; that will have to be considered as part of the pilot, which is why we are undertaking one. This is an important change. We do not underestimate the challenges of delivering it, but we are determined that it will make the difference to children and to safeguarding.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Clause 5

Information: children in kinship care and their carers

Munira Wilson: I beg to move amendment 38, in clause 5, page 9, line 20, at end insert—

"(e) financial support;

(f) legal support;

(g) family group decision making."

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

Amendment 22, in clause 5, page 9, line 37, at end insert—

"(8) In fulfilling its duties under subsection (7) a local authority must annually consult and collect feedback from children in kinship care and their carers about its kinship local offer.

(9) Feedback received under subsection (8) must be published annually."

This amendment would require local authorities to consult children and carers when assessing their kinship care offer.

Amendment 39, in clause 5, page 9, line 38, at end insert—

"(8) A local authority must from time to time publish—

(a) comments about its kinship local offer received from or on behalf of children, kinship carers and others with lived experience of aspects of kinship care;

(b) the authority's response to those comments, including details of any action the authority intends to take.

(9) Comments published under subsection (8)(a) must be published in a form that does not enable the person who made them to be identified.

(10) The Secretary of State may, by regulations, make further provision about—

(a) the information to be included in an authority's kinship local offer;

(b) how an authority's kinship local offer is to be published;

(c) the parties who are to be involved and consulted by an authority in developing, preparing and reviewing its kinship local offer;

(d) how an authority is to involve children, kinship carers and others with lived experience of aspects of kinship care in the development, preparation and review of its local kinship offer; and

(e) the publication of comments on the kinship local offer, and the local authority's response, under subsection (8)(b), including circumstances in which comments are not required to be published."

Clause stand part.

Munira Wilson: I strongly welcome clause 5. I am delighted that we are finally putting a definition of kinship in statute and that we are requiring all local authorities to publish their kinship offer. That is long overdue and an absolute testament to the tireless campaigning of many groups—not least the Family Rights Group—the kinship carer community and young people. The Minister may remember that in 2022 I introduced a ten-minute rule Bill that sought to put a

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definition of kinship into law. It also had a number of other provisions, which we will come to in the new clauses later in Committee.

Amendment 38 seeks to add to the list of services that local authorities must publish and offer to assist children and their kinship carers. It would add financial support, legal support and family group decision making to the list of items that should be included in the local offer.

Ministers are aware that kinship carers turn their lives upside down to take children in, even though their own financial situation may be unstable. Around half of kinship carers are grandparents who rely on their pension savings. We know that financial support is variable throughout the country, which is why I will seek to address that variability through a new clause to ensure parity of allowances across the country. As that is not included in the Bill—I suspect Ministers will not accept my new clause because of Treasury constraints—at the very least it should include information on whatever financial support is available in the local offer.

We are concerned about the omission from the list of information about legal support and family group decision making. Those categories already appear in statutory guidance but are not mentioned in clause 5. We have considered clause 1, on family group decision making, so I am not sure why it was left off the list. I look forward to the Minister's comments as to why it was.

3.15 pm

The child welfare and justice system is extremely complex. Early specialist advice, including legal advice, has a crucial role to play in helping families to navigate the system, understand their rights and responsibilities, and avert children from going into care. Having had many a meeting with kinship carers, one of the things I hear time and again—apart from comments about financial support, leave and all those other things that would make their lives easier—is, "I just didn't know what my rights were. The local authority was telling me one thing, and I had no information to push back." Sometimes local authorities seek to make kinship carers do things they may not necessarily want to, and they do not necessarily lay out all the options. Legal advice is so important, but it is also very expensive.

The all-party parliamentary group on kinship care carried out a legal aid inquiry, which found that many families do not have access to legal advice to make informed decisions about their kinship arrangements. That has lasting consequences for their entitlement to support, and for who can make key decisions about the child. Of the kinship carers surveyed, 82% felt they did not know enough about their legal options to make an informed decision about the best options for their kinship child. I implore the Minister to accept the amendment and include that information in the Bill as part of the local offer.

Amendment 39, which is similar to the official Opposition's amendment 22, seeks to ensure the involvement of children, kinship carers and others in the development of kinship local offers. It also seeks to ensure there is transparency, with the publication of comments on those offers and of the feedback that local authorities receive from children, kinship carers and others with lived experience. They are best placed to comment on how things could work better, and we believe that making sure there is transparency with that feedback is important.

At the moment, we think there are low expectations in the Bill for the involvement of those who are involved in kinship care. That contrasts with the special educational needs and disability local offer, for example, which was established in section 30 of the Children and Families Act 2014. Amendment 39 is consistent with that legislation on special educational needs and disability. It would also give the Secretary of State explicit powers to set out in regulations how the offer should be published, when it should be reviewed, and how children and families are involved in developing it.

On clause 5 more broadly, although I have not tabled an amendment on this, it would be advantageous if the Minister clarified on the parliamentary record the definition of "other person connected". The Bill defines kinship care as when

"the child lives with a relative, friend or other person connected with the child for all or part of the time".

The term "relative" in the Bill has the meaning given in section 105 of the Children Act 1989, namely someone who is

"a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent;".

That omits extended family members, including cousins.

Given that kinship care arrangements are particularly prevalent among a number of ethnic minority communities, where culturally it is much more normal for extended families to live together, cousins may well be involved in the arrangements. I understand that the Department has confirmed that such wider family members are intended to be captured by the phrase "other person connected", but nowhere in the Bill is the term defined. Nor has there been any indication as yet that regulations or statutory guidance will make plain who falls within the scope of that phrase. Clarity is important for families and practitioners. I would welcome the Minister's comments on that and on the other issues raised in the amendments.

Neil O'Brien: I rise to speak to clause 5 and amendment 22. The previous Government were promoting kinship care and there is no great disagreement about it; in fact, there is great agreement, including with the hon. Member for Twickenham. I pay tribute to her work on the issue, and she is right that her amendment 39 is similar to our amendment 22.

Creating a duty for a local authority to publish a local kinship care offer seems sensible to provide clarity and to ensure that kinship families are aware of what support is available. The statutory guidance on kinship care, which exists already, states that every local authority must publish information about the services they offer in their area to children in kinship care and their approach towards meeting the needs of those children. That has been there since 2011, but too many still have no up-to-date offer, so we are supportive of clause 5.

This is an example of the current Government building on the direction of travel under the previous Government. The kinship care strategy we published in December 2023 set out a definition of kinship care that has been used in the updated statutory guidance on kinship care published by this Government in October.

One important reason for having something that is public and visible to everyone is that when many people hear mention of kinship care they think of uncles, aunts and grannies, but of course a lot of kinship carers are not related to the child. Some 140,000 children live in kinship care, but a further 24,000 live with kinship carers to whom they are not related, such as family friends.

The Minister will be aware of the concerns expressed by kinship carers and the organisations that represent them, such as the Family Rights Group, that the definition of kinship care in this clause of the Bill—on pages 9 and 10, in proposed new section 22I of the Children Act 1989—risks providing less clarity and potentially greater confusion for children, families, practitioners and agencies. They argue that it does not adequately address the different types of kinship care arrangements, while the expectations for councils to involve families in shaping or promoting the local offer are minimal. What is the Minister's response to that, and what does she plan to do about it?

The Family Rights Group also made a specific point about something that should be amended in the Bill, stating:

"The Bill includes a list of categories of services available in the authority's area that the kinship local offer should include. We are very concerned by the omission of legal support and family group decision making from this list. These categories already appear in statutory guidance but not…the Bill."

The Family Rights Group proposed an amendment to remedy that, which we tabled. Will the Government at least consider taking it up?

The Family Rights Group made another point:

"We are concerned that the Bill sets low expectations regarding the involvement of children, kinship carers and others in the development of kinship local offers, as well as in respect of publication and transparency. This is in contrast to the SEN and disability local offer…established in section 30 of the 2014 Children and Families Act. That legislation gives the Secretary of State the power to set out in regulations how the offer should be published, when it should be reviewed, and"—

this is the key bit—

"how children and families are involved in developing it."

That takes us to our amendment 22. Again, as with previous ones we have tabled, our amendment seeks to set in train a self-improving system by collecting feedback from children in kinship care. We have heard several times during our sittings about the importance of the voice of the child and the voices of those who provide care; this is a way of ensuring that we hear them. We are proposing a light-touch process in the amendment: keeping a record of feedback. That helps to protect from the loss of knowledge when personnel inevitably change, so we can still have that feedback and knowledge. It also provides a resource for learning and performance improvement at the local level. By publishing it, as we suggest in the amendment, we allow for better public discussion and for learning at the national level.

That is the purpose of our amendment. We have no great disagreement about the spirit of this clause—quite the opposite, in fact—and we hope that the Minister will adopt or in some way implement the ideas in our amendment.

Catherine McKinnell: I rise to speak to the amendments and to clause 5 stand part.

On amendment 38, which the hon. Member for Twickenham tabled, I appreciate her engagement and great interest in the kinship local offer, and I will explain how we see it working. We expect that local authorities would include information on legal support when setting out their general approach to supporting children living in kinship care and to kinship carers under the newly inserted section 22H(1)(a) to the Children Act 1989, as set out in clause 5. To be clear, the listed categories of information about services have been kept very broad by design, in order to cover as many different kinds of services as possible. That means that local authorities could reasonably be expected to provide information about legal support under one of the categories that we have included.

Clause 1 already sets out the requirement to offer family group decision making at pre-proceedings and new section 22H(1)(b) to the 1989 Act will require local authorities to publish information about financial support that may be available to children living in kinship care and their carers. Therefore, I would like to reassure Members that the list of categories of information about services in the Bill is deliberately not exhaustive. It also remains our intention that further detail about what we expect to be included in the kinship local offer will be made in statutory guidance, so we will take on board the points made in this debate. We believe that amending clause 5 as has been suggested would not achieve that effect. We believe that we have the measures in place that will deliver what the hon. Lady is looking for, so we kindly ask her to withdraw her amendment.

On amendments 22 and 39, tabled by the hon. Member for Harborough, Oadby and Wigston and the hon. Member for Twickenham respectively, I appreciate the concern that exists about consulting children and carers on the kinship local offer and making sure that their feedback is collected. The children's social care national framework and the existing kinship care statutory guidance make it clear that children's wishes and feelings should be taken into account whenever adults try to solve problems and make decisions about them, and local authorities are legally obliged to adhere to article 12 of the UN convention on the rights of the child, which makes it very clear that the child has the right to express their views, their feelings and their wishes in all matters affecting them and to have their views considered and taken seriously.

The kinship care statutory guidance also sets the expectation that local authorities should consult children, kinship carers and parents as appropriate in drawing up their kinship local offers, and set out how the kinship local offer has been informed by their views, to ensure transparency.

New section 22H(7) to the 1989 Act states:

"A local authority must review and update its kinship local offer from time to time",

to give opportunities for the views and opinions of children living in kinship care and their carers to be taken into account. However, since the intention of clause 5 is to ensure that local authorities publish information about what their kinship local offer includes, what is published should be a clear reflection of the services available, and consultation on the publication would be of limited value.

We cannot be more specific about how kinship local offers are published, because that would potentially limit the accessibility of the information. For example,

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requiring online publication would potentially limit access to the information among those who do not have access to that technology. For that reason, new section 22H(6) of the 1989 Act already puts an obligation on local authorities to:

"take such steps as are reasonably practicable to ensure that children"

and kinship carers

"receive the information relevant to them."

Consequently, we do not believe that the amendments are required, as there are sufficient safeguards within clause 5 and other legal frameworks, and because the local authority will be best placed to determine what information should be published. More prescription in legislation might hinder local authorities as they design and publish their local offer in a flexible way that reaches people and makes the maximum impact.

I will respond to the question raised by the hon. Member for Twickenham and to some extent by the hon. Member for Harborough, Oadby and Wigston about some lack of clarity on the definitions of a connected person. To be clear, that is because they are defined in the Children Act 1989. The term "relative" is deliberately not defined in the Bill, because the measures on the kinship local offer are not freestanding: they form part of the 1989 Act. Although section 105 of that Act defines relatives, new section 22I(1)(a) under clause 5 includes

"a relative, friend or other person connected with the child",

so it is broad enough to cover every type of person. Although cousins are not specifically defined as a relative, they would fall within the category of another person connected with the child. I hope that has answered all the questions raised by hon. Members, and I urge them to support this clause.

3.30 pm

Neil O'Brien: The Family Rights Group raised a specific point. It would effectively like to add another item to the list on page 9, line 17 of the Bill, which currently states that the list of support services should include

"health…relationships…education and training…accommodation".

The Family Rights Group would like to add legal support to that list. Will the Minister go away and have a look at that?

Catherine McKinnell: I appreciate the request; I have dealt with that in my response, in that we feel that we have included broad headings that are clearly not exhaustive and leave room for local authorities to publish the whole range of services that they feel will support kinship carers. Fundamentally, we know that having a good kinship care offer is in the best interests of a local authority, because it is the one supporting the children who it knows need that care, but I will certainly take away the hon. Gentleman's specific consideration.

Catherine Atkinson (Derby North) (Lab): I fully agree that the list in subsection (2) is clearly not an exhaustive list, and many local authorities, as a matter of good practice, will set out the variety of services available to children who live in kinship care and to kinship carers. However, I also invite the Minister to consider the guidance already available and any other means of encouraging local authorities to publish their approach in relation to legal support and ensure that these provisions remain under review.

Catherine McKinnell: I thank my hon. Friend for her intervention. Her point is noted.

Munira Wilson: I thank the Minister for her response on the point about legal support, which is in amendment 38 along with financial support and family group decision making. I intended to push the amendment to a vote, but, given her assurances that this will be in statutory guidance, I am happy to withdraw the amendment and not push it to a vote.

On her point about connected persons, we need some clarity. As she says, the term "relative" is in the Children Act 1989, but it does not cover cousins. Practitioners on the ground and families would like clarity for those other arrangements. Whether or not that is in guidance, it needs to be spelled out further. Nevertheless, based on the assurances the Minister has given, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 5 ordered to stand part of the Bill.

Clause 6

PROMOTING EDUCATIONAL ACHIEVEMENT

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

Neil O'Brien: We have not tabled an amendment to clause 6, as this is another area where the Government are building on the direction of travel set under the last Government. The role of the virtual school head was already extended on a non-statutory basis from September 2021 to include strategic oversight of the educational outcomes of children with a social worker in a local authority's area; through this Bill, it is now being extended again to champion the education of children, including children in kinship care.

Educational outcomes for children in need and children in care are still far too low, despite the efforts of successive Governments over the last 40 years to improve them. About one in five children in need and looked-after children achieve grade 4 and above in English and Maths GCSEs, compared with 65% of all children. That is a huge gap.

As the Minister knows, local authorities have an existing duty to monitor child in need or section 17 plans, which I believe is about twice a year. Will the Minister clarify whether the Bill gives us an opportunity to escalate that monitoring? Does it extend to children in kinship care, where a child is falling behind or where their attendance drops sharply? Have the Government considered extending priority school admissions for children in kinship care and making them eligible for pupil premium plus?

I have a question about how a single person can discharge this duty in any local authority, let alone a large one—thinking of dried Birmingham, Kent, Leeds

or somewhere like that. What is the Government's expectation of what the person responsible for delivering this work will be able to do?

Damian Hinds: The clause extends the role in legislation of virtual school heads to children in need, previously looked-after children and children in kinship care. The virtual school and virtual school heads concepts are not new. The concept was first piloted in 2006 in Liverpool. It was the Children and Families Act 2014, which we both remember well, Sir Edward, that required all local authorities to administer pupil premium plus.

The Oxford University report on the virtual school heads concept noted that there had been improvements in outcomes at key stage 2 and key stage 4 for looked-after children and a marked decrease in permanent exclusions. However, as the shadow Minister, my hon. Friend the Member for Harborough, Oadby and Wigston, rightly said, there is still a yawning gap in attainment and all manner of life outcomes for this group of children.

Previously, looked-after children were added to the virtual school head cohort in 2018. There was a pilot to include children in need in 2021. From 2023-24 onwards, pupil premium plus was extended to age 16-plus. Once again, this is a policy area where there is no difference between us; the current Government's work builds on previous Governments' work, and we welcome that. We also note the successes of the virtual school heads concept.

My question is about the danger of dilution. In terms of orders of magnitude, there are 80,000 or 85,000 children in care—looked-after children, but there are 400,000 children in need, so that is a big increase in number. I note that paragraph 4 of proposed section 23ZZA(4) of the 1989 ACT introduced by clause 6 puts a strategic duty on to virtual school heads; it is not about individual children. The bigger number of children there is, with that dilution effect, there is a risk that some of the benefits of the virtual school heads program reduce. We can counter that, to a degree, by upping the resource. My real question is therefore about what resource will be behind this measure, to make sure that the maximum effect can be felt from virtual school heads.

As we talked about earlier on multi-agency working, it is actual practice that matters. People have been working in different ways, and we can learn from what works in different places, but what work will there be to propagate the best and most effective practice between places across the country?

Munira Wilson: I very much welcome clause 6 and the extension of the virtual school head oversight role to children in kinship care. However, I was perplexed to see that the category of children this clause applies to is a subcategory of the definition we have just looked at in the previous clause.

I am not quite sure why virtual school heads are not available to all children in kinship care, but only to those subject to a special guardianship or child arrangement order, as set out in proposed new section 23ZZZA(4)(d), on page 11, lines 29 to 35. I would welcome the Minister's comments on that. Having just passed a definition of kinship care, it seems that we are immediately undermining it by extending provision of educational support only to a subset of the group that we have just agreed qualify as children in kinship care.

We see the same with allowances in the roll-out of the pilot; again, it is very much a subset, and I think that undermines the value of having just agreed in law a definition of children in kinship care. We know that there are higher levels of special educational needs among children in kinship care compared with the wider population. It is really important that the group of children eligible for this support is drawn as widely as possible. I also very much welcome the shadow Minister's comment that he would like to see pupil premium plus and priority admissions extended to children in kinship care. I hope that means he will support new clause 28 and 29, when we get to them towards the end of Committee.

Ellie Chowns: I, too, welcome the extension of the role of virtual school heads outlined in this provision. I would like to ask the Minister whether she has, or will consider, the opportunity in clause 6 to consider children who have been recently bereaved or are facing bereavement, particularly of a parent or sibling, as a group that has particular educational support needs. That is a surprisingly large group of people. Best estimates are that one in 29 children of school age have lost either a parent or a sibling, and there is clear evidence that those bereavements have impacts on educational achievement, as measured by GCSE results. Would the Minister consider the opportunity to use the Bill to improve support specifically for bereaved pupils? I would welcome the Minister's comments.

Catherine McKinnell: As we have discussed, clause 6 places a statutory duty on all local authorities in England to promote the educational achievement of children with a social worker living in their area. It also places a statutory duty on all local authorities in England to promote the educational achievement of children who are subject to formal kinship orders in their area, regardless of whether they have spent time in local authority care.

Children with a social worker, as hon. Members have recognised, often face significant barriers to achieving their potential in education due to experiences of instability, abuse and neglect, or indeed bereavement, as the hon. Member for North Herefordshire mentioned. Similarly, while children in kinship care benefit from familial care, they can encounter challenges stemming from trauma, disrupted school or limited access to educational resources, which can impact their educational outcomes. Placing a statutory duty on local authorities to promote the educational achievement of these children acknowledges their specific vulnerabilities and barriers to attainment, and ensures that resources and support are available to meet their educational needs.

Clause 6 places a duty on local authorities to appoint an officer to ensure that these duties are properly discharged. In practice, the officer is known as a virtual school head and currently discharges these duties on a non-statutory basis. Virtual school heads will be the lead officers responsible for overseeing the educational progress of children in care and previously in care, and it includes children who have left care because they were made the subject of a special guardianship or a child arrangement order. Extending the remit of virtual school heads on a

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statutory basis to include children with a social worker and those in kinship care will give them the same legal footing as looked-after and previously looked-after children.

This clause places a duty on local authorities to take appropriate steps to support the educational achievement of these children, which could include: raising awareness of the barriers and challenges that they face in their education; taking steps to improve their educational attendance and engagement; and providing support for schools to help them overcome these challenges. Clause 6 also extends the definition of a "relevant child" to include children under special guardianship orders and child arrangement orders. I appreciate the question asked by the hon. Member for Twickenham on the extent of that definition. It is specific to the legal guardianship orders and child arrangement orders, and I appreciate the issue that she has raised.

I will come on to a number of questions that have been asked, and I appreciate that Members have raised points of consideration on clause 6 to ensure we maximise the opportunity it presents. The ongoing evaluation of non-statutory extension of the virtual school head has shown that these extended duties do have positive impacts for children with a social worker. Virtual school heads have reported improved school attendance and decreases in suspensions and permanent exclusions. We expect the extension of this role, now put on a statutory footing, to improve outcomes for some of the most vulnerable children.

3.45 pm

We know that virtual school heads have already been carrying out these duties, but we are fully committed to ensuring that they have sufficient resources to meet their statutory duties. We have provided £7.6 million of funding this year to ensure they are resourced to meet their statutory duties towards previously looked-after children, but we will continue to review resourcing alongside the impacts of the extended role to make sure that virtual school heads have the resources to meet their duties and serve the children they are there to support.

We will issue updated statutory guidance to give local authorities a framework to support the outcomes of all children they have a duty towards. Local authorities will be held to account for the discharge of these duties through Ofsted inspections of local authority children's services. That answers the question from the right hon. Member for East Hampshire. I will answer the question from the hon. Member for Twickenham shortly.

In response to the question from the hon. Member for North Herefordshire about bereavement, she is absolutely right to identify that many children in kinship care arrangements may well be there as a result of a family bereavement. Indeed, I have had constituents come to me in that situation, so I appreciate the challenge. We could have a very long debate on the best way of supporting children who have experienced bereavement, and I absolutely take on board her concerns. There is a whole range of work undergoing, from the relationships, health and sex education national curriculum to resources for mental health support in school, which we hope will bring supportive benefit to all children within the school system.

I will take away the specific request she made as we undertake an independent review of the curriculum to ensure that it not only provides a broad and solid foundation to children, but equips them through the RHSE and personal, social, health and economic education curriculums to process challenges, and ensures we have support in the right place. It may be that it could be provided through a school setting, or it may be that it should be provided elsewhere.

Ellie Chowns: I fully appreciate what the Minister is saying regarding the way that the curriculum and so forth can be shaped to offer more support to children, a large number of whom will face some form of bereavement at some point. The point I would particularly like the Minister to take away and consider is how the network of support around the school can support children facing bereavement, particularly of a very close relative.

That is both in terms of the opportunity for grief education for teachers, and the opportunity for somebody in the local authority to look at that subset of children with the same level of attention, given that, as a group, they are particularly subject to the challenges that this clause of the Bill is specifically about—hence the point about virtual school head responsibility in this area.

Catherine McKinnell: The hon. Lady raises an important issue. I fear we are getting into quite broad territory here, which may well be considered not in order when discussing the role of the virtual school head, but I absolutely take the point on board. The virtual school head comes with a range of responsibilities to support the educational attainment of children who come under that authority. Included within that is the responsibility to ensure that the measures taken do support children in dealing with a whole range of challenging experiences that may have resulted in them being within their remit. I take on board the hon. Lady's particular concerns.

I will respond to the hon. Member for Twickenham on the statutory duties on the local authority to promote the educational achievement of children who live in kinship care, regardless of whether they have spent time in local authority care. That is how the entitlement is worded. Virtual school heads will have a duty to provide information and advice, on request, to kinship carers with special guardianship or child arrangement orders, regardless of whether their child was in care. That is how the legislation has been framed. Obviously they are legal arrangements that have been made with the local authority, which brings them under the direction, supervision and responsibility of the virtual school head. I appreciate that the hon. Lady has concerns about that, and they have been noted. With that, I commend the clause to the Committee.

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

Clause 7

Provision of advice and other support

Ellie Chowns: I beg to move amendment 12, in clause 7, page 11, line 38, after "support" insert "and staying put support".

This amendment would include staying put support in the support provided by local authorities under this section and extend the provision of Staying Put for young people to the age of 25.

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

Amendment 13, in clause 7, page 12, line 7, after "support" insert "or staying put support".

See Amendment 12.

Amendment 14, in clause 7, page 12, line 10, after "support" insert "or staying put support".

See Amendment 12.

Amendment 15, in clause 7, page 12, line 11, after "support" insert "or staying put support".

See Amendment 12.

Amendment 16, in clause 7, page 12, line 14, after first "support" insert "and staying put support".

See Amendment 12.

Amendment 17, in clause 7, page 12, line 22, at end insert—

"(5) 'Staying put' has the meaning given by section 23CZA(2) of the Children's Act 1989."

See Amendment 12.

Ellie Chowns: I am pleased to move amendment 12 to clause 7, on extending Staying Put for children in foster care to the age of 25. This group of amendments seeks to address the potential two-tier system that the Bill will create by extending provisions for Staying Close but not Staying Put.

Many care leavers face a cliff edge in care at the age of 18. Staying Put is a scheme that has been introduced to enable young people in foster care to stay with their foster carers until the age of 21 to support them into adulthood, whereas Staying Close is for young people in residential care. In the UK, it is becoming increasingly difficult for young people to reach independence at the age of 21. In fact, the Office for National Statistics published a report last year showing that the average age at which young people move out of the family home is 24. The independent review on children's social care recognised the disparity between young people in care and their non-care experienced peers, and it recommended that both Staying Close and Staying Put be extended to the age of 23.

It appears that the Bill has responded to that recommendation by putting in place provision to extend Staying Close to age 25, but it does not do the same for those in Staying Put arrangements. I tabled this probing amendment to ask the Minister to explain the justification for that disparity and for the effective creation of a two-tier system for young people in those situations.

Evaluations of Staying Put have found that it significantly reduces the risk of homelessness for care leavers. The care review found that it would contribute towards savings of £84 million over five years, mostly due to reduced homelessness. Of course, the financial savings are not the primary motivation; it is about what is best for young people and ensuring that they have the best possible opportunity to successfully transition into adulthood. Foster carers and young people consistently report that the extension of Staying Put would result in better outcomes for young people, providing them with the choice—not insistence—to remain in the family environment.

In the words of a foster carer who recently spoke to the Fostering Network:

"The increase in the age for staying put would be of amazing benefit to care leavers. At the age of 21 many young people who have had the opportunity to go to university are just obtaining their qualification and then have to face negotiating their next huge step, the job market, and to find that they are possibly homeless due to leaving their placement. This is a catastrophic step backwards."

I warmly urge the Minister to consider ensuring that there is parity in the Staying Close and Staying Put schemes, given that foster care and a family environment have the best long-term outcomes for young people in care transitioning into adulthood.

Munira Wilson: I wish to speak briefly in support of the amendments. I was talking to the director of children's services for the London borough of Richmond upon Thames earlier this week, and he told me that we use Staying Put quite a lot in a borough like Richmond, where housing costs are astronomically high and social housing is barely available. We all know that there is a housing crisis across the country, but it is particularly acute in London. Extending this provision would allow young people who are already in care, where there is a strong family relationship, to stay with those family connections. I appreciate that there is a cost attached to this, but actually for many local authorities it is cheaper than trying to find housing for these young people, who will almost always struggle to find housing on their own. I urge the Minister to seriously consider the amendments tabled by the hon. Member for North Herefordshire.

Catherine McKinnell: On amendment 12, tabled by the hon. Member for North Herefordshire, and the comments by the hon. Member for Twickenham, I recognise the case that has been made, but we want to prioritise the young people, often with the most complex needs, who are leaving residential or similar care placements at 18. The existing Staying Put duty requires local authorities to monitor and support Staying Put arrangements, where former children stay with their former foster parent after leaving care. The duty lasts until the young person reaches the age of 21. This allows them to leave stable and secure homes when they are ready and helps them to enter adult life with the same opportunities and life prospects as their peers.

We remain committed to the Staying Put programme, but it is essential that we prioritise filling the gaps in current support, in particular for young people, often with the most complex needs, who are leaving residential or similar care placements at 18. That is why we have prioritised the introduction of statutory Staying Close duties. Former relevant children, as defined by the Bill, under the age of 25, including those Staying Put or who have left the Staying Put arrangement, will be eligible for Staying Close support. Any eligible young person up to the age of 25 will be able to access the wraparound practical and emotional support package provided as part of the Staying Close duty.

To be clear, we are aware of the financial pressures for young people, carers and families and local authorities at the moment. We are committed to further reforms to

[Catherine McKinnell]

children's social care in future spending reviews to make sure that every child, irrespective of their background, has the best start in life.

Ellie Chowns: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned. *—(Vicky Foxcroft.)*

3.59 pm

Adjourned till Tuesday 28 January at twenty-five past Nine o'clock.

Written evidence reported to the House

CWSB39 Charlotte Deakin

CWSB40 Disabled Children's Partnership and the Special Educational Consortium

CWSB41 End Child Poverty Coalition

CWSB42 Home for Good and Safe Families

CWSB43 Humanists UK

CWSB44 Magic Breakfast

CWSB45 Make it Mandatory, Sex Education Forum, End Violence Against Women Coalition and Brook

CWSB46 Child Poverty Action Group (CPAG)

CWSB47 RE Policy Unit

CWSB48 Article 39

CWSB49 British Rabbinical Union

CWSB50 New Forest Uniform Campaign

CWSB51 Dame Rachel De Souza, Children's Commissioner for England

CWSB52 Hardeep Irish

CWSB54 Philippa Mitchell

CWSB55 Rachel Evans

CWSB56 Adele Taylor

CWSB57 Susanna Butler

CWSB58 Kati Morrish

CWSB60 Sarah Stevens

CWSB61 Sarah Howett

CWSB62 Julie Spriddle

CWSB63 Jenny and Simon Cahill

CWSB64 Amy Turton

CWSB65 Joanna Burr

CWSB66 Leonie Lawson

CWSB67 Debbie Adshead

CWSB68 Amie Miles

CWSB69 Louise Owlett

CWSB70 Helen Gwither

CWSB71 Tom Denton

CWSB72 An individual who wishes to remain anonymous

CWSB73 S H Hodkinson

CWSB74 Julie Holland

CWSB75 Nikki Twigg

CWSB76 An individual who wishes to remain anonymous

CWSB77 An individual who wishes to remain anonymous

CWSB78 An individual who wishes to remain anonymous

CWSB79 Caroline Biggs

CWSB80 Amy Halls

CWSB81 Kathryn Wilderspin

CWSB82 Becca Kind

CWSB83 Charlotte Freeston

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Fifth Sitting

Tuesday 28 January 2025

(Morning)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 1 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, Sir Edward Leigh, † Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 28 January 2025

(Morning)

[Graham Stringer *in the Chair*]

Children's Wellbeing and Schools Bill

9.25 am

Clause 7

Provision of advice and other support

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move amendment 23, in clause 7, page 12, line 13, at end insert —

"(3A) Where staying close support is provided, it must be provided with due regard to the wishes of the relevant person and a record must be kept of that person's wishes."

This amendment would require local authorities to take account of the wishes of the relevant young person when providing staying close support, and keep a record of those wishes.

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

Amendment 40, in clause 7, page 12, line 22, at end insert—

"(vi) financial support;

(vii) financial literacy"

Amendment 41, in clause 7, page 12, line 28, at end insert—

"(c) the provision of supported lodgings, where the young person and local authority deem appropriate."

Clause stand part.

Neil O'Brien: It is a pleasure to serve under your chairmanship, Mr Stringer. As we return to our work on the Bill with clause 7, I want to say that it is still a bit disappointing that we have been through Second Reading, and here we are on the third day of Committee, and we still do not have the impact assessment for the Bill, which could potentially answer some of the questions that we will be raising today. I know the Ministers want to do the right thing in trying to get it out of the relevant committee and published, and I hope they can succeed in doing that pretty soon.

On clause 7, no reasonable person would argue that a young person leaving care does not require some support to live independently. Young people who have not been in care often require years of support to live independently, and they are less likely to be doing so away from home and will be in less difficult circumstances. Again, the Opposition support the Government's objectives in this clause to provide staying close support, but we have some questions about how it is to work in practice.

First, the Bill gives discretion to the local authority on whether this support is in the best interests of a young person's welfare. Surely the assumption should be that the support is offered, and it should be the exception to withhold it. One advantage in having the onus turned round would be that the local authority would have to record and explain decisions not to offer that kind of support. What sort of criteria are the local authorities supposed to use to make those choices, and will that be consistent across the country?

Secondly, there is also a question about the process for identifying the person who is to help the young person. The Department's policy summary quite rightly talks about identifying a "trusted person", which is obviously very important to this kind of young person. By definition, some young people in care have pretty good reasons not to trust adults around them, so how are local authorities to go about identifying such a "trusted person"? Thirdly, and this is a small point, will there be digital options to support young people? These days, that is clearly the most frequent method that young people use to get information, particularly sensitive information. It gives young people a choice of how they find their information, and there is potentially an opportunity for some good practice here in setting up a good way of communicating with their trusted person.

That leads me to a wider point. As we have gone through this Bill, and we will continue to make this point, there is a risk that local authorities, when confronted with these new duties, will obey the letter of the law, but will they really fulfil the spirit and good intent of Ministers in passing the Bill? Can the Minister be clear that this is not supposed to be just another signposting service? As young people leave care, they need personal advocates who can help them articulate their needs with other agencies, not a phone number or email address to contact. They do not really need more leaflets; they need a human being who can be trustworthy and provide practical help and advice. Signposting can quickly turn into a doom-loop dead end and no help. How does the Minister also envisage the involvement of local charities, some of whom will have had quite long-term links with the young person in care, and how will that be funded?

I will come on to this point on other amendment, but I ask here what the Minister makes of the call from the Our Wellbeing, Our Voice coalition for a national wellbeing measurement of care leavers. That would obviously support some of those points.

Does the Government plan to accept the recommendation of the Family Rights Group to offer lifelong links to all care leavers to help them have better relationships with those that they care about? Again, is there an opportunity here? Many constituency MPs will know people who have been in care and then become carers. There is this cycle—I know several people like this, and I will talk about one of them later on today. If we are getting into the business of continuing relationships after leaving care, which is a good thing, I wonder whether that can become something bigger—a lifelong connection, for those who want it, obviously, as a way of getting much-needed carers to stay in the system.

There is a risk that these measures are all very local authority-focused rather than focused on the needs of the young person. Amendment 23 would ensure that the voice of the child is heard and that we have the information that we need to allow for continuous improvement. It is very light touch. Keeping a record of the person's wishes would help to protect against the loss of knowledge when personnel change. If things are

written down, it is easier for a new person to come in and pick up and understand a bit about what that young person has said they want. In the longer term, it also provides a resource for learning and performance improvement. I talked in the previous session about kaizen and continuous improvement. The amendment is designed to support that, to improve continuity and to make sure that the voice of the young people for whom this very sensible form of care is to be provided is heard.

Darren Paffey (Southampton Itchen) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I rise to support clause 8 stand part. [*Interruption.*] Sorry, my mistake.

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): It is a pleasure to serve under your chairmanship, Mr Stringer. The Liberal Democrats welcome the new requirements on local authorities in the clause to assess whether certain care leavers aged under 25 require the provision of staying close support. The charity Become, which supports care-experienced children, has found that care-experienced young people are nine times more likely to experience homelessness than other young people and that homelessness rates for care leavers have increased by 54% in the last five years. This is a really important clause.

Amendment 40 deals with the definition of staying close support. It uses the existing definition of the services, which should be set out in the local offer from local authorities. Become's care advice line has found that care leavers are often unaware of the financial support available from the local authority, such as council tax discounts, higher education bursaries and other benefits. That can lead them to face unnecessary financial hardship. That is the reason for the financial support part of the amendment.

More generally, financial literacy can have a huge negative impact on care leavers, who are more likely to live independently from an earlier age than their peers—they are not necessarily living with parents or guardians. We would really like to see local authorities lay out that financial literacy support to help them understand what is available to them.

Amendment 41 would add information about supported lodgings to the list of available support services. Supported lodgings are a family-based provision within a broader category of supported accommodation. A young person aged 16 to 23 lives in a room within their supporting lodgings, which are the home of a host, who is tasked with supporting the young person as they go towards adulthood and independence, giving them practical help and teaching them important life skills such as financial literacy, budgeting and cooking. Requiring local authorities to signpost care leavers to any of the supported lodging provisions in their area could make a real difference to those young people and their lives, so I would really appreciate support for the amendment.

The Minister for School Standards (Catherine McKinnell): I will speak to amendments 23, 40 and 41 and to clause 7.

Amendment 23 was tabled by the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich, and I thank them for it. The amendment draws attention to an important principle that must run through the whole approach that local authorities take to listening and responding to the wishes and feelings of their care leavers. When a local authority is assessing what staying close support should be provided to a young person, it should have regard to their wishes, which is why we intend to publish statutory guidance that will draw on established good practice that we want all local authorities to consider. It will cover how that will work, with interconnecting duties, especially the duty to prepare a pathway plan and keep it under a review. In developing and maintaining the plan and support arrangements, there is a requirement for the care leaver's wishes to be considered.

In response to the specific questions raised by the hon. Member for Harborough, Oadby and Wigston, as I said, pathway planning is already a statutory requirement to eligible care leavers, so the statutory guidance will set out how and when care leavers should be assessed based on their own needs and using the current duties to support care leavers with reference to a trusted individual. Those individuals will often already be known to the young person, such as a former children's home staff member, and that will clearly be set out in the statutory guidance. We will base that on the best practice that we see already in train.

On the lifelong links, we are currently funding 50 family finding, befriending and mentoring programmes, which are being delivered by 45 local authorities. The programmes will help children in care and care leavers to identify and connect with important people in their lives, improving their sense of identity and community and creating and sustaining consistent, stable and loving relationships. I recognise the points that the hon. Gentleman made. The Department for Education has commissioned an independent evaluation of the family finding, befriending and mentoring programme, which will inform decisions about the future of the programme and how it will work.

On amendment 40, each care leaver will have their own levels of need and support. Local authorities have a duty to assess the needs of certain care leavers and prepare, create and maintain a pathway for and with them. Statutory guidance already makes it clear that the pathway planning process must address a young person's financial needs and independent living skills. Where eligible, they will be able to have access to financial support and benefits as well as support to manage those benefits and allowances themselves. That will be strengthened by the support made available through clause 7, including advice, information and representation, to find and keep suitable accommodation, given that budgeting and financial management issues can be a significant barrier to maintaining tenancies for many care leavers. That will include advice and guidance to local authorities to aid in the set-up and delivery, building on best practice of how current grant-funded local authorities are already offering support to access financial services and financial literacy skills for their care leavers.

To respond to amendment 41, we know that some care leavers may not feel ready to live independently straight away; that is where supported lodgings can offer an important suitable alternative. They are an excellent way for individuals with appropriate training to offer a room to a young person leaving care and a way for that young person to get the practical and emotional support to help them to develop the skills

[Catherine McKinnell]

they need for independent living. We will continue to encourage the use of supported lodgings for care leavers where it is in the best interests of the young person.

However, we do not feel that amendment 41 is needed. Clause 7(4)(a) specifies that staying close support includes help for eligible care leavers

"to find and keep suitable accommodation".

That will include support to find and keep supported lodgings where the young person and the local authority consider it appropriate. We will make that and other suitable options absolutely clear in statutory guidance, building on the best practice from the current staying close programme.

Munira Wilson (Twickenham) (LD): It is good to hear that supported lodgings will be referred to in statutory guidance. I heard from the charity Home for Good, which is involved in setting up those networks of local authorities that provide supported lodgings, that in some local authorities money for supported lodgings cannot be found, because the local authority thinks that fostering money cannot be used for supported lodging and that it cannot use staying close support. Real clarity that staying close support funding can be used for supported lodgings is important to make this option work.

Catherine McKinnell: I appreciate the hon. Lady's interest in this matter. We will produce the statutory guidance to make all this absolutely clear.

Before I come to clause 7 stand part, I want to respond to an additional question from the hon. Member for Harborough, Oadby and Wigston that I did not answer earlier. He asked about digital options and, as someone standing here using an iPad, I recognise the importance of that, particularly for young people. The local authorities already work with a range of digital options to connect with their care leavers, and we would certainly expect that to continue, and expect good practice to continue being developed and to be set out in the statutory guidance.

Turning to clause stand part, clause 7 requires each local authority to consider whether the welfare of former relevant children up to the age of 25 requires staying close support. Where this support is identified as being required, the authority must provide staying close support of whatever kind the authority considers appropriate, having regard to the extent to which that person's welfare requires it.

Staying close support is to be provided for the purpose of helping the young person 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 can take the form of the provision of advice, information and representation, and aims to help to build the confidence and skills that care leavers need to be able to live independently.

The new duties placed on local authorities by this clause will not operate in isolation. They will be part of the existing legislative framework, which sets out the duties that every local authority already owes to its former children in care aged 18 to 25. This clause enhances and expands the arrangements for those children by supporting them to find long-term stable accommodation and access to essential wraparound services. The new statutory guidance will set out what the new requirements mean for local authorities and will draw on established good practice—for example, the role of a trusted person to offer practical and emotional support to care leavers.

On that basis, I hope I can rely on the Committee's support for clause 7.

Neil O'Brien: I would like to push amendment 23 to a vote.

9.45 am

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 11.

Division No. 4]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

Clause 7 ordered to stand part of the Bill.

Clause 8

LOCAL OFFER FOR CARE LEAVERS

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

The Chair: With this it will be convenient to discuss new clause 40—*National offer for care leavers*—

'In the Children and Social Work Act 2017, after section 2 insert—

"2A National offer for care leavers

(1) The Secretary of State for Education must publish information about services which care leavers in all areas of England should be able to access to assist them in adulthood and independent living or in preparing for adulthood and independent living.

(2) For the purposes of subsection (1), services which may assist care leavers in adulthood and independent living or in preparing for adulthood and independent living include services relating to—

(a) health and well-being;

(b) relationships;

(c) education and training;

(d) employment;

(e) accommodation;

(f) participation in society.

(3) Information published by the Secretary of State under this section is to be known as the 'National Offer for Care Leavers'.

(4) The Secretary of State must update the National Offer for Care Leavers from time to time.

(5) Before publishing or updating the National Offer for Care Leavers the Secretary of State must consult with relevant persons about which services may assist care leavers in adulthood and independent living or in preparing for adulthood and independent living.

(6) In this section—

'care leavers' means—

(a) eligible children within the meaning given by paragraph 19B of Schedule 2 to the Children Act 1989;

(b) relevant children within the meaning given by section 23A(2) of that Act;

(c) persons aged under 25 who are former relevant children within the meaning given by section 23C(1) of that Act;

(d) persons qualifying for advice and assistance within the meaning given by section 24 of that Act;

'relevant persons' means—

(a) such care leavers as appear to the Secretary of State to be representative of care leavers in England; and

(b) other Ministers of State who have a role in arranging services that may assist care leavers in or preparing for independent living."'

This new clause would introduce a new requirement on the Secretary of State for Education to publish a national offer detailing what support care leavers are entitled to claim by expanding the provisions in the Children and Social Work Act 2017 which require local authorities to produce a "Local offer".

Catherine McKinnell: I will speak to clause 8. 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. Although housing and children's services departments are encouraged in current guidance to work together to achieve the common aim of planning and providing appropriate accommodation and support for care leavers, that is not happening consistently in practice.

To enable better joined-up planning and support for care leavers, the clause will require local authorities to publish their plans, setting out how they will ensure a planned and supportive transition between care and independent living for all care leavers. Our aim is for local authorities to co-ordinate and plan the sufficiency of care leaver accommodation, to plan for the right to accommodation for each individual, and to make early, clear planning decisions that are right for each care leaver's needs.

The clause specifies that the information that the local authority is required to publish includes information about its arrangements for enabling it to anticipate the future needs of care leavers; for co-operating with local housing authorities in assisting former relevant children under the age of 25 to find and keep suitable accommodation; for providing assistance to former relevant children under the age of 25 who are at risk of being homeless, or who are released from detention, to find and keep suitable accommodation; and for assisting former relevant children aged under 25 to access the services they need.

Damian Hinds (East Hampshire) (Con): The question about securing and keeping accommodation is incredibly important for care leavers; it is closely linked to what the hon. Member for St Neots and Mid Cambridgeshire was saying about financial capacity. What are the Minister's thoughts on what the default position should be for care leavers in receipt of universal credit? Should there be automatic rent payments from universal credit, or should it be for the individual to manage? Obviously that can change in individual cases, but what should be the default and what discussions has she had with the Department for Work and Pensions?

Catherine McKinnell: As the right hon. Gentleman will know, we work on a cross-Government basis. We have regular conversations with colleagues in various Departments to ensure that the offer we provide to care leavers will give them the best chance to live independently and that the approach of other Departments to these matters complements and co-operates with what this legislation is intended to achieve.

The right hon. Gentleman raises a specific and quite technical question that relates to the work of the Department for Work and Pensions. As I will come on to, we are working hard to re-establish the ministerial working group to support these young people. I am certain that this matter can be carefully considered as part of that work, so I will take it away and feed it on to colleagues. Given the importance of the clause and the changes it will bring to how local authorities work with children leaving care or young people under the age of 25 who have been in care, I urge the Committee to support it.

I turn to new clause 40, tabled by the hon. Member for North Herefordshire, who I believe is not present today.

The Chair: I am told that she is unwell.

Catherine McKinnell: Do I still respond to the clause?

The Chair: It is within the scope of this debate, so the Minister may respond if she wishes to.

Catherine McKinnell: I am happy to respond to new clause 40, which would require the Secretary of State to publish a national offer for care leavers, mirroring the requirement on local authorities to publish their local offer. There are already examples of additional support provided for care leavers from central Government that complement the support provided by local authorities. Care leavers may, for example, be entitled to a £3,000 bursary if they start an apprenticeship and may be entitled to the higher one-bedroom rate of housing support from universal credit.

We have re-established the care leaver ministerial board, now co-chaired by the Secretary of State for Education and the Deputy Prime Minister. It comprises Ministers from 11 other Departments to consider what further help could be provided to improve outcomes for this vulnerable group of young people.

Damian Hinds: I wonder whether that reconstituted group will pay particular attention to the role of enlightened employers. Bearing in mind the immense breadth of

[Damian Hinds]

unique life experiences that many people with care experience bring to a business—it will benefit the young person as well as the business—will employers take an extra chance on a care leaver and give them that opportunity? Being in work and having a regular wage opens up so much else in life.

Catherine McKinnell: The right hon. Gentleman raises an important point and advocates powerfully for this vulnerable group of young people. There will indeed be representation on the ministerial group from various Government Departments, including the Minister for business—*[Interruption.]*

The Chair: Order.

Catherine McKinnell: There will be a Minister from the Department for Science, Innovation and Technology. That area will form part of the discussions, I am sure, as the purpose of the group is to give the best chance to care leavers—this very vulnerable group of young people—and ensure that we as a Government are working collaboratively to make that effective.

We recognise how important it is that care leavers have clear information about the help and support they are entitled to, both from their local authority and central Government Department. We are therefore reviewing our published information to ensure that it is accessible and clear and that care leavers can quickly and easily understand and access all the support they are entitled to. Once that review has concluded, we will consider how best to publish this information. Therefore, I ask for the new clause to be withdrawn and urge the Committee to support clause 8.

Neil O'Brien: This is a good and sensible clause, and the Opposition support its inclusion in the Bill. I would note that although all these clauses are good, they come with an administrative cost.

We have already discussed the importance of ensuring that the measures are properly funded, but I want to press the Minister for a few more insights on clause 8. There is a list of details about the local offer—that it must be published, must anticipate the needs of care leavers—and it refers to how they will co-operate with housing authorities and provide accommodation for those under 25. This is all good stuff.

The discussion that we have just had prefigured the question that I wanted to ask, which is about co-operation with national bodies. The clause is quite focused on co-operation between local bodies and drawing up a clear offer. That is a good thing—although, obviously, some of those housing associations are quite national bodies these days.

In the "Keeping children safe, helping families thrive" policy paper published a while back, the Government set out an intention to extend corporate parenting responsibilities to Government Departments and other public bodies, with a list of corporate parents named in legislation following agreement from other Government Departments. When we were in government, we also said that we intended to legislate to extend corporate parenting responsibilities more broadly, so I wondered about that connection up to the national level. We have already had one excellent and very canny policy idea from my right hon. Friend the Member for East Hampshire about setting the default for care leavers when it comes to how their housing payments are made. The Minister raised a good point about bursaries and making sure that care leavers are clear about what is available to them on that front. However, there is a whole host of other opportunities to write in to some of these—

Damian Hinds: Will my hon. Friend also comment on the particular situation of those young people from care who go on to university? Of course, come the holidays the vast majority of people in higher education go home, but the situation is very different for those who have been in care. Some enlightened universities—including the University of Winchester, in my own county—do very good work in this regard, but will he expand a little on how those young people in higher education can be supported with the offer?

Neil O'Brien: That excellent point is another example of exactly what we are talking about. In one sense, I regret not having an amendment that would insert a specific paragraph about the local offer from national organisations. On the other hand, it is pretty clear that the Minister is very interested in this question and is pursuing it. Anyway, there may even be scope to write that into the Bill as it goes through the Lords.

The DFE's explanatory notes for the Bill say that, although the housing and children's services departments are encouraged in guidance—in part 7 of the Children Act 1989, I think—to work together to achieve the common aim of planning and providing appropriate accommodation and support for care leavers, that is not happening consistently in practice; the Minister alluded to that.

My question to the Minister is: what do we know from current practice about where that does not happen and why not? It seems obvious, and something that every well-intentioned social worker—every person who works with care leavers—would want to do. What does the good model of effective provision of that support look like? Are there local authorities that are the best cases of that?

Other than providing the administrative and legislative hook for better gripping of this issue, I do not know whether the Minister has a specific plan to do anything else to try to achieve it more consistently—given that, of all the different things that one wants to join up for the care leaver, the provision of a safe place to live and a stable housing arrangements is probably No.1. Is anything more being done? Does the Minister have thoughts about how that can be done best and where it is done best? Where it has not been done as well as we would hope, why is that?

Darren Paffey: I appreciate your patience, Mr Stringer—this is not the first time I have stumbled over Committee procedure and no doubt it will not be the last. I welcome the Minister's comments and the inclusion of clause 8, which I strongly support. I want to address the sentiment of new clause 40 as well.

The extension of the requirements around accommodation, extending the Children and Social Work Act 2017, requires councils to publish that local offer. That is crucial. Many of us have served in local government; it is at that local level that these crucial services, which can often

make or break opportunities for care leavers, are delivered. The clause also takes steps towards making good on the Prime Minister's commitment to guarantee care leavers a place to live.

We would all recognise, from the context of our own constituencies, that the barriers faced by care-experienced young people are numerous. The likelihood that good outcomes in life will be harder for them to achieve is simply a fact. It is absolutely right to bolster the local offer, as clause 8 seeks to do. The new provisions will further strengthen what many local authorities, including my own in Southampton, have begun to do over a number of years. As the right hon. Member for East Hampshire suggested, there are measures of good practice under local councils that we now ought to be bringing into this standardisation of the offer.

In terms of a national offer, the new clause certainly has its merits and it is something good to aim for. I had the opportunity to speak to the Under-Secretary of State for Education, my hon. Friend the Member for Lewisham East (Janet Daby), who is responsible for children and families and whose remit this issue comes under. She has agreed to meet me to explore it further, but as my hon. Friend the Minister for School Standards has already said, there is a cross-ministerial group. I really welcome the work that it is doing to take these measures forward, because building on the existing measures, which strengthen that national focus, is crucial. It says to young people with care experience that they matter.

I have worked very closely with young people in care over the years, and I know that too many of them feel let down by the systems there to protect them. This is about showing that the Government get what it is like for them, are focused on acting for their good and doing so from the very top. Having that national focus goes a long way towards making those people's journey to adulthood stronger and as smooth as possible and towards ensuring that they are fully supported to thrive.

10 am

Again, I welcome the Minister's comments and further assurances about the work taking place. I would say, from personal experience, that we should be doing everything, both within this Bill and beyond it, to try to move the dial for care-experienced young people even more, so that we can reduce the gaps in educational attainment, employment, training, the quality of housing they have and their general success as they move from care into adulthood. I would really welcome further discussions, beyond the Bill, on how we can build on the excellent measures in clause 8.

As someone who grew up in care myself, I want every action of the Bill to break down the barriers that care-experienced young people face. That is one thing that I personally committed to when I was elected to this place, hence I fully support the clause, the wider action that the Government are taking and the further assurances that we have heard this morning: that these measures are the start, not the limit, of the Government's ambitions.

Tom Hayes (Bournemouth East) (Lab): It is a pleasure to serve under your chairship, Mr Stringer, and it is an honour to follow my hon. Friend the Member for Southampton Itchen, who is a powerful champion for care-experienced people in speaking from his own personal experience—and the fact that he is my office room-mate helps.

I want care leavers to reach their potential and to be active members of society in Bournemouth and Britain. I want them to have the same opportunities in life as other young adults. As young people in care approach adulthood, they need to be supported to think about and plan their future—to think about things such as where they will live and what support they may need to find accommodation, employment and take part in their communities.

But as my hon. Friend just explained, so many care-experienced people are held back. Some of the statistics are truly startling and appalling. The National Audit Office report entitled "Care leavers' transition to adulthood" identified poorer life outcomes for care leavers as a "longstanding problem" with a likely high public cost, including in mental health, employment, education, policing and justice services. The Department for Education's 2016 policy paper entitled "Keep On Caring" said that care leavers generally experience worse outcomes than their peers across a number of areas.

Here are the statistics. It is estimated that 26% of the homeless population have care experience; 24% of the prison population in England have spent time in care; 41% of 19 to 21-year-old care leavers are not in education, employment or training, compared with 12% of all other young people in the same age group; and adults who had spent time in care between 1971 and 2001 were 70% more likely to die prematurely than those who had not. It is no wonder that the independent review of children's social care described the disadvantage faced by the care-experienced community as

"the civil rights issue of our time."

In reading those statistics, and in reading that report again, I am struck by just how much of a privilege and an honour it is to be in this Committee contributing to the work of the Bill so early in this Parliament. That is why I particularly welcome clause 8, which is a care leaver-led change that responds directly to the voices of care-experienced people and care leavers.

While we are talking about clause 8, I want to dwell briefly, as my hon. Friend the Member for Southampton Itchen did, on the good practice that exists in local government, particularly in my patch of Bournemouth, where Bournemouth, Christchurch and Poole council has done a couple of things to respond to, work alongside, and listen to care leavers and care-experienced people. That includes the 333 care leavers hub in Bournemouth, which is a safe space for care leavers to visit and relax, and which focuses on wellbeing and learning by helping to teach people practical skills from cooking to budgeting. Care-experienced young people also take part in the recruitment of social workers, sitting on interview panels to make sure that potential social workers have the necessary skills to support care-experienced people.

There is good practice in our country, but that good practice is not consistent across the country. I therefore welcome the efforts in this clause—indeed, in much of the Bill—to make sure that we have that consistency. Requiring the publication of information will mean that care leavers know what services they can access,

[Tom Hayes]

and, critically, that professionals feel supported to advise on and signpost offers. When professionals have huge demands on their time, and face significant struggles in delivering support, having that additional support available to them will be critical.

I therefore commend this clause, because it is a care leaver-centred approach, a pragmatic approach, and, frankly, a much-needed approach.

Catherine McKinnell: I thank my hon. Friend the Member for Southampton Itchen for his powerful and personal testimony, and for his clear commitment to these issues. I also thank my hon. Friend the Member for Bournemouth East for his clear and important contribution.

My hon. Friends have set out the reasons why we are providing that continuity of support when care leavers reach the age of 18, through the Staying Put programme, and why we are now legislating to add Staying Close to the duties of local authorities. It is to provide that care to leavers; to help them to find suitable accommodation and access services, including those relating to health and wellbeing support; and to help them develop and build their confidence and their skills as they get used to living independently. It is also why we are investing in family-finding, mentoring and befriending programmes to help care leavers to develop those strong social networks, which they can then turn to when they need advice and support.

As hon. Members have rightly said, it is really important that care leavers are supported to get into education, employment or training—the right hon. Member for East Hampshire clearly said that as well. That is why a care leaver who starts an apprenticeship may be entitled to a £3,000 bursary, why local authorities must provide a £2,000 bursary for care leavers who go to university, and why care leavers may be entitled to a 16-to-19 bursary if they stay in further education.

On the question raised by the right hon. Member for East Hampshire, more than 550 businesses have signed the care leaver covenant, offering care leavers a job and other opportunities, and we continue to deliver the civil service care leavers internship scheme, which has resulted in more than 1,000 care leavers being offered paid jobs across Government. We have a real commitment to improving education outcomes for children in care, which will help to support them into adulthood and reduce the likelihood of them not being in education, employment or training. We will continue to support that.

The hon. Member for Harborough, Oadby and Wigston asked how the measure in this clause interacts with national offers. The Government set out guidance for local authorities on the duties and entitlements for care leavers, and we are working to develop the detail of those proposals to make sure that local authorities work together with the Government to improve support for care leavers. With specific reference to higher education, we already have a number of duties to support eligible care leavers in higher education. It will certainly be part of the expectation of the local offer that those options are open to care leavers. It is an important aspect to support.

In response to my hon. Friend the Member for Southampton Itchen, we absolutely agree about bringing the good practice of local authorities into the local offer. We work closely with a number of good local authorities, and there is a lot of really good practice around. The Government intend to bring those authorities into our work so that we have updated guidance to ensure that best practice is spread as far, wide and consistently as possible. With that, I urge the Committee to support clause stand part.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

Accommodation of looked after children: regional co-operation arrangements

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

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): It is a pleasure to serve under your chairmanship, Mr Stringer. I look forward to working through the measures in this landmark Bill with all Members, as has been the spirit so far.

The children's social care market is not working effectively. The Competition and Markets Authority and the independent review of children's social care recommended a regional approach to planning and commissioning children's care places. My Department will support local authorities to increase the number of regional care co-operatives over time. As Members will have noted, the clause refers to those as "regional co-operation arrangements". As a last resort, the legislation will give the Secretary of State the power to direct local authorities to establish regional co-operation arrangements.

Where a direction is in place, regions will be required to analyse future accommodation needs for children, publish sufficiency strategies, commission care places for children, recruit and support foster parents, and develop or facilitate the development of new provision to accommodate children. We expect regional care co-operatives to gain economies of scale and to harness the collective buying power of individual local authorities. I hope that the Committee will agree that this clause should stand part of the Bill.

Neil O'Brien: Regional co-operation is something that the previous Government were extremely enthusiastic about and worked to build up, so the Minister will not be surprised to hear that we support the clause. The previous Government's "Stable Homes, Built on Love" policy paper said that the Government would work with local authorities to test the use of regional care co-operatives—regional groupings of authorities to plan, commission and deliver care places—in two areas. Those two pathfinders would trial an approach within the legal framework, with a view to rolling it out nationally following evaluation as soon as parliamentary time allowed. Were we in office, I suspect that we would be very much considering the same clause. This Government have announced that those two pathfinders are going ahead, in Greater Manchester and the south-east, from this summer.

When we consulted about the idea—it is a good idea—there was a lot of support, but there were also a lot of concerns and questions about the size of the groups, the risk that they would be too removed from the child, and the loss of relationships with small providers in particular. As the Minister said, this is a recommendation from previous work, including from the independent review of children's social care, which we commissioned. Obviously, we hope that such groups will be useful in providing local authorities with greater purchasing power and more options when they are securing accommodation for children in care, but we think it is important to be clear about the objectives to avoid any unintended consequences. I have come to think that, often, it is when we all agree that we are doing a good thing that we should ask ourselves the difficult questions to ensure that we are not making a mistake.

The key issue in the "children's home market"—I put that in scare quotes, because I hesitate to use the phrase in the current context—is a lack of supply, which leads to children being placed far away from their roots and support networks in accommodation that does not always match their care plan. We then see children going missing and having repeated placement moves. I wonder whether the Minister will put on record in Committee the aims for the regional care co-operatives, other than purchasing power, and how they will address the other issues.

Will the Minister respond to some specific issues raised in our consultation? One issue is that it is harder for smaller providers and specialist charities, which are obviously part of the offer for children in care at the moment, to engage with regional care co-operatives. What does he think about that risk and what does he plan to do about it?

10.15 am

Does the Minister share the concern raised by Barnardo's that the measure could inadvertently lead to greater fragmentation in the system by separating decisions about the commissioning of placements from decisions about the commissioning of family support? That is a thoughtful question. What is he doing to avoid that being a problem? We are all positive about regional care co-operatives, but I wonder whether there were any lessons from the build-up to the two pilots that we were proposing, whether he has seized on any issues and whether he is planning to address them, even as we do what we all agree is a good thing.

Munira Wilson: It is a pleasure to serve under your chairmanship, Mr Stringer. I will ask the Minister a couple of questions about clause 9 that I hope he will address when he responds. We support its intent, but I want to understand what safeguards or guidance will be put in place to ensure that children in care in areas where these regional co-operatives are active do not inadvertently end up far away from their families.

We already know that about a fifth of children in care are placed over 20 miles away from their families and almost half are living outside their local authority area. In some cases, it is important that a child is moved reasonably far away for safeguarding reasons, but often that is not the case. I know from having spoken to care-experienced young people and to the Become Charity, which has done quite a lot of research into the impact of children being moved far away from home, that that can affect their mental health, that they can feel isolated and lonely having moved away from family and friends, and that it can cause stigma in the school or college environment. I want to understand how the Minister intends to ensure that young people are not moved further away than they need to be when these regional co-operatives are in place.

Damian Hinds: Again, as hon. Members have said, we support this approach and it is the approach that we were taking. It is also true that when everybody agrees on something, it is usually the point of most danger for making bad law. It is important to have these Committee proceedings and proper scrutiny.

I was personally never keen on the name of regional co-operatives, although I do not think the word "co-operative" actually appears in the Bill. We can, of course, have co-operation without having a co-operative. This legislation is actually about regional co-operation arrangements.

There are three different types of potential co-operation arrangement: first, for strategic accommodation functions to be carried out jointly between two different local authorities; secondly, for one to carry out the duties on behalf of all; and thirdly, for a corporate body, effectively a separate organisation, to be created to do that. I imagine that Government Members will have different views depending on which of those three forms the arrangements take. Will the Minister say which of those he expects to be most common? As well as the pilots, there have no doubt already been formal and informal conversations with local authority leaders in children's services in many different areas.

I am keen to know how this arrangement is different from some arrangements that may already take place. For example, the tri-borough children's services arrangement in London—I will try and get this right—between Westminster, Kensington and Chelsea, and Hammersmith and Fulham. Presumably, some of those functions are administered in common there, so how will this be different?

Neil O'Brien: I probably should have asked the Minister about scale. In the two pilots, we have Greater Manchester, which is just under 3 million people, and the south-east, which is roughly 3 million people. I do not know what the Government's expectations about scale are and whether they would continue to support something like the tri-borough arrangement, which is obviously much smaller.

Damian Hinds: My hon. Friend, as ever, makes a very apt point. Where we end up on that continuum of scale depends on what we are going after most. Of course, we want all those things. For purchasing power, a bigger scale is better, but for close and easy working relationships, a smaller scale is sometimes better. When we are talking about children, and the placement of vulnerable children, that may well push us towards the smaller end of the scale.

Perhaps it is possible to perform different functions at different levels, with some functions still being performed by the individual local authority. Even then, as my hon. Friend often rightly says, there is an enormous difference in scale between London local authorities, which are actually quite small even though they are in our largest

[Damian Hinds]

city, and Birmingham, which is one enormous authority. It might be argued that doing some things at a sub-local authority level makes sense in a very large local authority area, but as I say, it might be possible to do some things as the single local authority, some things at a larger level, and some things—presumably principally in terms of purchasing leverage—on a wider scale again.

If regional co-operation arrangements are not materially different in practice from something that already exists in co-operation between local authorities, even if that is on a smaller scale than what is envisaged, is legislation actually necessary? If it is not, we probably should not legislate. I would like to understand a bit more about the legislative basis that is currently missing.

Finally, the Bill sets out that the Secretary of State may add to the definition of the strategic accommodation functions that we have listed in proposed new section 22J(3) of Children Act 1989. What type of additional functions does the Minister have in mind?

Tom Hayes: I rise to speak in favour of regional co-operation arrangements, primarily because of what we have seen in two important reviews or evaluations. The recent independent review of children's social care that I referred to highlighted a system at breaking point, as we also heard from the Minister. The insight from that report was that how we find, match, build, and run foster homes and residential care for children in care radically needs to change. When the Competition and Markets Authority looked at this area, it also identified major problems, such as profiteering, weak oversight and poor planning by councils—the verdict on the system is damning.

The independent review recommended that a co-operative model should sit at the centre of bringing about change. The values of our movement could provide the loving homes that children in care need. I particularly support this clause because this feels like a very Labour Government Bill—one that has at its heart the co-operative model that is obviously such a big part of our labour movement.

My hope is that regional care co-operatives could gain economies of scale and harness the collective buying power of independent local authorities to improve services for looked-after children. There are obvious benefits to using a co-operative model to solve those problems—the values of self-help, self-responsibility, democracy, equality, equity and solidarity apply directly to how these regional care co-operatives would be run. In a social care market that has been described as broken by the Minister and by those reports, it is critical to bring the co-operative model more into what we provide.

Stephen Morgan: I thank hon. Members for their thoughtful comments, suggestions and questions. On the point that the hon. Member for Harborough, Oadby and Wigston made about learning from the pathfinders, the Department has consulted widely with the sector on the proposals for regional care co-operatives. Learning from the pathfinders has shaped the proposed legislation and the definition of the strategic accommodation functions. We 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 capabilities should allow for greater innovation so that local areas are better able to deliver services for children in care.

I turn to the points made by the hon. Member for Richmond—

Munira Wilson: Twickenham. We are in Richmond borough.

Stephen Morgan: My apologies. I did know that, but I was trying to be impressive by remembering the hon. Lady's constituency and I got it badly wrong.

On the hon. Lady's point about where placements should be, 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 is reasonably applicable. Regional care co-operatives will assist local authorities with these duties. Placement shortage is a key driver of children being placed in homes far from where they live; regional care co-operatives should improve that by increasing local and regional sufficiency, making more places available locally for children who need them.

Neil O'Brien: Will the Minister confirm that—as I think is the case—the Government would use their powers under the clause to impose regional co-operation agreements only as a last resort, and that we would not push this on everybody who does not want it?

Stephen Morgan: The shadow Minister is absolutely correct. We want to work collaboratively with local authorities in rolling this out. We will not force local authorities to do so. I thank him for enabling me to make that clear.

Question put.

Damian Hinds: Forgive me, Mr Stringer; I know that the Minister has finished, but may I speak again, with leave?

The Chair: I have put the Question. I am sorry, but you have missed the opportunity.

Question agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Clause 10

USE OF ACCOMMODATION FOR DEPRIVATION OF LIBERTY

Neil O'Brien: I beg to move amendment 24, in clause 10, page 16, line 39, at end insert —

"(8A) After subsection (9) insert —

'(10) Where a child is kept in secure accommodation under this section, the relevant local authority has a duty to provide therapeutic treatment for the child.'"

This amendment would place a duty on local authorities to provide treatment for children in secure accommodation.

The Chair: With this it will be convenient to discuss clause stand part.

Neil O'Brien: We have come to a particularly serious clause—not that the other clauses are not serious, but the use of deprivation of liberty orders for children is always deeply troubling, as is the rise in the number of children who are subject to them. I share the wish of the Children's Commissioner to see an end to this practice and an end to the use of unregistered provision.

We have seen an increase in the number of young children—including two aged seven last year and 200 under 13—given deprivation of liberty orders. There is nothing in the Bill to differentiate by the child's age or stage. What consideration has the Minister given to that point? There is something about the use of the orders on very young children that is particularly striking.

When a young child goes into secure accommodation, the Secretary of State has to sign it off, but no sign-off is required from the Secretary of State on deprivation of liberty orders. Why not? The Government are keen on consistency elsewhere in the Bill. Will they bring the same consistency to this clause?

More broadly, do we not need greater clarity on the mechanism for restricting children's liberty outside a secure institution? I am sure that Members of the other place will be very interested in that question. As the Children's Commissioner has written, some of the children concerned have physical and learning disabilities, and many are at risk of criminal or sexual exploitation or both. Will the Minister act on the Children's Commissioner's recommendation and introduce a proper legal framework and guidance? We believe that much more clarity is needed in the Bill on therapeutic care for those who are under a deprivation of liberty order. Historically, there has been a lot of focus on containment. This amendment is, I suppose, our legislative prod to take the opportunity to think about what therapeutic help a child needs and how to deliver it.

10.30 am

I want to put to the Minister some very important points that Jacky Tiotto of CAFCASS made to us last Tuesday. She welcomed a lot of the provisions but said that at present the Bill is

"a missed opportunity to deal with the arrangements around deprivation…some better, stronger regulations could be made for those children—who, let us face it, are actually being secured, or deprived of their liberty."

She raised several specific points that I will put to the Minister. She said:

"Our data shows that 20% of those children are aged 13 or under. Currently, if a local authority applies for a place in a secure unit for a child aged 13 or under, the Secretary of State for Education has to approve that application. I think an assumption is made in the Bill that that strength would remain in the amendment. We need to make it clear that, for all applications for 13-and-unders into places where they will be deprived, the Secretary of State should still approve. That has been unnecessary because the courts have been using their jurisdiction to deprive children. This clause will remove that, and make the accommodation usable legally, but we need to ensure that for young children it comes back"—

by "it", I think she meant Secretary of State sign-off. Will Ministers amend that provision? They do not necessarily need to answer one way or another today, but I will be grateful if they write to me on the point. At some point in the Bill's passage through Parliament, I hope that they will reply to the specific point about Secretary of State sign-off.

The head of CAFCASS also said that

"for those young children, the review of their deprivation should be stipulated in terms of how regularly that deprivation is reviewed. For a 10-year-old deprived of their liberty, a week is a long time."

That is a good point. She continued:

"The children who we work with tell us that they do not know what they have to do to not be deprived of their liberty, and very young children will be confused. So the frequency of review, I think, becomes more regular if you are younger."

That is a specific and on-point suggestion from someone who really knows their stuff. Might Ministers take up that suggestion from CAFCASS and start to specify frequency of review? Might they take up her point about making reviews more frequent and clearer for young and very confused children?

Jacky Tiotto made another specific point—so specific that it is worth my reading it out. She said that

"the Department for Education should definitely consider what has happened to the child before the deprivation application is made. From our data, only 7% of those children were the subject of child protection plans, and it is hard to imagine going from not being protected by a statutory child protection plan to being in a court where they might deprive you. The relationship between child protection and deprivation needs strengthening."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 32-33, Q72.]

To that end, she suggested:

"As soon as that child becomes the subject of a concern, such that you might be making an application to deprive, you hold a child protection conference and you have a plan in place to protect that child beyond the deprivation"—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 33, Q73.]

Is that something that Ministers would be happy to specify? What do they think of that argument?

The Bill leaves a lot to be specified in regulations. In the Department for Education's explanatory notes to the Bill, we are told:

"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."

May I ask the Minister what learning and experience have been gained from those pilots? What has been shared with the Department so far? When does he expect the Department to be in a position to develop more detailed requirements for the regulations? Are we likely to see them this year, assuming Royal Assent, or are they a bit further away?

Last but not least, there is a connection between the issues raised by clause 10 and those that we will come on to when we debate clauses 11 to 13. In written evidence to the Committee, the Children's Commissioner noted that

"in the Children's Commissioner's report 'Illegal Children's Homes', the office found that of 775 children living in unregistered placements on 1 September 2024, almost a third (31%) were subject to a court-ordered DoL. The placement of these highly vulnerable children in wholly illegal settings is deeply concerning."

I wonder whether the Minister will address that point, either by amending clause 10 or by amending later clauses.

Let me recap for the Minister's benefit. There is the suggestion that the requirement for the Secretary of State to give approval for children aged 13 or under be made clear; there is the suggestion from CAFCASS that we specify in the Bill that review be more frequent for younger children; there is the question about automatically having a child protection plan in place for when the child leaves the deprivation; and then, from the Children's Commissioner, there is a call for action on the large proportion of children on deprivation of liberty orders who are currently being placed into illegal settings. Effectively, those are the four questions that the expert community is putting to us.

Damian Hinds: Clause 10 will amend the Children Act 1989 such that local authorities can authorise deprivation of liberty of children other than only in a secure children's home, and will change the term "restricting liberty" to "depriving of liberty".

In the secure children's home sector, a distinction is often made between what are called justice beds and welfare beds. There are also children detained under the Mental Health Act 1983 on secure mental health wards and in psychiatric intensive care units, or on non-secure wards. I am assuming that we are talking today only about what are known as welfare beds—I say "beds", but normally the entire facility is either one or the other.

To speak on justice beds briefly, there has been a big fall in this country since 2010 in the number of children who are locked up in the criminal justice system: the numbers are down from about 2,000 in 2010 to only around 500 now. That has partly been because of a fall in crime, and in the particular types of crime for which young people used to be locked up, but it is also because of the good work of youth offending teams. Most of those children are older and would typically be in a young offenders institution when aged 15 to 17, or indeed, 18 to 21. The very small group of children who are in the secure children's home sector are a very difficult and troubled cohort of youngsters with complex pasts. I take a moment to pay tribute to the staff; it is an extraordinary career decision to go into that line of work, and they do it with amazing dedication.

The welfare bed part of the secure children's home sector is where somebody has had their liberty restricted not because of something they have done, but because of something they might do—because of the danger or threat they pose either to themselves or others. It is an enormous decision to take to deprive anybody of liberty on those grounds, but particularly a child. As with those children who are in the criminal justice part of the secure children's home sector, these are typically extremely troubled children.

On the change in clause 10 to allow local authorities to house those children somewhere other than a secure children's home, the obvious question to the Minister is "Why that, rather than ensuring that a secure children's home is properly catering to the needs of that cohort of children?" I am not saying that it is the wrong decision, by the way, but I am interested to know, and it is good to have it on record, why it is a better decision to say, "Let's take some or all of these children and house them in a different type of facility." What have the Minister and the Secretary of State in mind for the alternative accommodation that would be set out in regulations? For the benefit of the Committee, and again for the record, it might also be helpful to define what is different. The Minister might clarify the definition of a secure children's home and explain what it is that we need to deviate from.

My other question is about the change in phraseology. We are talking about moving from the restricting of liberty to the depriving of liberty. I understand from the explanatory notes that this tries to reflect the reality, but it is a legitimate question whether it is a strictly necessary change to make and what the reasoning is. Even when we do deprive people of liberty, we do not deprive them of all their liberty. There are degrees of restriction. We have this as a feature in the criminal justice system, and though this is a different cohort of children, some of the same principles may apply. We may be able to get a lot of the benefit we are looking for from restricting someone's liberty rather than entirely depriving them of it. I wonder if the Minister might say a word about that distinction and about whether the Government have received representations on the change in wording.

Ian Sollom: My understanding is that this change follows a trend of children being deprived of their liberty outside the statutory route by being housed in unsuitable accommodation not registered with Ofsted, often far from home and family. That has been partly addressed in the questions from the hon. Member for Harborough, Oadby and Wigston.

The success of this provision will depend on the regulations. What actually makes a setting capable of being used for the deprivation of liberty? Will there be a requirement with respect to education in that setting? Will they need to be registered with Ofsted? It is not entirely clear. When will regulations relating to this provision be brought forward? Is it the intention that they will mirror the scheme for the secure accommodation?

The law around the deprivation of liberty is incredibly complex. Without proper legal advice and representation, it is very hard for families to understand what is going on and what options they have. It is not clear yet what legal aid will be available to families or the child themselves when an application is made under the new route. Can the Minister clarify what will be available with respect to legal aid, or put a timetable on when we will get that clarification?

Stephen Morgan: Amendment 24 seeks to place a legal duty on local authorities to provide therapeutic treatment for children placed in secure accommodation—that is, a secure children's home. The Government's view is that the amendment is not necessary as there are a number of existing legal duties on local authorities to ensure that wherever children are placed, including in secure accommodation, their needs are met, including the needs for therapeutic treatment. This is part of the duty on local authorities, under primary legislation, to safeguard and promote the welfare of any child that they look after.

10.45 am

Any placement decision for a looked-after child must be informed by the care plan, which a local authority is required to prepare for all looked-after children. The local authority must understand fully the services offered and how the provider intends to care for the child,

which should be based on robust evidence that supports the appropriateness and effectiveness of any therapeutic approach or model of care that the provider intends to use. This will apply equally to a placement in a secure children's home as it will to other residential placements, including relevant accommodation outlined in the clause.

The care plan must be shared with the secure children's home's registered manager and be kept under regular review. The care plan must contain arrangements made by the local authority to meet the child's needs, including in relation to health, which must be included in the health plan—that forms part of the care plan—and in relation to the child's emotional and behavioural development.

The Government recognise that as part of ensuring that children have access to the most appropriate therapeutic support in secure accommodation, children should be provided with appropriate healthcare services. As such, in addition to the duty on local authorities to take reasonable steps to ensure that the child is provided with access to appropriate healthcare services, NHS England has statutory responsibility for the direct commissioning of health services or facilities for children in secure accommodation.

In addition, NHS England retains a duty around any health provision that is specified in a child's education, health and care plan. The duty means that any health services specified must be provided, where possible, within the bounds of what is already commissioned. For the reasons that I have outlined, I ask the shadow Minister to withdraw the amendment.

I turn to clause 10, which, through amendments to section 25 of the Children Act 1989, allows for children to be deprived of liberty in provision other than a secure children's home under a statutory framework, with the associated benefits that this brings, including access to regular review points and easier access to legal aid. This provision will create a statutory basis for a court-authorised deprivation of liberty in accommodation best suited to meeting the needs of some of the most vulnerable children, where care and treatment are provided, and where restrictions that amount to deprivation of liberty in connection with the provision of that care and treatment, if required to keep children safe, can also be imposed.

As Members will know, due to a lack of sufficient suitable placement options available to local authorities, many children are currently being placed in unregistered provision or in open children's homes, where they are deprived of their liberty under authorisation of the High Court under its inherent jurisdiction, rather than under a statutory framework. Inherent jurisdiction is intended only as a step of last resort, typically to keep a child safe when no other legal route or statutory mechanism is available. Its routine use is therefore problematic and reflective of a lack of provision designed to meet all the needs of a small but growing cohort of children looked after by local authorities.

This change to legislation is being made in conjunction with a range of practical steps that we are taking as a Government to support the growth of new types of community-based provision needed for this vulnerable cohort of children. A Department for Education and NHS England-led programme of work is supporting local authorities and health partners with investment and resources to improve their assessment of need, improve commissioning practices, and develop a whole pathway as well as individual placements that better suit these children's needs.

Clause 10 will allow for children to be placed in such new types of placements that provide suitable care and treatment and that are also capable of imposing varying restrictions on children's liberty linked to their fluctuating needs. That could include the ability to place greater restriction on a child's liberty that amounts to deprivation, where necessary, in connection with the care and treatment being provided at that accommodation, while also being able to reduce the restrictions, where appropriate, without the child needing to be moved out of the accommodation, which is currently the case for children who are placed in secure children's homes. Children can therefore maintain community links, practitioners can develop long-term and appropriate pathways and children will benefit from access to a skilled, multidisciplinary workforce that can provide for them for the long term.

We anticipate that this measure will reduce the use of deprivation of liberty orders applied for under the High Court's inherent jurisdiction and ensure that children benefit from the protections afforded by a statutory scheme, with a framework of clear safeguards and mandatory review points, to ensure that no child is deprived of their liberty longer than necessary. Additionally, this change will signal to local authorities, other key sector partners and providers of children's residential provision Parliament's endorsement of and commitment to these placement options, supporting them to grow and reducing dependency on poor-quality, expensive, unregistered placements. This will ensure that some of the most vulnerable children are kept safe and given the support to get on well in life, improving their lived experience by ensuring that there is appropriate support, including community links, health access and so on, to assist them to develop to their full potential.

Neil O'Brien: I am grateful to the Minister for his informative speech, but can I press him to respond to the specific points made by CAFCASS and the Children's Commissioner? The Minister is alluding to some of them as he goes along. The first is about requiring explicit Secretary of State approval beforehand. The second is about specifying the frequency of review, particularly for younger children. The third is about having an automatic requirement for children's protection plans as the child comes out. The fourth, which the Minister has alluded to, is about them being put into illegal settings, and whether something legislative should be done at this point to stop that from happening at all.

Stephen Morgan: I am coming to the end of my speech and hope to answer the points that the Opposition spokesperson made. I will certainly take away the issues that he raised.

I thank all Members for their contributions and questions on this very important matter. On consistency, the views of the Children's Commissioner and age, I know that this point was raised in the other place only yesterday by a former Minister, and I am grateful for that. It is worth saying here, too, that the child rights impact assessment is informing our work on the Bill. I give the shadow Minister the assurance today that I will take on board these comments.

Neil O'Brien: Is the child rights impact assessment for the Bill published so that we can see it?

Stephen Morgan: There is no legal obligation for England to publish that assessment, but we are certainly using it to inform our work on the Bill.

Neil O'Brien: I think Ministers have said in previous sittings that it will be published during the process of scrutiny, along with the impact assessment. Is that still the case?

Stephen Morgan: I am referring to the conducted children's rights impact assessment, where children are directly impacted by the policies and/or particular groups of children and young people are more likely to be affected by others. As I mentioned, there is no requirement to publish these documents in England. However, the documents are currently under review and we will advise on our next steps shortly. More broadly, with regards to the impact assessments, these will be published in due course.

Neil O'Brien: I thought I had heard Ministers say previously that they were planning to publish this for our benefit—that we would get both the impact assessment and the children's rights assessment. Perhaps it is me who is sowing confusion and the Minister may still intend to publish this document. I cannot see any reason why the Government would not publish it, so can I get an assurance that that is going to be published?

Stephen Morgan: To state this clearly, the impact assessment has not yet been published but is obviously informing our work. Obviously, various different assessments are undertaken and I will certainly get back to the hon. Member on those points.

Munira Wilson: The Minister has said a number of times that, by law, the child rights impact assessment does not have to be published. In the interests of transparency and for all of us to do the right thing by children, does he not agree that even if he does not have to publish it, he really ought to do so?

Stephen Morgan: To be clear, we will be publishing the regulatory impact assessments. We will certainly be using the evidence from the children's rights impact assessments to inform our work.

I turn to the points raised by the Opposition spokesperson on placements of children under the age of 13. Depriving a child of their liberty must always be a last resort, but it is sometimes necessary to keep that child and others safe. These children are some of the most vulnerable in our society. We must do all that we can to keep them safe and help them get on well in life. When a child under the age of 13 is deprived of their liberty and placed in a secure children's home, the local authority must obtain approval from the Secretary of State before applying to the court. That requirement is set out in regulations that reflect the added seriousness of depriving children so young of their liberty.

The Opposition spokesperson and the right hon. Member for East Hampshire (Damian Hinds) also made a number of broader points about child protection plans and deprivation of liberty. Local authorities' care-planning duties are clear that when there are looked-after children, they must have a long-term plan for a child's upbringing, including arrangements to support their health, education, emotional and behavioural development, and their self-care skills.

The statutory guidance "Working together to safeguard children 2023" is clear about the actions that local authorities and their partners should take, under section 47 of the Children's Act 1989, if a child is suffering or likely to suffer significant harm, as well as the support that should be provided under section 17. If there is a concern about a child's suffering, or if a child is likely to suffer significant harm, the local authority has a duty to make an inquiry under that Act. "Working together to safeguard children" sets out the actions that the local authority and their partners must take when there are child protection concerns. That includes putting in place child protection plans when concerns are submitted. I hope that the Committee agrees that the clause should stand part.

Neil O'Brien: I hope that we can clear up the confusion about whether we will see the children's rights assessment. I cannot see any good reason why we would not be able to see that perfectly routine assessment. None of these things is the end of the world, but not having the impact assessment of the thing that we are quite deep into line-by-line scrutiny of seems to further compound this problem. Obviously, no one can defend that; it is not good practice.

I slightly pre-empted what the Minister said—he had scribbled some last remarks—but I was glad that he came to some of the points raised by CAFCASS and the Children's Commissioner. I raised them partly because I know that their lordships will be extremely interested in these specific questions. There probably is scope for improvement of this clause to do some of those other good things, because this is such a serious issue for those very young children.

We will not vote against clause stand part, but I will press our amendment to a vote. I heard what the Minister said, but I just make the point that there is scope for improvement in the clause, and I suspect that their lordships will provide it.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 11.

Division No. 5]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

11 am

Clause 10 ordered to stand part of the Bill.

Clause 11

POWERS OF CIECSS IN RELATION TO PARENT UNDERTAKINGS

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

The Chair: With this it will be convenient to discuss clause 12 stand part.

Stephen Morgan: Clauses 11 and 12 will strengthen Ofsted's regulatory powers to allow it to act at pace and scale when that is in the best interests of children. Specifically, clause 11 strengthens Ofsted's powers to hold provider groups—parent undertakings, in legislation—to account for the quality of the settings that they own and control. This ensures that Ofsted can take the quickest and most effective action to safeguard vulnerable children, without adding duplication within the existing regime. It will allow Ofsted to look across provider group settings as a whole and take action at provider group level, rather than being limited to doing so setting by setting as it is now. It will also ensure that a provider group is accountable for the quality of the settings that it owns.

Where Ofsted reasonably suspects that requirements are not being met in two or more settings owned by the same provider group, it will be able to require senior people in the provider group to ensure improvements in multiple settings. The requirement applies both to settings operated by a single provider and to multiple providers owned by the same group. Ofsted will be able to request that the provider group develops and implements an implementation and improvement plan to ensure that quality improves. The plan will need to address the issues identified by Ofsted and be approved by Ofsted if it is satisfied that the plan will be effective in addressing the issues.

The clause gives the Secretary of State the power to make regulations to provide that non-compliance by the provider group means that the providers that it owns are not fit and proper persons to carry on a setting. That will prevent a person from being registered in relation to new settings if their owner has failed to comply with the relevant requirements under these provisions. That should act as a deterrent and ensure compliance with the requirements.

Clause 12 gives Ofsted the power to issue monetary penalties to providers that have committed breaches of requirements, set out in or under the Care Standards Act 2000, that could also be prosecuted as criminal offences, including operating a children's home without registering with Ofsted. Ofsted will also be able to issue a provider group with a fine for non-compliance with the requirements set out in clause 11. The fine will be at Ofsted's discretion and is unlimited in legislation. That will act as a significant deterrent, so that provider groups comply with these requirements. Clause 12 ensures that Ofsted has an alternative to prosecution where that is currently the only enforcement option against those seeking to run a children's home without registration. Ofsted will not be able to impose a monetary penalty on a person for the same conduct where criminal proceedings have been brought against them in relation to that conduct.

To act as a deterrent and to ensure transparency for the public, the clause gives the Secretary of State the power, by regulations, to require Ofsted to publish details about the monetary penalties that it has issued. Ofsted must also notify local authorities when a monetary penalty has been issued, as it is currently required to in relation to other enforcement actions that it takes. Finally, the clause provides that the issue of a monetary penalty could be used as grounds for cancellation of registration.

Neil O'Brien: We are entering a whole new section of the Bill. I will make a number of points now that we could come back to when we debate future clauses, but I hope we will not have to. I hope that we can have discussions about the principle and philosophy now and we might be able to move faster later, but we can come back to them if necessary.

As we turn to the clauses dealing with children's homes, I want to start by checking that the Minister has the same basic understanding of the situation, and the same philosophical take on what we are trying to do, as I do. First and most importantly, there is a question about the underlying structural problems that have driven high costs for local authorities in the provision of residential care for children and young people, and there is a second question about the best approach to tackling that, both legislatively and non-legislatively.

On the first, does the Minister agree with me, at least in principle, that the main issue driving the high costs is a shortage of foster care, which is driving local authorities to send children into expensive children's homes at best, or into unregistered provision at worst? Research by Ofsted in 2022 suggested that residential care was part of the care plan for just over half of the children whose cases it reviewed. To put that the other way round, almost half of children who ended up in residential care should ideally not have been there. Crucially, the research shows that the original plan was for over one third of children to go into foster care.

Although the Bill makes changes to the provision of information about kinship care, which is good, there is nothing that will produce the step change that we need to increase the number of foster carers, which is the thing that would really take down the demand and the high costs. That point is common to the discussions that we will have about cost-capping social workers, cost-capping individual care homes and reviewing whole entities. I do not think that those measures are bad; I just do not think that they are ultimately the underlying solution. That is a point that the Committee will hear me make several times today.

In his independent report commissioned by the previous Government, the Member for Whitehaven and Workington (Josh MacAlister) highlighted that in the year ending March 2021,

"160,635 families came forward to express an interest in becoming a foster carer, and yet just 2,165 were approved".

That is just 1.3% making it through. It might be that some of those were just initial approaches and not all of those people were deadly serious, but that is still a very small share. He continued:

"Local authorities perform a wide range of roles and appear to be struggling to provide specialist and skilled marketing, recruitment, training and support for such an important group of carers. In 2020/21 recruitment and retention among independent fostering

[Neil O'Brien]

agency services led to a net increase in capacity of 525 additional households and 765 additional foster care places. In contrast, there has been a decrease in capacity of 35 households and 325 places in local authorities over the same period".

By definition it is quicker, and in quite a lot of cases better, to provide foster care than to build a new children's home. I want to press the Minister on what he thinks is the explanation for that 99% gap between those expressing an interest in fostering and final approvals. What is he doing to close that gap? He will be aware that there is a perception that it is almost impossible to become approved as a foster carer. We looked at this in my family some years ago. We started in on it through my work as a constituency MP; I have met many constituents who are foster carers. They are incredible people and I pay tribute to them. A woman I know well has fostered 70 children as well as adopting. I honestly think these people are amazing.

The Government really need to use the Bill—this rare legislative slot, as one of the Ministers said—to increase the number of foster and kinship carers. Publishing information is good, but it will not change much unless it is accompanied by a radical attitude to approvals by local authority social work teams. When the alternative—which we are getting to in this clause—is children being sent miles from home, placements breaking down, children going missing and high costs to local authorities, there is obviously a burning platform for change.

If I were the Minister—he is free to take this suggestion or not—I would commission a month-long desktop review to look at the pipeline and all the decisions to reject applications to be foster carers that got fairly far down the track, and understand what can be learned from them. That could shape amendments either here or in the other place and be a huge benefit to him. I can think of a senior official in a Government Department—someone the Government trust to run a major public service—who has two kids, provides a loving home and wanted to foster but was turned down. There are many such cases. Everyone knows the phrase "too many books in the house", but I strongly encourage Ministers to dig into the underlying question of why we lose so many opportunities to get the foster carers that would take off the pressure that we are trying to take off with these clauses.

A key recommendation of the independent review of children's social care led by the hon. Member for Whitehaven and Workington was to introduce mixed models combining residential and foster care, particularly for older children, who are the fastest growing part of this cohort. That was part of our brief for the initial pathfinder sites for the regional care co-operatives, which I mentioned in the debate on a previous clause. What assessment has the Minister made of that approach? What impact does he think its adoption might have? Is there any interesting early data from the pilots in Greater Manchester and the south-east?

Speaking of mixed models, I encourage the Minister to look at the incredible work of the Royal National Children's SpringBoard Foundation, which, as he knows, does amazing work looking after care-experienced and edge-of-care children in a network of state and independent schools. It has been working with the DFE since 2020—something I am very proud that we brought in—and has provided incredible, transformative opportunities for disadvantaged young people. I encourage the Minister to build on that and go further.

On the specifics of clause 11, after the terrible abuse of children supposedly in the care of the Hesley Group, it is absolutely right that the Government are trying to identify systemic safeguarding problems in organisations that manage multiple children's homes, independent fostering agencies and residential special schools. Our only concern, which is quite serious, is that we should allow for rapid action, not something that drags on and becomes a time and resource-consuming process.

I heard what the Minister said in introducing the clause about providing an alternative to prosecution, but I do not want to lose sight of the importance of prosecution. My noble Friend Baroness Barran told me that when she was a Minister in the Department for Education, she was already able to request inspections of every home in a group where one was judged to be failing, and did so on at least one occasion. Ultimately, we need experienced people to go into a home quickly and see what is actually happening. I think this is within the spirit of what the Minister said, but I hope he would agree that there is often no better alternative to actual inspection and actual prosecutions.

To use an example from a very similar area, the Department can also request an "improvement plan", which is the main vehicle proposed in these clauses, in the case of independent schools, but that does not always work well in practice. The reasons for that are instructive for the kinds of issues that I hope Ministers will think about here. What ends up happening is that plans are sent in varying degrees of adequacy, and time—in some cases literally years—can be wasted with a lot of letter writing back and forth. I urge the Minister to think about the action he wants in those kinds of cases. Imagine being in the middle of a drawn-out improvement plan process in another case like the Hesley Group case—and that is before the inevitable appeals, which the clauses provide for, kick in.

We have not tabled an amendment to do this—I wonder, though, about the other place—but we think that the Minister needs to confine the improvement plan idea to more minor administrative cases or lower-level concerns. That is where it might be more appropriate. We worry that we might get similar processes to those that we have seen in independent schools, where we have a resource-intensive, rather bureaucratic and slow process that goes on for a long time with a lot of back and forth and appeals. Ultimately, we sometimes just need to get to the point. That is our broad concern.

11.15 am

Will the Minister address the following specific points on clause 11? First, what is the definition of "reasonably suspects" in proposed new section 23A(2)(b) and (3)(b)? The policy summary mentions Ofsted reasonably suspecting,

"based on intelligence they receive or via inspection, that required standards are not being met in two or more settings owned by the same provider group".

What sort of intelligence would meet the bar for intervention? On the point about "two or more settings", I do not necessarily think that we would want to rule out the use of an improvement plan in minor cases, even involving just one setting.

Secondly, there does not seem to be a hierarchy when it comes to failure to meet the required standards. The clause lists lots of different things, and they could be minor or quite major transgressions of the standards. In the case of a major transgression, an improvement plan feels quite bureaucratic. On the point of prosecution versus an improvement plan, could we be clearer about what sort of problem leads to what sort of action?

Thirdly, proposed new section 23A(4) does not appear to set a timescale by which Ofsted must submit an improvement plan notice. As the Minister will gather from my remarks, our concern here is about pace and timeliness. We are concerned about cases where there are potentially quite serious concerns, yet there is a delay in sending the notice. In fact, I am more concerned that Ofsted should do an emergency inspection when serious concerns are expressed, and I worry about the improvement plan process resulting, totally inadvertently, in fewer of those inspections taking place because the cases go into the process set out in the clause instead.

Fourthly, will the Minister consider the role of regulation 44 visitors? They are another important set of independent eyes on the children in these homes. He will be aware of suggestions in the past that they are not always as independent as they should be in the cases of certain private groups. Is that not an important thing to consider here? We must ensure that the existing system works before we add new layers of process on top of it. There is no reference to those visitors in the policy summary, and they play a vital role in safeguarding the children in these homes.

Fifthly, I do not know what consideration was given to requiring the registration of parent groups. The policy summary rejects the routine inspection of provider groups, but we need some level of accountability that has real teeth in urgent situations. Why does the DFE think that full inspection of provider groups is unnecessary? The reason given is that most provision is rated good or outstanding, but about a fifth of providers are not rated as either.

We worry that clause 11 might not achieve what the Government want. It risks making us feel safer and giving us a process, but becoming a bureaucratic sink. We do not want workers to get sucked into a bureaucratic process rather than acting quickly to keep vulnerable children safer.

I look forward to the Minister's reply. I know that we want the same outcomes on this issue. I understand why an alternative to prosecution is being proposed, but we need to be careful that, although we think we are doing a good thing, we do not inadvertently replicate some of the issues we have seen where that kind of process has been used in other fields, such as independent schools, and that we do not take away pace.

Clause 12 is obviously linked to clause 11, as we are debating them together. We heard from the Children's Commissioner in her powerful evidence last week that there is a pressing need to address the plight of children in unregistered placements, which her report estimates is costing local authorities almost £440 million a year. The numbers were really quite incredible. Assuming that the number of children placed in those homes on 1 September 2024 was typical for a full year—she quoted 775 children and young people—that equates to more than half a million pounds per child, per year, in these settings.

Clause 12 provides for Ofsted to issue unlimited fines where it is

"satisfied beyond reasonable doubt that an act or omission of the person constitutes an offence under this Part"

of the Care Standards Act 2000. The policy notes state:

"At present, Ofsted can prosecute those who do not register but operate or manage those services. However, this is a resource-intensive process and can take a long time. This legislation will give Ofsted further enforcement powers to tackle unregistered settings, as an alternative to prosecution."

In one sense, that is totally understandable, but let us just step through what we are doing here. The Bill effectively suspends the criminal justice system for operators who break this part of the law, and replaces it with a system of fines from the regulator. I totally understand why—I understand the Minister's arguments—but that is quite a big step to take when it relates to the protection of highly vulnerable children.

The question for the Minister is, how do we avoid the loss of everything else that comes with a successful prosecution, and how do we ensure that local authorities learn the lessons and are accountable? If local authorities are repeatedly using illegal, unregistered children's homes, there is obviously a wider issue. How do we create a process that leads to change in the purchaser—the local authority—too? Indeed, that point has been made not just by me, but by the Children's Commissioner. On page 8 of the report she submitted in written evidence, under the heading "Missing from the Bill", she says:

"However, it is also crucial that local authorities and, where they exist, regional care co-operatives are accountable for the use of illegal homes in their area."

Will the Minister amend the clause to bring about that element of symmetry? Obviously, we want to make it easier to hold those running unregistered homes to account, but we also want to bring about change in the authorities that are commissioning and using them.

I also wonder how much the Department thinks might be raised from these fines. Does it have any expectation about that? The clause covers monetary penalties for registered providers who do not comply with an improvement plan notice. The Minister will have gathered, given that we are a bit sceptical about the improvement plan approach for more serious cases, that we worry that those fines will not change enough either. In proposed new section 30ZC(1) of the 2000 Act, the Bill talks about penalties where

"the CIECSS is satisfied on the balance of probabilities that the person has failed to comply with…an improvement plan notice".

Both parts of that equation seem like things that are likely to end up in litigation.

I have a couple of specific questions about clause 12. What level of fines does the Minister expect Ofsted to use these powers to levy? The Bill leaves them potentially unlimited, so I want to get some sense of what he thinks they will look like in practice. On a small note about incentives, a wise man said, "If you show me the incentives, I'll show you the behaviour." At present, the DFE says that the fines moneys will go into the consolidated fund and help pay for public services generally, but incentives are quite important. I wonder whether Ministers might find they get a more powerful crackdown on these activities if they change the incentives by ringfencing fines for supporting looked-after children.

Last but not least, I have a question about proposed new section 30ZC(3). Is it the intention that fines may never be imposed where the person has any previous conviction for running an unregistered home, or does the subsection apply only on a case-by-case basis, so they cannot be fined for the same individual instance? The Minister used the expression "same conduct", and I was not clear whether that means, "I can't give you a regulatory fine if, in this individual instance, you're being prosecuted," or if it means, "If you or your group have ever been prosecuted before, then you cannot get a regulatory fine." Could the Minister clear up that ambiguous phrase?

I will end where I started. I am totally sympathetic to Ministers' intent here, but we worry that if we are not careful, there will be a lot of process and bureaucracy, which must not be allowed to get in the way of prosecuting those who are doing the wrong things, and must not be allowed to get in the way of keeping children safe.

Stephen Morgan: I thank the shadow Minister for his contributions and questions. He made a number of practical points and asked a number of specific questions.

The Chair: Order.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Sixth Sitting

Tuesday 28 January 2025

(Afternoon)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 1 February 2025

The Committee consisted of the following Members:

Chairs: † Mr Clive Betts, Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 28 January 2025

(Afternoon)

[Mr Clive Betts *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 11

Powers of CIECSS in relation to parent undertakings

2 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Chair: With this, it will be convenient to consider clause 12 stand part.

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): As I said in the last sitting, I am grateful to the Opposition spokesperson, the hon. Member for Harborough, Oadby and Wigston, for his thoughtful contributions and specific questions. I will take those points away and I will try to address as many of them as I can in this debate.

As required, we have produced impact assessments for all measures in the Bill, and have followed the better regulation framework for measures that are in its scope. As outlined on gov.uk, the Regulatory Policy Committee, or RPC, is currently reviewing the Bill's impact assessments and will produce an opinion when its scrutiny has been completed. We will publish those impact assessments shortly. We have also conducted child's rights impact assessments, where children are directly impacted by the policies and/or there are particular groups of children and young people who are more likely to be affected than others, as I mentioned this morning. There is no requirement to publish these documents in relation to England, but the documents are currently under review, and we will also publish those shortly.

The shadow Minister made a number of points about the shortage of foster carers. 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, but the Government are clear that all providers of accommodation for children should register with Ofsted. We are also helping local authorities to meet their sufficiency duty by investing more than £130 million in fostering hubs and kinship care and providing additional funding for children's homes, including more than £36 million specifically on foster carer recruitment and retention.

In the light of the questions that the shadow Minister raised, I also wanted to respond on how we are working with Ofsted to embed the reforms in the Bill. As Sir Martyn set out in his evidence, Ofsted is a key partner in delivering reform of children's social care, and we are working closely with Ofsted to ensure that each of the measures presented to the House can be implemented carefully, alongside the non-legislative asks that Ofsted also needs to respond to in parallel. The Department has provided funding for a children's social care transformation team in previous years, which has built the capacity for Ofsted to respond effectively to all the changes we have asked of it to date and ensure that it can meet the demands placed on it by the Bill.

The shadow Minister asked about the term "reasonably suspects". Ofsted will have the grounds to suspend registration, which could be based on minor or major non-compliance, and may consider that that is a problem in other settings owned by the same provider group. That would be a reasonable suspicion, and it will be a matter for Ofsted to apply those judgments.

On the question of whether the bar is too high for provider group-level intervention, Ofsted's power to cancel registrations is broad and allows it to intervene when the regulatory requirements are not being met. If Ofsted reasonably suspects that two or more settings owned by a provider group are not meeting those requirements, it has the power to ensure that the provider group acts to make improvements in the settings. If an issue arises in a single setting, it is unlikely to be indicative of wider issues in the provider group, and Ofsted would use its existing powers in relation to registered providers at the individual setting level. It is right that the bar at which Ofsted should be able to require actions of a provider group is the same bar that would enable Ofsted to take action against individual settings, where that is already set out in legislation and guidance. That ensures that this further power is proportionate and that it can only be used where there are real issues of concern arising in settings.

These powers supplement the existing inspection regime. If Ofsted has serious safeguarding concerns, it has the power to close individual settings.

The shadow Minister also spoke of the need to speed up action by Ofsted. The Hesley Group case showed what can happen when a culture and environment in a provider group allows a culture of silence and allows abhorrent abuse to take place. These new powers will allow Ofsted to act quickly and go directly to the provider group to seek improvement if it reasonably suspects that requirements are not being met, which it could not do with any legal backing in the Hesley case. If the provider group does not improve its settings, Ofsted can take action. Where there are serious safeguarding risks, ultimately Ofsted has existing robust powers to cancel a registration and close the setting.

On why we are not introducing inspection of provider groups, Ofsted inspects settings at a minimum of once per year, using the social care common inspection framework. Inspection is not warranted at provider group level—the organisation that owns the providers who run the settings—given the existing robust regime for inspection of individual settings. Provider oversight will supplement inspections to ensure that Ofsted can take the quickest and most effective action for the benefit of children. In many situations, the provider oversight measures will not be necessary, as most provision is rated good or outstanding. Inspection of provider groups would, in many cases, simply duplicate what Ofsted is already doing. Ofsted is already able to cancel registrations in respect of settings if necessary. Provider oversight ensures that multiple cancellations of registrations are not necessary.

On the point about compliance with action and plans relating to litigation, it will be a straightforward question of whether a provider has implemented the improvement plan, which will have been agreed between the provider group and Ofsted. We do not foresee that it will lead to any lengthy litigation.

The shadow Minister spoke about local authorities who place in unregistered settings. Local authorities have a duty, of course, 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, but Government are really clear that all providers of accommodation for children should register with Ofsted. We are helping local authorities to meet their sufficiency duty by investing more than £130 million in fostering hubs and kinship care, and providing additional funding for children's homes.

Finally, Ofsted will ask local authorities for information on their use of unregistered provision ahead of any inspections. If there are any concerns, Ofsted may focus on unregistered provision in the local authority's next inspection. That could include the decision-making processes leading to use of this provision and the statutory duties to plan for sufficient places to meet the area's needs.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I simply want to lodge a very specific question about proposed new section 30ZC(3)(a) of the Care Standards Act 2000 and the category of people who may not be given a regulatory fine but instead must be prosecuted. I raised the issue in this morning's session about whether those people would not be able to get a regulatory fine because of the individual case being dealt with, or whether it was the case that anybody who had a previous history of being found guilty of any of these things could not have a regulatory fine applied to them. I would be grateful if the Minister can clear that up now, or if he will undertake to write to me about it. It is just to understand what the law is proposing in that respect.

Stephen Morgan: I thank the shadow Minister for those comments. We will certainly take that away and get him a response.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Clause 13

Financial oversight

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

Neil O'Brien: It is actually quite difficult to talk to clause 13, as it looks as though pretty much all the important detail here is to be worked out in regulations. Of course, the Government should support local authorities to minimise the risk of disruption to children in homes or independent fostering placements from providers getting into financial difficulty, and financial oversight should indeed be part of their registration conditions. So far, so good.

However, proposed new section 30ZE(2) of the Care Standards Act 2000 states that a financial oversight condition

"is a condition specified in regulations made by the Secretary of State for the purposes of this section."

Subsection (4) lists examples such as size, the number of children looked after, geographical concentration and so on. Though this area is being left to regulations, could the Minister say more about the sort of thresholds the Government are considering for these metrics—particularly as the Secretary of State will have so much power, including to alter all the criteria in regulations? Although this is broadly a sensible measure, it is quite an open-ended and new power.

The clause is already quite long, but the Opposition wondered about an improvement, perhaps as it goes through the other place, to fundamentally change the registration approach for any new market entrants, so that it is a condition of delivery that they provide financial transparency up to the parent company level, give a quarterly going concern update to the regulator and provide financial information as reasonably requested by the regulator. Has the Department considered similar requirements, so that all providers would have to give full financial transparency as a matter of course and further investigation would follow if concerns were raised?

We are completely sympathetic to proportionality in regulation, but in this case we could reasonably put the onus on providers to share the information systematically, rather than having to wait for a tip-off from a whistleblower or for a concern to become apparent. Sometimes it is the analysis of consistently reported data that provides the tip-off that there is a problem.

To use an example from a slightly different field, in my constituency I have been involved in cases where the integrated care board is regulating GP practices, and I have always thought there is a strong case for ICBs to get more data up front. Twice, when there has been a problem in my constituency and I have talked to the ICB afterwards, it seemed to me that if it had been getting financial data, the issue would have been obvious and there would have been signs long before whistleblowers ever went to the Care Quality Commission. I wonder whether consistent reporting analysis of data would allow us to see problems coming before we get to whistleblowers and other problems down the line. One issue is therefore whether we should have reporting on a more regular basis.

The Opposition have worries of the same kind about this clause as we did about clause 11, though in this case, instead of an improvement plan, it is called a recovery and resolution plan. Again, thinking about independent schools, there is a risk that time and resource get spent preparing the request for the plan, writing the plan, challenging the plan as needed, writing a better plan and going through iterations. In the case of these providers, do we have the financial expertise, either in Ofsted or the Department, to assess the plans? It looks as though there is a recognition that we do not, because proposed new section 30ZI includes the power to arrange for an independent business review. That makes sense, but for reasons best known to the Bill drafters that does not appear to include scrutinising the recovery and resolution plan. I am not sure why not. I do not know whether that is a slip of the draftsman's pen, as they say, or whether it is deliberate.

My understanding is that Ofsted already has the power to inspect the financial position of schools, but there is a limit on what it does because of the need for a

[Neil O'Brien]

high level of expertise to pick through these cases. Looking at the accounts of a school or group of schools is simpler than analysing the complex debt and ownership structures that we see in some of the private equity-owned children's homes.

In practice we know that the market is so tight for placements that the loss of even a smaller provider would be disruptive, and the timing of the issuing of the advanced warning notices set out in proposed new section 30ZJ will be terminal for the affected businesses. Page 47 of the policy summary states that the regulations may be extended in scope,

"so that they may provide that a person is not fit to carry on an establishment or agency if a parent undertaking has failed to comply with the financial oversight scheme."

I am unclear where that provision is in the Bill. Perhaps the Minister could clarify that, because it is quite a complicated clause. Are there any other potential extensions of the Secretary of State's power by regulations here? Could the Minister clarify the thinking behind allowing Ofsted to determine that someone applying for registration is not a fit and proper person to manage an organisation in this area?

2.15 pm

I have some specific questions for the Minister. Can he clarify whether the clause only applies to for-profit businesses, or whether charitable providers in the sector will also be included, and how that would work for them as non-profits? What will the threshold be for children's social care providers to be considered "difficult to replace" enough not to have to provide the information listed to the DFE? What proportion of providers are we talking about? Does the Minister have a sense of what the threshold will be and what proportion of the market will be outside it?

How often has there been a

"sudden or disorderly market exit",

as the policy summary says,

of "'difficult to replace' providers" in the past? It would be good to have a sense of how often these considerations would have applied in the past. Can the Minister give any examples of how the powers in this clause would prevent that from happening? The maximum monetary penalty for non-compliance will be set out in regulations; does the Minister have any sense of what that might be, or why?

There are issues about pace that we have raised in relation to other clauses. Although I am sympathetic to what Ministers are trying to do, there is a nervousness that digging into the finances of these things will not necessarily be straightforward, and I would like reassurance that there is a plan to be able to do that. I also wonder whether there is scope to make this a prospective rather than a reactive process, so that we have the opportunity to mine that data and analyse it, to see whether it is telling us anything about problems that are coming down the line before they happen.

Amanda Martin (Portsmouth North) (Lab): We heard from the right hon. Member for East Hampshire about the involvement of larger and smaller-scale providers in children's social care, and the Bill covers the other places that children and young people can make their home in. I think we all agree that there is a need for a wide range of options, so that we can determine what is best for individual children and young people when they are finding their home.

Clause 13, however, is particularly relevant to larger-scale providers because of the sheer number of children who would be affected should one of those providers experience unexpected or unreported financial difficulties. No young person should be faced with losing their house overnight, and this measure would help to secure provision for those children in a planned way, as opposed to a reactive situation where a number of places have to be found overnight.

The clause also follows the Competition and Markets Authority's recommendation to emulate the equivalent schemes we find in adult social care. That is long overdue in child social care. It adds safeguards that allow for transparency and security, which we welcome when we are dealing with children's social care and the homes that they will hopefully have for a long time.

Stephen Morgan: We are aware that a provider of children's social care places suddenly closing their provision as a result of financial failure could have a significant detrimental impact on the care and stability of children and young people where they live. Currently, local authorities have no way of knowing whether a private provider or its corporate owners are at risk of failing financially. If a large provider were to fail and suddenly exit the market without warning, it could be difficult for local authorities to find alternative placements for those children or places that appropriately meet their needs. That is why we are developing a new financial oversight scheme in children's social care, as recommended by the Competition and Markets Authority, which will for the first time increase the financial and corporate transparency of difficult-to-replace children's social care providers and allow accurate real-time assessment of financial risk.

The scheme will give local authorities advance warning of failure, so that they can take swift action and minimise disruption to the most vulnerable children. Those in the scheme will be required to submit a recovery and resolution plan containing information on risks to providers' financial sustainability and plans to reduce those risks. The Secretary of State may also require providers or a corporate group member in the scheme of heightened financial risk to undergo an independent business review. We will provide details of the RRP and the IBR through guidance.

I thank the shadow Minister for his comments and questions and my good and hon. Friend the Member for Portsmouth North for her insightful contribution. The shadow Minister asked a number of questions about how the scheme will work in practice ahead of the regulations, and made a number of points about which providers will be in scope of the financial oversight scheme.

It is worth saying that the scheme will be proportionate and target only difficult-to-replace providers and their owners according to their size, market share and geographical concentration. The scheme will apply to private, voluntary and charity providers of children's homes, including dual registered special schools and independent fostering agencies operating in England. We will also extend the measure to supported accommodation, and we in the

future may look to extend it by regulation to residential family centres. Local authorities routinely manage placements of individual children in the event of closures of smaller services, so we do not think those need to be covered by the scheme.

To answer other questions raised by the shadow Minister, the Bill sets out the foundations of the financial oversight scheme, exercisable through the Secretary of State's powers. We know that the children's social care placement market is dynamic and we will use these measures and powers to set out the detail in regulations, which will enable my Department to review and update the details in line with future changes to the market. We will publish guidance alongside the regulations, setting out how the scheme will operate in practice and enabling providers to understand what the scheme requires of them.

The shadow Minister asked why Ofsted is not leading the financial oversight scheme. The forensic financial analysis required to fulfil the scheme's aims extends beyond Ofsted's remit as a largely quality-focused regulator. Given that Ofsted is not a financial regulator, we will build on my Department's existing capabilities and market oversight functions to undertake the specialist work required to develop the scheme. A Department-led scheme means that we can play a stronger co-ordination role should a difficult-to-replace provider exit the market, enabling a quick multi-agency response.

Finally, how many providers will be covered and how many placements they represent, we want the financial oversight scheme to deliver an effective oversight function that is proportionate and not overly burdensome. We therefore want to introduce a scheme that covers difficult-to-replace providers only, as recommended by the Competition and Markets Authority. We will determine how many providers will be subject to the scheme as we develop the regulations. Providers who meet the conditions will include private, voluntary and charity providers; we may look to scale the number of providers in the scheme up or down in future ,according to market developments, to ensure that we continue to meet the aims of the scheme.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Clause 14

Power to limit profits of relevant providers

Munira Wilson (Twickenham) (LD): I beg to move amendment 42, in clause 14, page 28, line 37, at end insert—

"(c) independent schools with caring responsibilities and offering SEND provision."

This amendment would include independent special schools within the profit cap provision.

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

Amendment 25, in clause 14, page 29, line 25, at end insert—

"(10) Before making regulations under this section the Secretary of State must lay before Parliament a report containing —

(a) details of the number of available placements in relevant establishments or agencies;

(b) an analysis of the expected impact of this section on the number of available placements in relevant establishments or agencies."

Clause stand part.

Munira Wilson: It is a pleasure to serve under your chairmanship, Mr Betts. Clause 14 grants the Secretary of State the power to limit the profits of certain social care providers, so I will say at the outset that I, as a Liberal, support a mixed economy in the provision of public services, but I believe that there must be limits to that. It is clear that we have a market that is not functioning, and there are providers who are shamelessly profiteering. I spoke to my director of children's services about this last week, and he told me at the moment the average price of a placement in a children's care home per week is £5,500. That is very much the average price; a number charge multiple times that amount per week. That local authority finances are being utterly crippled by some providers, which are clearly behaving inappropriately in the market because of the lack of supply, leaves me incredulous.

A number of hon. Members have made reference to the Competition and Markets Authority's 2022 report. It said that the UK had sleepwalked into a dysfunctional market, and that

"the largest private providers…are…charging materially higher prices, than we would expect if this market were functioning effectively".

The power in clause 14 is an important backstop if other measures are not successful, but the devil will be in the detail of how the power is implemented if it is triggered. We all know that many of those big companies have deep pockets from which to pay the best accountants and lawyers, and comprise multiple companies in complex structures all over the world; they can put money into all sorts of different places to avoid the intended scrutiny.

Amendment 41 would include independent special schools in the provision. I will say at the outset that there are many independent special schools run by private providers and voluntary sector providers that do an excellent job and are certainly not profiteering; none the less, some do not fall into that category. We are all acutely aware of the crisis in state special educational needs and disabilities provision and the lack of specialist places, which has led to a growth in private provision that is crippling local authority finances. In 2021-22, councils spent £1.3 billion on independent and non-maintained special schools—twice what they spent just six years previously. The average cost of one of those places was £56,710—twice the average cost of a state-run special school place.

It is clear from analysis done by the House of Commons Library for the Liberal Democrats that some of the companies running those schools are the same private equity companies that are running the children's homes and fostering agencies that the power in clause 14 is designed to address, so I am at a loss as to why the Government have not included independent special schools in the provision. LaingBuisson, which undertakes reports on children's services, looked at those providers on the profitability measure of earnings before interest, tax, depreciation and amortisation. It says that the profitability of 23 of the major providers, using the EBITDA measure, varied from 27.9%, in the case of the Witherslack

[Munira Wilson]

Group, down to 4.7%, which is a much more acceptable level; over a third of the 23 major providers had a greater than 20% profitability margin. Typically, it was the private equity-owned providers that had that high level of profitability, not the other private sector providers. I urge the Government to look very seriously at amendment 42, which seeks to ensure that we also crack down on profiteering in special schools.

On amendment 25, tabled by the Conservatives, I actually think the first part of it, about detailing the number of placements available in relevant establishments or agencies, is a good idea. That information should not be published only when the power is triggered; frankly, we should have an annual assessment of the availability of care placements and details of what the Government are doing to boost their availability. It is clear that the lack of provision is what is driving the profiteering. A later clause allows local authorities and others to open new special schools where there is demand. We need a provision that gives local authorities the power and funding to fill a need for social care placements as well, so that we are not filling the coffers of private equity funds and sovereign wealth funds in the middle east, which pay their directors massive bonuses, huge amounts of money, drawn from the public purse, when many of our local authorities are on the brink of bankruptcy.

2.30 pm

Neil O'Brien: I rise to speak to amendment 25 and clause 14. I thank the hon. Member for Twickenham for what she said about our amendment. I completely agree that, ideally, we would have what we are asking for on a regular basis, but just to be clear, the requirement on the Secretary of State to report to Parliament details and analysis of available placements is in amendment 25 because we want to keep the focus firmly on supply and capacity, which I think we agree are the ultimate drivers of the problem we are addressing.

As we said in response to the oral statement to the House by the Secretary of State, we welcome the continuing focus on issues that we identified, and we set up the market intervention advisory group to look at that when we were in government. The heart of the problem, however, as I think we all recognise, is the lack of supply of high-quality places in residential, kinship and foster care for looked-after children. Demand for such places outstrips supply, and that is what is causing the high cost of placements.

It is striking that in its 2022 report, the Competition and Markets Authority did not recommend a profit cap because, in its words,

"The central problem facing the market…is the lack of sufficient capacity."

The CMA concluded that taking measures to limit the profitability of providers would

"risk increasing the capacity shortfall."

So if we do not take action to increase capacity first, ironically, we risk simply driving up prices and exacerbating the shortage of places.

Likewise, the review commissioned by the last Government and carried out by the hon. Member for Whitehaven and Workington (Josh MacAlister) found that profit caps would not work as it would be,

"relatively easy for providers to reallocate income and expenditure to maintain profit levels",

a point already alluded to by the hon. Member for Twickenham. The capacity problem rests on the availability of places and the demand for those places. We spoke previously about the need to do much more to grow fostering to reduce demand. Our amendment is designed to ensure that that capacity issue remains at the front of everybody's mind at both the national and the local levels, so that at neither level do we fall into thinking that we can fix this without primarily fixing supply.

I understand the argument that it cannot hurt to have the power in the clause, which is the reason why we will not vote against it, but it is unlikely to change things very much compared with increasing supply. In fairness, the Bill's policy notes state that the profit cap power

"is intended only to be used as a last resort should other measures not have the expected impact".

The hon. Member for Twickenham talked about it being a backstop. My only worry is we should not even rely on it as a backstop. As the previous independent review and the CMA highlight, it would not be easy to use. One reason is that it would inevitably have to be backward-looking. The Government's policy notes state:

"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."

We will be looking backwards at a sector where there are a lot of complicated financial arrangements, and because we are looking backwards, people will have time to do all kinds of things to make sure that they look like they are complying, for the reasons I have mentioned.

As Ministers take this measure through the other place and consider implementation, I strongly recommend that, if they regulate for fines, they set up an absolutely iron-clad mechanism to ensure that those fines are paid. I was very disturbed to learn from an answer to a parliamentary question the other day that the Home Office has no idea what proportion of the fines imposed for illegal working are actually paid. In that sector, people just move on—they set up a new company, or get their brother to start a new thing. They just move on, and they do not pay the fine. It is widely known that we do not even know how many people are paying those fines. Obviously, we need to prevent that from happening in this sector, where there is equal scope to move on, to set up new things and collapse the old, and so escape fines. I am sure Ministers are seized of that risk; I just wanted to emphasise what they need to do when regulations are made.

Another way out that Ministers might want to try to close off is that some in the sector adopt offshore models of provision. Might the Government want to use this rare legislative moment to discourage, either in primary legislation or by giving themselves the power to regulate, the commissioning of places with providers that are domiciled offshore? They might want to take that power now, but even if they fix it, there will continue to be so many opportunities to fudge and to manage profits with interest and debt.

I do not mean to labour this because, as I listen to some people in the debate, including Ministers, I hear that they understand the difficulties, but then I hear from

some other people, and they think, "Oh, we can just control prices to get out of this, without addressing the underlying real problem about supply." When I was at the Treasury, one reason we were really keen on the work we were leading on through the OECD on base erosion and profit shifting was that we were faced with the endless generation of new tax wheezes and profit-shifting arrangements. They all had these exotic names—the Dutch sandwich, the green jersey and the double Irish; people were constantly generating new ways of moving profits around.

I want to bring that to life a bit by asking some questions. How would profit be defined for the purposes of the cap? The policy summary talks about

"(on average) profits of 19.4% on fostering, 22.6% on children's homes and 35.5% on supported accommodation."

I went back to look at the 2022 CMA report from which those numbers are drawn, but it just talks about margins, so I was not clear on whether we were talking about pre-tax, post-tax, or earnings before interest, tax, depreciation and amortisation. I am keen to understand what measure of profit we are using.

What analysis have the Department done to think about the capital needs of the sector over the next five years? It will need large sums, which may make profit capping harder. Fundamentally, there is a big question about what level of profit the Department for Education deems to be acceptable. In in her articulate and thoughtful remarks, the hon. Member for Twickenham mentioned one provider that had a very high rate and another that she said was more acceptable. That is the heart of the issue: given the powers that are being taken, do Ministers at this stage have some rough barometer of what they would regard as unacceptable profits?

Alongside this debate, even as we as we speak, the consultation is running. Obviously, in an ideal world it would have been much better to have had the results of that consultation before the debate and before we moved to legislate. To say we are being asked to sign a blank cheque is an overstatement; I am less worried about it than that. Obviously, though, it would have been much better to have the results of the consultation. What is the timescale of the consultation and when will we have some results from it? Is the Minister already able to share any findings?

I am labouring the point slightly, but I want the Minister's reaction to the issue, which I am trying to raise in different ways, of the difficulty of capping profits in this kind of industry with these kinds of players so that the concerns that caused the CMA and the hon. Member for Whitehaven and Workington not to recommend profit caps do not come to bear in practice.

A fundamental question is what the evidence is that, on a like-for-like basis, private sector providers are more expensive than either charities or local authority provision in this area. The numbers may exist, but I have not seen them. If the margins are so high, why are more providers not entering the market? It is a strange thing: there is not enough supply, but we think profits are too high. What is the barrier to entry? It may be that all those questions are addressed in the impact assessment, which is one reason that it is frustrating that we still do not have it.

The DFE says that it is trying to do other things to tackle excess profits. In its policy summary notes to the Bill, it said:

"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."

That is totally sensible; I completely agree. What are the Minister's thoughts on timing for making a decision on that? We have a consultation now. The Ministers are trying to do other things to tackle excess profits now; once implemented, they will take time to have an effect, if they are going to have an effect. In what year will we potentially make a decision on the profit cap? As I started to make the mental Gantt chart, I wondered whether this was a decision for the end of this Parliament or the next. I just want a sense of what Ministers think about the timing for making that decision.

Page 53 of the policy summary notes says:

"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."

That line is a bit mysterious. This may be obvious, but it is not obvious to me—what does that mean in practice? I could not work out which way round it was: would there be no profit capping if supply was too limited, as there would be no scope to do it, or would profit capping come in if supply was limited and prices higher than Ministers wanted? I was not sure in which direction the arrows ran between market conditions and the decision on having a profit cap.

We are not against the clause standing part of the Bill. We are obviously keen on our amendment, and indeed the improvement to it suggested by the hon. Member for Twickenham, but, as an amendment, it is what it is. But all of this is just an aim. We think there are massive limits to how usable this power will be in practice and we do not want it to become a distraction from fixing the main issue, which is supply. To use an example from housing policy, which is apt, given the Chair's former Select Committee role, the places around the world that have tried to rely on rent controls to fix housing problems generally fail. The people who focus on supply generally do much better. That is the spirit behind our amendment and our questions to the Minister.

Damian Hinds (East Hampshire) (Con): It is good to see you in the Chair, Mr Betts. I rise briefly to echo some of the points made by my hon. Friend the Member for Harborough, Oadby and Wigston and to ask a couple of questions. I have total sympathy with what Ministers are trying to do here. Having spent a bit of time at the DFE, I know the pain of seeing the amounts of money going out from local authorities for some very expensive placements.

The thing I always found vexing, and still do to this day, is exactly the thing the shadow Minister mentioned. If there are fat margins to be had, ordinarily, in a Schumpeterian world, people come into that—again, I hesitate to use the word—market. The insurmountable barriers stopping that from happening were never clear to me. It was not just that additional supply was not coming in to bring down unit costs, but that, on occasion, there was no place to be found. It is very important that we understand the underlying economics of this, bearing in mind, as ever, that we are talking primarily about the care of children.

The profit made by an entity cannot be limited, ultimately, because that is the residual left at the end of the year between revenue and cost. All one can do is

[Damian Hinds]

either to choose not to use an entity that makes a profit of more than a certain amount, or seek some form of clawback. I note from the Bill that it is the latter approach that Ministers wish to take, as in proposed new section 30ZM. Do they seek to use this power as a fine—a penalty—for having a profit above whatever is deemed the appropriate level, or in proportion to it? In other words, do they seek to claw back the entirety of the surplus—the profit made—in excess of what is deemed a fair return?

2.45 pm

This will come up in the secondary legislation, but I hope the Minister does not mind my asking about it now, because it is pretty fundamental. Defining profit is an extraordinarily difficult thing to do. To the person in the street, it is obvious, but any financial analyst would say that they can make the profit more or less whatever they would like it to be, depending on how they treat direct cost, how they absorb the fixed cost, how, in the case of a relatively small business, they treat the balance between remuneration of employees and reward to shareholders, and many other factors.

Even if we talk about gross profit or gross margin, that could be defined in different ways at different levels. The hon. Member for Twickenham suggested that perhaps EBITDA—earnings before interest, taxes, depreciation, and amortisation—would be the correct definition to use. It might be, but another argument says that taking the line above depreciation is not appropriate if a capital investment is involved. In any event, the overarching point is that it is a very complex issue. Private sector companies can be rather good at knowing how to best present their finances. Of course, that can be entirely legitimate. My question is, what monitoring does the Department for Education believe will be necessary, how much it will cost to put in place, and how effective does it think it will be?

My final question is: does this also apply to the voluntary sector? We are talking about profit, but a charity or voluntary organisation does not have distributed profit. They may, however, have a surplus, so does this also apply to surpluses made by entities in that sector?

Stephen Morgan: Amendment 42, in the name of the hon. Member for Twickenham, seeks to extend the powers to cap profits of Ofsted-registered non-local authority providers of children's homes and independent fostering services to also cover private schools with caring responsibilities and offering SEND provision.

As hon. Members will be aware, the Competition and Markets Authority found the children's social care placements market to be dysfunctional, estimating that the largest private providers were making profit margins well above what would be expected in a well-functioning market. It is important to be clear that the study was restricted to looking at the state of the market for specific types of placements. It provides clear evidence of excess profit making by some providers of these placements, but its scope did not extend to looking at private schools.

We set out a wider package of measures in "Keeping children safe, helping families thrive", which we expect will rein in profiteering among children's social care providers, and the profit cap is intended as a last resort if they fail to do so. Children and young people with special educational needs are found throughout the private school sector, and it is not our intention to introduce a blanket cap on profits in private schools that offer special educational provision.

With regards to private special schools, they can play an important role in the special educational needs and disability system, particularly in meeting low-incidence needs. Many have important expertise, but we recognise that independent special schools have higher costs than maintained special schools and academies. The Government are very aware of the challenges in the SEND system, and we understand how urgently we need to address them. But these complex issues need a considered approach to deliver sustainable change. As part of that work, we are considering the role and place of independent special schools. It would not be appropriate to introduce a profit cap on a completely different sector without proper engagement with stakeholders and an assessment of its impact.

The hon. Member for Twickenham made a number of insightful and helpful comments when moving her amendment, and I hope that I addressed earlier her remarks about private special schools. As I mentioned, private special schools often have higher costs compared with their maintained equivalents. In some cases, that will be particularly because of higher specialist provision to support children and young people, particularly those with complex needs.

Some private schools, of course, operate for profit. We need to ensure that placements in private special schools are used appropriately. It is the Government's intention that special schools should be reserved for those with the most complex needs. As I have mentioned, we will consider the role and place of private special schools and the potential for a cap on profits as part of our wider reforms to special educational needs.

Amendment 25, in the name of the hon. Member for Harborough, Oadby and Wigston, the shadow Minister, seeks to require the Secretary of State, before making regulations to implement a profit cap, to lay a report on the number of placements for looked-after children in relevant establishments or agencies and the expected impact of a profit cap on the number of places available. As I outlined earlier, we intend to use the powers in clause 14 only if profiteering is not brought under control through the wider package of measures set out in "Keeping children safe, helping families thrive". Those measures include improving data transparency and boosting the supply and diversity of provision, helping to foster greater competition and to drive down prices and profits to more sustainable levels.

It is crucial that we allow time for those other measures to work before considering regulatory action. If it becomes necessary to use the powers—I hope that it does not—the clause already includes important safeguards through restrictions that ensure that the powers are used appropriately. Regulations may be made only if the Secretary of State is satisfied that that is necessary on value for money grounds. The Secretary of State must also have regard to the welfare of looked-after children and the interests of local authorities and providers, including the opportunity to make a profit.

Crucially, the clause also requires the Secretary of State to consult before making regulations. That will be particularly important to ensure that all interests are

considered in determining issues such as how the cap will be calculated and the level at which it will be set. The consultation is particularly important: not only would it inform the details of the proposed cap itself, but it would require the Government to respond and publish that response. That would set out our rationale if a cap were introduced, including the matters in the amendment tabled by the hon. Member for Harborough, Oadby and Wigston.

In addition, the explanatory memorandum to the regulations would set out the policy rationale; in effect, that would already fulfil the amendment's aim of having a report laid before Parliament. Of course, the regulations would be subject to affirmative resolution, so these matters would no doubt be covered in debate. I hope that the hon. Member is reassured that important safeguards are already in place to ensure that the power to cap profits is appropriately restricted. Existing mechanisms also ensure that Parliament has sight of the information that the amendment covers. For those reasons, I ask hon. Members not to press their amendments.

I turn to clause 14, which inserts new sections into the Care Standards Act 2000. It is a crucial element of our strategy to drive down profiteering in the children's social care placements market. It will provide new powers for Government to take regulatory action to restrict provider profits if they are not brought under control through our wider package of measures set out in "Keeping children safe, helping families thrive". While some private providers are doing brilliant work, we want to ensure that all providers are delivering high-quality placements at a sustainable cost. We know that that is not always happening. The Competition and Markets Authority found the placements market to be dysfunctional, establishing that the largest private children's social care placement providers were making profit margins of 19% to 36%—well above what would be expected in a well-functioning market.

Let me be clear: making this level of profit from providing placements for some of our most vulnerable children is unacceptable and must end. The clause provides important backstop powers to ensure that the Government can take action if needed to end profiteering. The clause also sends a clear signal to providers that Government will not hesitate to take regulatory action to restrict this unacceptable behaviour if profit making is not reined in. If it becomes necessary to use these powers—I hope it does not—then the clause includes important safeguards and restrictions on the powers to ensure that they may only be exercised proportionately.

Regulations may be made only if a Secretary of State is satisfied that it is necessary on value-for-money grounds. The Secretary of State must also have regard to the welfare of looked-after children and the interests of local authorities and providers, including the opportunity to make a profit. Crucially, the clause also requires the Secretary of State to consult before regulations are made. That will be particularly important to ensure that all interests are considered in determining issues such as how the cap would be calculated and the level at which it would be set.

In addition, clause 14 provides for regulations to be made that set out important detail about the administration of any future cap by providing for annual returns from registered providers and the ability to request supplementary information. The detail of these returns, including their contents and format, will be determined after full consultation. We will want to ensure that we do what is possible to prevent profits from being disguised while ensuring that returns are not overtly onerous and burdensome.

I thank the shadow Minister, the hon. Member for Harborough, Oadby and Wigston, for his specific points. I also thank the right hon. Member for East Hampshire for his points on the importance of places and on the profit cap. On the question of why we cannot do an annual report on placement sufficiency, local authorities already have a duty to undertake an assessment of the availability of placements and sufficiency. As discussed earlier, the regional care co-operative will be able to take this forward at a regional level.

The shadow Minister also asked about the annual report on places. We are improving data transparency and boosting the supply and diversity of provision among other interventions, which will have swift, positive impacts. They will help to foster greater competition, which will naturally help to drive down prices and profits to more sustainable levels. The shadow Minister is right to raise the hiding of profits. We are aware that there are numerous ways in which registered providers may seek to avoid the cap or artificially reduce their profits for the purpose of the profit cap return, and legislation will seek to limit that. Should our analysis indicate that providers have attempted to hide profits, we will take that into our account in our determination as to whether the cap has been breached. That can also be considered to be an aggravating factor that could lead to more a severe monetary penalty for breach of the cap.

We are not introducing a profit cap immediately and we are not setting out the level of cap at this stage. The level of the profit cap will depend on a number of factors, including market conditions at the point it was introduced. Full consultation with local authorities and provider representatives, including on the appropriateness of the level of the cap, would need to take place before this power is used. We are clear that we are not seeking to eliminate profit making entirely; it will continue to play a role in the market.

The right hon. Member for East Hampshire asked a range of questions about how this will work in practice. I hope I have covered a number of them already, but the Secretary of State will assess returns, including ascertaining whether revenue not recorded as profit should have been. The process will look retrospectively at profits made in previous periods. Any breaches of the cap will be punishable by fine. The former Education Secretary also asked about how we will enforce the cap. Yes, the Secretary of State will be able to issue a civil monetary penalty if the cap has been breached, and the maximum level of the penalty for a breach may be prescribed in affirmative regulations and changed as needed in future with the approval of Parliament.

Finally, and more broadly, we are committed to taking a measured approach to implementing our reforms and are acutely aware of the importance of not destabilising the market and risking significant disruption to the care of our most vulnerable children and young people. We are confident that the package of reforms set out in the paper published on 18 November last year will address profiteering and ensure that the supportive and caring placements that children need are delivered at a sustainable

[Stephen Morgan]

cost to the taxpayer. However, we will keep the market under close review, and we will not hesitate to take action to cap providers' profits if needed.

3 pm

Munira Wilson: I thank the Minister for his kind remarks about my comments, but he is aware that the SEND system is in crisis—he and his fellow Ministers hear that every other week in the Chamber. He knows that local authority finances are on the brink because of SEND costs, and that those deficits are driven to a certain extent by the spending on private provision. I am curious as to why the Government are so hesitant to take action in this space, yet they are happy to slap VAT on parents wishing to send their children to independent schools. This amendment is about tackling specific providers that are clear outliers in the fees they are charging. It is a targeted intervention that could really help local authorities and, in turn, children who are desperate for more support that local authorities cannot provide.

The right hon. Member for East Hampshire talked about whether we can control profitability. I used to work in the pharmaceutical industry, in which the Government have for many years had a control on not only prices but profits and have clawed back profits. As a monopoly purchaser of services, the Government can act on behalf of NHS trusts around the country, and they could do something similar for local authorities where needed, whether it is with special schools or private social care providers. I would like to press amendment 42 to a vote.

Neil O'Brien: I was quite reassured by the Minister's thoughtful comments and his clear appreciation of the difficulty and extreme number of obstacles to making this power practicably usable. Kenneth Clark said that he did not know what civilisation was, but he knew it when he saw it, and I think quite a few Members of this House, including those on the Government Benches, have the same feeling about excess profits—we feel that they are too high, but we struggle to say what we think an acceptable level would be. That challenge will not get any easier over time.

As ever, my right hon. Friend the Member for East Hampshire is more articulate than I am, and he made the point well that this is not a profit cap but a retrospective clawback mechanism, which is another reason why it will be so hard to use in practice. Unless we are going to get into problems of retrospection and loads of legal action, we will be giving people advance warning, which will give them time to move money around and ensure that things look compliant.

I am keen to move amendment 25 to a vote. I promise that we will make great progress on subsequent clauses; I am not trying to be a dog in the manger. I understand and accept the Minister's arguments about the things that the Secretary of State would do before commencing such a power—that was reassuring—but there should be a national assessment of the number of available placements. The Minister said that such things happen locally, and that someone could tot them up; I hope the Government will do that. It would be a powerful thing for the Minister to do and would give him huge clout in driving this agenda forward, so I hope he will do it even if the Committee votes against this amendment.

There should be a German word for a bit of data that we think should exist—we look on the internet and think we should be able to find it, but somehow it does not exist. This assessment of what is available out there is an example of that. I am keen to put our amendment to the vote, to make that point for our friends in the other place when they discuss the Bill, but I am reassured by the Minister's comments.

Question put, That the amendment be made.

The Committee divided: Ayes 2, Noes 11.

Division No. 6]

AYES

Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

Amendment proposed: 25, in clause 14, page 29, line 25, at end insert—

"(10) Before making regulations under this section the Secretary of State must lay before Parliament a report containing —

(a) details of the number of available placements in relevant establishments or agencies;

(b) an analysis of the expected impact of this section on the number of available placements in relevant establishments or agencies."—*(Neil O'Brien.)*

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 11.

Division No. 7]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

Clause 14 ordered to stand part of the Bill.

Clause 15

POWER OF SECRETARY OF STATE TO IMPOSE MONETARY PENALTIES

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

The Chair: With this it will be convenient to discuss clause 16 stand part.

Stephen Morgan: My Department will introduce civil monetary penalties to compel children's care providers to comply with the financial oversight scheme and—if implemented in the future—the profit cap. It is imperative that providers comply with the scheme in order to protect vulnerable children from the disruption to their homes and care that could result from a sudden market exit by the providers of their placements. If providers do not comply, we will tackle that effectively by introducing penalties. Penalties could apply up to the highest level of the organisational structure of a provider that has failed to comply with the scheme.

If a profit cap is introduced in future, clauses 15 and 16 provide for civil monetary penalties for breaches of any profit cap, to be issued at provider level. The Secretary of State will be able to issue monetary penalties for breaches of the cap, and for failure to comply with annual return requirements. Both are essential to allow for the proper administration of the cap—if we need to bring it in in the future.

Furthermore, if providers fail to comply, action may be taken against their registration. The Care Standards Act 2000 is amended to give Ofsted the power to suspend or cancel the registration of a person, in respect of a children's home or fostering agency, if they have failed to comply with either measure.

Clause 16 sets out the process that both the Secretary of State and Ofsted must follow when issuing civil monetary penalties under provisions in the Bill. It will ensure that any penalties are issued fairly and consistently. It places a duty on the Secretary of State and Ofsted, when issuing a monetary penalty, to serve a notice of intention on the recipient. They must also take into account any representations from the recipient of the notice before a final decision to issue a penalty is made.

The clause sets out that the Secretary of State or Ofsted may issue a monetary penalty of any amount. The only exceptions to that are when the Secretary of State has prescribed in regulations a maximum penalty that may be imposed. Proposed new schedule 1A specifies the maximum amount and sets out the factors that must be considered when determining the amount of the monetary penalty to be issued, ensuring transparency.

To ensure that monetary penalties are paid on time, we will have the ability to charge interest on any unpaid penalty and to recover the unpaid amount, including any interest, as a civil debt. The interest will be charged at the standard rate, as specified in the Judgments Act 1838, but the total amount must not be more than the amount of the penalty. All penalty moneys are to go into the Consolidated Fund to help pay for vital public services. Finally, persons may appeal either the imposition of a penalty or the amount to the first-tier tribunal. I commend the clause to the Committee.

Neil O'Brien: I will be much briefer, because this is essentially a consequential clause relating to clause 14, but I want to touch on a couple of things.

A further difficulty in enforcing this profit clawback, and understanding what excess profit is, is that even within a single market not all these institutions are doing the same thing. In a funny way, the remarks that the hon. Member for Twickenham made about clause 14 go to that point. We look at the very large unit costs—that is a horrible expression—or the costs per child of care in independent special schools, and we think, "Gosh, these unit costs are so high. Surely we have to do something about this." The Government and the Opposition are seized of that point—we do not want to spend money that we do not need to spend—but we should sometimes look at the individual cases.

For example, a child in my constituency who has just been put into one of these brilliant institutions—Red Kite, over in Northamptonshire—literally needs constant help just to keep breathing, so we have to be clear about whether these things are really like for like. It is true that that independent special school is a lot more expensive than a mainstream school, but is it really like for like?

As we think about capping profits in this industry, a further complexity is that, depending on the caseload and the child, the profit and risk levels will be different. Within an individual institution, there could be some unbelievably hard-to-place, hard-to-look-after, very difficult and expensive children, alongside other children, so it will not be easy to work out an acceptable level of profit.

Proposed new schedule 1A(6), on the right of appeal against imposition of monetary penalty, further extends the opportunities for people to game the system. First, it is retrospective—it is about clawing money back from people after the fact, which gives them an opportunity to manage their profits so they look like they are compliant—and then there is a right of appeal. I understand why that is in the Bill, but to return to the metaphor about the lack of proper enforcement with regard to illegal working and the lack of information about the fines that are collected, by the time we have tried to claw money back retrospectively and given people the right of appeal, it would be easy for them to say, "This is in the name of my brother. We have collapsed the company. Sorry, we don't have any money to pay this fine," so we may not end up with anything at the end of it. Meanwhile, the people who are really behind the scheme have moved on and are doing the same thing down the road.

I want to highlight those points. This clause is consequential on clause 14. If we have clause 14, it makes sense to have clause 15, so we will not oppose it. I want to emphasise again, however, that there are even more dimensions to why it will be difficult to use this measure, so the focus should be on supply.

Question put and agreed to.

Clause 15 accordingly ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

3.15 pm

Clause 17

INFORMATION SHARING

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

Stephen Morgan: Clause 17 enables information sharing between Ofsted and my Department to ensure the effective functioning of the financial oversight scheme and profit cap regime. Sharing relevant information also supports Ofsted's functions under part 2 of the Care Standards Act 2000.

[Stephen Morgan]

For the purposes of a financial oversight scheme, effective information and the sharing agreements that are in place between my Department and Ofsted are crucial, and they will enable us to bring together financial corporate performance and quality indicators about individual providers to inform decision making. This clause does not authorise the processing of data, which would contravene data protection legislation.

Neil O'Brien: I have a brief question. I understand what the Minister is trying to do here; the Secretary of State is taking powers to require the Ofsted chief inspector to share information with them in connection with the functions under this part. Can the Minister explain how that differs from the current ability of His Majesty's chief inspector to share information with the Secretary of State? As the Minister just said, proposed new section 30ZO(8) is clear that it cannot contravene the GDPR legislation anyway, so I am trying to understand what gap this clause is trying to fix.

Stephen Morgan: I thank the shadow Minister for that. Data will be shared to other parties as part of the financial oversight scheme. It is worth saying that the Department will share with local authorities which providers meet the financial oversight conditions and are subject to the financial oversight scheme. That is to support their local sufficiency and contingency planning.

To ensure that commercially sensitive information is kept confidential, we will not share any provider information submitted as part of this scheme with local authorities or the sector. The Department will use this information to make an assessment of financial risk and issue an advance warning notice to local authorities where there is a real possibility that financial risk could lead a provider to cease operating.

Finally, where providers or their corporate owners, as I mentioned earlier, breach the requirements of this scheme, the Department will publish information on civil monetary penalties imposed. That is to be transparent about providers who fail to comply with the scheme.

Question put and agreed to.

Clause 17 accordingly ordered to stand part of the Bill.

Clause 18

USE OF AGENCY WORKERS FOR CHILDREN'S SOCIAL CARE WORK

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

The Minister for School Standards (Catherine McKinnell): Clause 18, through the introduction of a regulation-making power, will allow the Government to take stronger action to alleviate the significant affordability and stability challenges that have arisen from the increase in the use and cost of agency workers in local authority children's social care in England. This clause ensures that, while agency workers remain an important part of local authority children's social care, they do not become a long-term replacement for a permanent, stable workforce.

The clause will allow the Secretary of State to introduce regulations on the use of agency workers in English local authority children's social care services. It will strengthen the existing regulatory framework for the use of agency social workers in local authority children's social care services, which is currently set out in statutory guidance. It will also extend the framework beyond the social workers to the wider local authority children's social care workforce, such as agency workers delivering targeted early intervention or family help.

We remain committed to working in partnership with stakeholders across the children's social care system, including agencies, to ensure that the proposals implemented are proportionate and effective. The clause provides a duty to consult ahead of introducing regulations.

Regulations will make it clear to local authorities, the recruitment sector and agency workers what they should expect from each other. The consistency that that brings to the market will benefit all parties. Reducing local authority spend on agency workers will allow local authorities to invest more in services supporting children and families and enhance the offer to permanent employees. I hope that the Committee agrees that the clause should stand part of the Bill.

Neil O'Brien: We have not tabled an amendment to clause 18, but I have a lot of questions similar to those we have been asking about attempts to introduce profit capping for children's care homes.

The Government clearly have two quite different hopes for this measure. On the one hand, the explanatory notes on the Bill say that strengthening the regulatory framework for the use of agency workers within local authority children's social care services will improve the stability and quality of the agency workforce. That is the first hope. However, the notes also say that reducing local authority spend on agency workers will allow local authorities to invest more in services supporting children and families and enhance the offer to permanent employees. Those are two quite different objectives in different clauses of the Bill.

The last Government were taking steps to increase the number of people in social work. Those steps included the "step up to social work" scheme and the creation of social work apprenticeships, as well as advertising some of the amazing things that people can do and be part of as social workers. I take this opportunity to pay tribute to our social workers. They are amazing people. Theirs is a tough job, but people feel an enormous sense of pride in what they do, and when they look back on their careers they can reflect that they have helped a lot of people. It is an amazing profession.

According to the most recent DFE statistics, there were over 33,000 full-time social workers in post in 2023. That is 4,600 more than in 2017, or a 16% increase. The caseload per full-time equivalent worker had dropped from 17.7 cases to 16, the lowest in the series. We can say that that number is still too high, but it has at least been going in the right direction during my time in Parliament. Just under one in five of the full-time equivalents is an agency worker, and the agency share has gone up, but sometimes people assume that it has gone up more than it has. In fact, from 2017 to now, it has gone up from about 19% to just under 22%. That is an increase, but we must keep these things in perspective. As with children's homes, issues with agency workers are probably more likely to be resolved by addressing issues of supply and career progression, rather than

attempting to freeze or cap prices without addressing supply. Crudely trying to cap prices runs the risk of increasing vacancies in social work teams, lengthening lead times for families or at-risk children to get help, and putting more pressure on all the other staff.

When we look at the map, we see that not all local authorities are in the same position, facing the same costs, market forces and challenges. There are huge variations in the share of agency staff, even within regions, and in some regions, such as London, the use of agency staff is consistently higher. Applying the same rules, caps or limits to places facing totally different situations would be risky. That is why the last Government were talking about encouraging authorities in an area to come together on a voluntary basis to agree things, but were not forcing the pace or applying a hard national cap on a one-size-fits-all basis. Sometimes when we look at the map, we can see what we think is the rationale—for example, Trafford is more expensive than Manchester. Trafford is quite expensive, but then we see other parts of the country where the issues are not connected to the costs. Why are Bradford and Leeds so different? Without understanding the story, it is pretty dangerous to move to a one-size-fits-all solution.

Instead of alleviating significant workforce affordability pressures, which the explanatory notes say is the aim in the clause, a one-size-fits-all regulation could make things worse. Interestingly, a poll found that only 16% of agency workers agreed with the idea of national rules, which suggests that many are choosing to work in this way. In other fields we sometimes want to regulate agency staff for the good of the staff, or because we are worried that they are being exploited. In this case, however, we should be clear that they are overwhelmingly not looking for new national rules—although it is worth saying that the same poll shows that local authority staff take a different view. We should be trying to understand why that is the case.

I imagine that both the flexibility and the wider conditions are among the reasons people want to work as agency staff, and they are far from alone in that. Across almost every public service, in each new generation there is a much higher level of demand for flexible working—being able to work at the times and in the places that people see fit. That is, in one sense, a good thing. The workforce is more female, for example. We can understand why people want it. On the other hand, it poses a challenge for public services to adapt and manage.

As I said, the clause has a dual goal, which the Government sets out in the notes. One part of it is potentially capping pay rates or numbers. The other part of it is to improve stability, so that there are better relationships and quality is higher. Proposed new section 32A(4), on page 35 of the Bill, lists the reasons why Government can act under the clause. Paragraphs (a) and (b) are about quality; they are about agency workers' specified requirements, such as qualifications. Paragraph (b) is also about how they are managed, and it is very open ended. Paragraph (c) then says,

"including the amounts which may be paid under such arrangements".

I see no limit—although the Minister may tell me that there is one—on what the Government can do under that paragraph. Might they be able to set individual limits for individual local authorities? I see no obstacle to them doing that; it is a very strong power. If Minister were so inclined—I am sure that none is—they could micromanage the whole situation and try to run it from the centre.

I am interested to hear the Ministers' views on the Government's intent. How plausible do they think using those powers is, and what do they think are the obstacles to fixing the problem by directly regulating against it, rather than by improving supply overall?

We are, in a sense, again being asked for a blank cheque in so far as everything is in regulations. We do not have the promised impact assessment, although of course there is a commitment to engage extensively with the sector before introducing secondary legislation. There will be public consultation, and the regulations will be subject to the affirmative procedure, but as the Minister knows, that means they cannot be amended, so we will have no steer over them. It is a very strong power to heavily manage almost every aspect of the use of agency workers. There is, more or less, nothing that the Government cannot do under subsection (4).

Rather than asking lots of specific questions, I want to get a general sense from Ministers of how they feel about that. A lot of people say, "There are too many agency staff." It is not obvious to me that there has been a ballistic growth in their numbers, or that there is a "right level", which we are not at. I said that the level is now about a fifth; should it be what it was in 2017? Was that the right level, or was it the level it was in 2010 or 1997? Quite often, we hear people say that it is terrible that there are so many agency staff, but what is the right proportion? It is probably not zero.

The power being given is big, sweeping and general, and I do not have a firm sense from Ministers of what they want to do with it or when they will know what they want to do with it. When I listen to some people in this debate—not necessarily Ministers—I am struck by the naiveté of Ministers riding in and saying, "Right, you're banned from having any agency workers," or, "You're all capped at a maximum of x per day or x per hour," and thinking that that will not cause problems. In a country like England, with all our divergences, the Government would quickly get into big trouble if they did those things. I do not think Ministers are so unwise.

I would like to get the Minister's response to the concerns I have raised about the limits of action on pay. I am less worried about whether agency workers should all have qualifications; we should do everything we can to drive up continuous learning and professional development. That is all good stuff. I do not have a big problem with making agency workers more like local authority workers and making them part of the team. What I am more wary about is proposed new section 32A (4)(c), which seems to suggest that the Government intend to attack profiteering. I would be interested in the Minister's response to those concerns.

3.30 pm

Munira Wilson: I join the shadow Minister in paying tribute to our social care workforce. Social care is an incredibly tough job, and I take my hat off to anybody who goes into the profession.

I understand the Government's motivation and objectives, which are similar to those behind the provisions on care providers and the costs involved. We should also think about the children's experience. Whenever I have spoken

[Munira Wilson]

to care-experienced children, they have told me that their biggest frustration is with the huge turnover of staff, which means that they have to share their stories and relive their trauma a number of times. Often, they have a new social worker every few months. It is therefore important to try to clamp down on the use of agency workers.

However, I share the shadow Minister's concerns about what the measures will mean in terms of ensuring that we have an adequate workforce. They do not necessarily tackle some of the root problems that motivate social workers to opt for agency contracts. They do not tackle challenges around costs and pay and conditions in the context of the cost of living crisis, nor do they address the fact that workers may get flexibility through agency working that they do not get in a permanent role. We need also to look at supporting continuous professional development for qualified social workers, as we do with doctors, who receive 10 years-worth of funded training and development on the job. We do not do something similar for social workers.

I want to hear more from the Minister about whether the Government have a workforce strategy to address the root causes of more and more social workers opting for agency contracts, which is not good for taxpayers or for the child's experience. How can we address the fundamental causes and get more people into the workforce?

Catherine McKinnell: I thank both hon. Members for their probing of the clause. No amendment has been tabled, and there seems to be general agreement that the principle is right. Over-reliance on agency workers contributes to workforce instability, which has implications for both the workforce and the children it is there to serve. It also puts pressure on local authority budgets. I thank both hon. Members for recognising the challenging but hugely valuable work of social workers, which is often unrecognised and un-thanked. It is good that we take the opportunity to put on record our collective gratitude to them for the difficult work that they do.

Many local authorities are already demonstrating success in transitioning agency workers into their permanent workforces. People who work in social care need the right environment so that they can thrive, personally and professionally. We recognise that regulation alone is not the answer, but the Government are supporting local authorities to attract and retain children's social workers and provide positive working environments for all who work in children's social care, because ultimately children will benefit.

Local authorities will still be able to use agency workers if doing so is the most appropriate resourcing option and in line with the regulatory framework, but it is important to reduce local authority spend on agency staff and to allow local authorities to reinvest in the permanent children's social care workforce. Statutory guidance that has already been issued on this matter has allowed the Government to act quickly to introduce a new framework. The framework focuses on social workers, but other Government Departments are working on the same issue.

Guidance can be departed from in certain circumstances, so introducing regulations on the use of agency workers is appropriate and proportionate. It is important that we strengthen the regulatory framework on the use of agency workers in children's social care to ensure that it is legally binding, so that we bring greater transparency and accountability to the use of agency workers, as the right hon. Member for East Hampshire suggested. We will continuously consider the evidence, ensuring that we take an informed approach to those regulations.

There is a statutory duty to consult before introducing regulations. We commit to working in partnership with stakeholders across children's social care, ensuring that any proposals that we introduce are proportionate and effective. We are also working with local authorities and regions on developing price caps. We will look at the data later this year, before introducing those changes, and the raised regulations will be subject to consultation and the affirmative procedure. With those comments and queries responded to, I hope that Members feel that they can support the clause.

Neil O'Brien: I think the Minister answered this question when she said that, in respect of caps, she was working on a regional basis, but does the provision give the Government the power to cap on any basis, including at a local authority level? The Government could say that the cap is x in Westminster and y in County Durham—is my understanding correct?

Catherine McKinnell: As is becoming more evident as the Committee progresses, the hon. Member is very focused on the detail. Obviously, that is something that we will work through as part of our development of the statutory regulations. We will consider developing price caps on a regional basis, but we will look at the evidence and consult as well. That is important, because I think we all agree in principle on the provision, and we will work hard and consult to ensure that we get it right.

Question put and agreed to.

Clause 18 accordingly ordered to stand part of the Bill.

Clause 19

Ill-treatment or wilful neglect: children aged 16 and 17

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

Catherine McKinnell: Clause 19 amends sections 20, 21 and 25 of the Criminal Justice and Courts Act 2015. That Act protects over-18s in regulated social care settings and everyone provided with certain healthcare from ill treatment and wilful neglect, and the Children and Young Persons Act 1933 protects all under-16s from cruelty, so if someone is under 16 or over 18 there is protection in place to prosecute perpetrators of abuse. However, there is a gap that means that carers or care providers involved in the wilful neglect of 16 and 17-year-olds in regulated children's social care settings or youth detention accommodation cannot be prosecuted. We are therefore expanding the 2015 Act so that the offence includes protections for 16 and 17-years-olds.

The change means that where there has been ill treatment or wilful neglect by those providing care or support in regulated establishments, the law will support the relevant authorities in prosecuting the individuals and providers involved. I am sure we all want the right legal protections to be in place for all children, and for

the law to support action being taken against those involved in abuse or neglect. I hope the Committee agrees that the clause should stand part of the Bill.

Neil O'Brien: We support clause 19, which closes an important gap in the law regarding the ill treatment and neglect of 16 and 17-year-olds. I have some specific questions. Have the Government considered making the ill treatment or wilful neglect of a child aged 16 or 17 in a children's home or other regulated setting, as set out in the Bill, an aggravating factor in the sentencing of those cases? The low level of the terms "ill treatment" and "wilful neglect" sits uncomfortably beside the context, reality and vulnerability of those children. Will the Government think about the criminal justice side of that?

My second question is about children who are held on remand in the youth estate. Members who have read my Substack will know that, both under the last Government and this one, I have complained a lot about the growth in the remand population in the adult and youth estates, and the court delays that drive that. A lot of children now in the youth estate are held on remand—about 40%—so can the Minister confirm that these provisions will apply to children who are held on remand in youth detention accommodation, and not just to those who have been sentenced? Those on remand are there temporarily, and as we fix one important hole in the law, I want to check whether we need to fix another one, or whether it is already covered. I am happy if the Minister wants to write to us on that point because it is quite detailed.

Catherine McKinnell: I thank the hon. Gentleman for his support for the clause. To answer his second question, the change will affect regulated establishments in children's social care, including youth detention accommodation. It will therefore cover children's homes, residential family centres, accommodation where holiday schemes for disabled children are provided, and supported accommodation settings. There are other measures already in place to protect all children, including 16 to 17-year-olds, against abuse and neglect within children's social care settings and youth detention accommodation. This clause is specifically intended to address the current legal gap.

Neil O'Brien: I think the most natural reading is that those children should be covered, because they are in the YOIs. I just wondered whether there was a potential issue because they are not permanently there; they are just on remand. I wonder whether the Minister could check with her officials to ensure that we are not missing an opportunity.

Catherine McKinnell: I will double-check on the hon. Gentleman's behalf, but my understanding is that they will be covered, given that they come within the remit of youth detention accommodation. I will certainly convey his point about wilful neglect being an aggravating factor within the criminal justice system as a query to the Ministry of Justice, as it may be worth considering with the change being brought through in this education legislation. With that, I commend the clause to the Committee.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Clause 20

EMPLOYMENT OF CHILDREN IN ENGLAND

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

Catherine McKinnell: The clause seeks to amend the Children and Young Persons Act 1933. To help to develop this policy, we spoke to both children and employers. The changes in the clause are the ones that they told us they would like to see. The clause will require all children in England to have an employment permit in order to undertake suitable employment. The permit will make local authorities aware of the children working in their area. It will ensure that children are safeguarded as they undertake valuable employment, while still having access to their education.

The measure will give more flexibility to children and employers in relation to when children can work, which will give children more opportunities to take up suitable employment while still ensuring that their health, development and education outcomes are supported. Allowing children to work additional hours on a Sunday, and before and after school, will help them to benefit from additional suitable employment opportunities. Employment can contribute to a child's development, introduce them to the world of work and develop key employability skills.

The clause will also replace a power for local authorities to make byelaws in relation to child employment with a power for the Secretary of State to make regulations in relation to the employment of children in England. Having a single set of regulations that apply to all children who work in England, rather than each local authority having its own byelaws, will ensure fairness in outcomes for all children in England.

Our changes will also make it easier for children and their parents to understand what roles they can undertake, and for employers to know on what basis they can employ a child. They also mean that as types of work change, we will be able to restrict new types of employment that are not suitable for children more quickly. Additionally, we will be able to make previously restricted employments available for children, should changes in the way that they are carried out make them suitable. That will ensure that the legislation stays current.

I hope the Committee agrees that the clause should stand part of the Bill.

3.45 pm

Neil O'Brien: As the Minister says, the clause essentially centralises and harmonises differences in rules on children's employment, which are currently set partly at the local level. As a localist, I start with a small degree of nervousness, in so far as we are taking away a local authority power. We have done that an awful lot over the last 40 years.

I do not have a great objection to this measure, because in general it is a liberalisation overall. The notes provided by the Library are quite good, in so far as they talk about the extensions in different ways that this will bring about in most local authorities. I do have one slight nervousness, though, from a practical rather than a philosophical point of view. When we replace a complicated patchwork quilt and a lot of variation with

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a single national rule, we must check that every place is clear about the impact. To pick a random example used in the Library briefing, the byelaws of Birmingham city council do not include the line allowing 13-year-olds to work on car washing by hand in a private residential setting that is present in Richmond upon Thames and in the model byelaws.

I do not know whether the Government have a spreadsheet or an assessment somewhere detailing the current differences between the laws in all the different places. I hope that they do, because although in general it sounds like we are harmonising all these things across the country in a way that is liberalising, by having more times when young people and children can work, in some cases there might be a restriction, and it would not be a small thing for anyone caught by that restriction to be found breaking the law on the employment of children.

Although ignorance of the law is no defence, one might feel that it perhaps should be where people have been happily working away on the basis of their local authority's byelaws for some time, when suddenly, without them clocking it—because they do not read *Hansard* every day—the law changes and they can no longer do what they were doing before. Those people could easily be caught out, as the rules change and we move from a patchwork quilt to a single national standard.

As I say, I have some philosophical questions about the loss of local authority autonomy. However, because the direction of travel overall seems to be more liberalising than not, I do not think that we will oppose the clause, although I would ask the Minister to commit to producing that assessment of what the rules are now, compared with what they will be, which might be a sensible thing to do purely from the point of view of any legal challenge.

The Minister might stand up and say, "We've already done that—obviously," but if that has not happened already, will she commit to doing it, so that we are super-clear for individual local authorities about how the rules will be changing? Such a document or spreadsheet would be of benefit not just to those of us discussing these things nationally, but to the local authorities—the laws are changing in their areas—and to the actual employers of young people, so that they are not caught out by some of the changes and, indeed, are potentially alerted to the new opportunities that the more liberalising aspects of the clause will bring about.

It is a good thing for young people to be in employment at an early age—some of the best jobs I have ever had were when I was a young person working on a farm. That was an absolutely fantastic experience. We want young people to be able to get on with their lives, not to be held back. We are generally supportive of the liberalising aspects of the clause, but we have that nagging doubt.

We strongly encourage the Minister to do that work—indeed, we hope she will commit to doing it—on how the move from a patchwork quilt to a single set of national rules will affect each local authority, so that someone has done the work, not least for the legal protection of the Minister herself, but for the legal protection of those on the ground who will be affected.

Damian Hinds: I am not at all opposed to the clause, but I am curious to know what prompted it. What outside world events made us rethink the regulations? I heard what the Minister said about consulting young people, but I am struggling slightly to picture that conversation, where the kid goes, "You know, what we really need is a change in the employer licensing regulations." But fair enough.

The changes are in some ways liberalising by increasing the latest hour from 7 o'clock to 8 and allowing Sunday working, but in other ways they are restricting. I am interested in what is behind that. There are risks to guard against in the employment of children, but the employment of children is not in itself an ill to be mitigated. There are many benefits to the child in having that opportunity. In fact, the biggest gripe we hear from employers about young people—it happens again and again—is about what some call soft skills, or employability skills or workplace skills. Whatever we want to call it, those are skills that people develop at work. Many times over the years, whenever I have had a group of leaders and industry together, I have gone round the room and literally asked, "How old were you when you first did a day of paid work?" The most typical, most common answer is 14—some say 15, and for some it is younger. It is important that we learn from that.

In the last 25 years, there has been a sharp decline in the number of under-16s and under-18s doing paid work. That is partly because of the decline in certain job types—there are not many paper rounds or milk rounds any more—and partly because of social attitudes. When we had public exams in the lower sixth and upper sixth for most children, that probably had an impact for the slightly older age groups. One of the reasons that employers find it daunting to employ children is that they are often unclear about what the regulations are, but they have a sense that there are risks, including reputational risks and so on.

The explanatory notes state:

> "The Secretary of State will have a power to make regulations in relation to child employment which will replace the power local authorities currently have to make bylaws. The regulations may prohibit the employment of a child in certain types of work, make provision in relation to child employment permits, authorise the employment of 13-year-old children and set out the number of hours children can work per day or week, their entitlement to breaks and leave and to specify other conditions of employment".

It is quite a list.

Today, to be clear, children can work part time from the age of 14. In some council areas, the minimum is 13. Are the Government now saying that the minimum age will become 13 throughout the country? What limits do they envisage in ordinary times for additional regulation? There is rightly already plenty of regulation about the employment of anybody and further regulation about the employment of people who are below 18. What additional regulation do the Government envisage?

The Government will say that there will be secondary legislation under the affirmative procedure and that it will all be fine, but we know how secondary legislation works—often in this very room—under the affirmative procedure. Often people do not know about it very far in advance. A Committee of Members of Parliament comes here and debates the secondary legislation—I was going to say that the MPs vote on it, but often they

do not—the legislation cannot be amended, and then it moves on. Given that we are talking about the primary legislation, it would be helpful to get on the record what the Government are thinking about doing in this area.

As my hon. Friend the shadow Minister rightly said, having a standardised system of permits nationally is okay in principle. Indeed, benefits may well come from that, but it goes somewhat against the direction of travel from a Government who are introducing devolution in local government and changing the levels at which responsibility is held. The danger with a national system for something like this is that we could lose some of that local knowledge and variability, for example, in rural areas of the country with heavy agricultural sectors. Employment can be different there. In seaside towns with more seasonal employment, that might affect the employment of children. Can the Minister give us some reassurance that there will not be scope creep, for example through the introduction of further regulations for the employment of children in the family business or activities such as babysitting? Can she also assure us that the minimum age exemptions with a performance licence for the creative industries—theatre, film and television—will not be lost?

Munira Wilson: I do not have a philosophical problem with this clause either. I was slightly surprised to find it when I was reading the Bill and to hear where it came from, but I understand what the Government are attempting to do.

Before press releases start going out suggesting that the Lib Dems want to promote child labour, I will preface my next question with some feedback from the National Network for Children in Employment and Entertainment. It has raised some concerns that the later hour set out in the legislation does not fully address the employment of young people in televised and live sporting events. That is particularly the case where we now have the benefit of floodlights and roofs—I think of the late matches on centre court at Wimbledon, when we have ball boys and ball girls from the local area working there. I understand that there is a different licensing regime if children are participating in sport, but this measure would apply to some of the children working at those sporting events. What consideration have Ministers given to those sorts of situations? Have they spoken to the National Network for Children in Employment and Entertainment?

For organisations with particular shift and working patterns—for example, those involving non-performance roles in theatres, including in lighting or backstage—the National Network for Children in Employment and Entertainment suggests allowing hours later than 8 pm on a Friday or Saturday for older teenagers, provided that the next day is not a school day. I am not necessarily suggesting that that is the right thing to do, but that is a suggestion made by that organisation given its needs. It would be good to get some clarification on when the current byelaws for child employment will cease and when regulations from the Secretary of State will replace them.

Importantly, what consideration has been given to safeguarding and DBS checks of employers where young people are working? The right hon. Member for East Hampshire touched on that. We have self-employed young people offering their services as tutors, babysitters and gardeners. I understand that some of them are offering their services through apps and things nowadays, and they are presumably not touched by these regulations, so what consideration have Ministers given to children in those sorts of services?

Catherine McKinnell: Considering the level of agreement on this provision, there is a significant amount of interest and questions around it. It might help if I clarify that currently a child can work for a maximum of only two hours on a Sunday and up to 7 pm at night, which restricts employment opportunities. It may not make business sense to employ a child who is able to work only a very short shift. We spoke with children while developing this policy, and they were pretty universally of the view that they would like to have more flexibility in when they can work, not necessarily in the amount that they wish to work. Clause 20 will not change the overall number of hours that a child can work, but it will give children much greater flexibility to maximise the opportunities that hopefully will become available to them as this area becomes more clearly set out as part of the legislation.

Employers and sector bodies have set out the difficulties in being able to offer employment to a child either on a normal trading day or when they experience peak demand when the child has worked their requisite two hours. That often closes down opportunities that children could easily have had and would have enjoyed having. Businesses would appreciate having those children as part of their team, but the restrictions in the current arrangements often make that difficult to accommodate.

Neil O'Brien: I have a question about babysitters, which are one of the hardest cases here. This question is as much about the existing law as it is about the proposed change in the cut-off from 7 pm to 8 pm. Are people who employ babysitters after 7 pm or 8 pm committing a criminal offence under the clause?

Catherine McKinnell: I do not believe that people register with their local authority to ask someone under the age of 16 who they know to babysit in their home. My understanding, therefore, is that these regulations would not apply in those circumstances.

To explain another issue that these measures are intended to fix, the vast majority of local authorities simply follow the byelaw model, so they are already in place. However, some local authorities have additional restrictions in their rules for employing children. That has led to some local authorities, which may be geographically located directly next door to each other, having different restrictions. For example, one local authority might decide to add a role to the restricted employment list, but the other might not. That leaves children, parents and businesses, which do not always operate within local authority boundaries, somewhat confused. As the right hon. Member for East Hampshire pointed out, that can put employers off employing children, even where it might be to the benefit of both that these opportunities are available.

Replacing the power for local authorities to make byelaws with the power for the Secretary of State to make these regulations will ensure fair outcomes for all children right across England. That means that a child,

[Catherine McKinnell]

their parent or a business can know what work can be undertaken, and when and by whom, wherever they live in England. National employers will also hopefully be encouraged to employ children who are looking for these opportunities, as they will not be put off by inconsistencies around the country that create bureaucratic obstacles to opportunities. That will provide much-needed employment for businesses across the country. I hope that I have responded to the majority of concerns about this largely—I certainly get the impression—uncontested clause.

Neil O'Brien *rose—*

Catherine McKinnell: It would, however, appear that the shadow Minister has another query.

Neil O'Brien: I thank the Minister for her patience. Will the Government undertake to have an authority-by-authority assessment of what the patchwork quilt looks like now? For everyone's ease and benefit, what will the changes mean for those who are not just following the model byelaws, because they are maybe different in each different place? Is the Minister happy to at least go away and have a look at that?

Catherine McKinnell: As part of the work to create the draft legislation that we are debating, an assessment of local authorities was undertaken. That assessment has not changed the view that a more consistent approach across the country would be beneficial to children, employers and their families—indeed, it threw up the fact that the vast majority of local authorities do follow the current byelaw framework. This clause not only creates a nationally consistent approach; it creates a better and more flexible approach for children, which will hopefully unlock opportunity for them to take their first steps on the employment ladder.

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. *—(Vicky Foxcroft.)*

4.3 pm

Adjourned till Thursday 30 January at half-past Eleven o'clock.

Written evidence reported to the House

CWSB84 Camilla Wells

CWSB85 Poppy Coles

CWSB86 Jodie Coles

CWSB87 Sarah Osborne

CWSB88 Philippa Nicholson

CWSB89 Nikki O'Rourke

CWSB90 Kate Richards

CWSB91 Jen Cornell

CWSB92 Wendy Charles Warner

CWSB93 Philippa Clark

CWSB94 Nikki Hughes

CWSB95 An individual who wishes to remain anonymous

CWSB96 Georgina Stubbings

CWSB97 Emily Rose Gray

CWSB98 Jennifer Watts

CWSB99 Emma Ridley

CWSB100 Sarah Mansfield

CWSB101 Royal College of Paediatrics and Child Health (RCPCH)

CWSB102 Erion Sovron

CWSB103 Deepa Naik

CWSB104 Stella De Luca

CWSB105 Julianne Chatfield

CWSB106 Sarah Willcox

CWSB107 An individual who wishes to remain anonymous

CWSB108 An individual who wishes to remain anonymous

CWSB109 Gabrielle Kelly

CWSB110 Holly Strawbridge

CWSB111 Charlotte White

CWSB112 Alexis Massey

CWSB113 John Tang

CWSB114 Dr Alice Porter (Senior Research Associate in Diet and Physical Activity, Bristol Biomedical Research Centre, University of Bristol)

CWSB115 MyBnk

CWSB116 Jonathan Pearce, owner of OZ Schoolwear LTD

CWSB117 Dr Harriet Pattison, School of Education, Liverpool Hope University

CWSB118 Sense

CWSB119 Dr Peter Appleton, Visiting Fellow, School of Health and Social Care, University of Essex

CWSB120 Polaris Community

CWSB121 National Secular Society (NSS)

CWSB122 School Food Matters

CWSB123 Bright Futures UK

CWSB124 WONDER Foundation

CWSB125 Royal College of Paediatrics and Child Health, NSPCC and Barnardo's (joint submission)

CWSB126 NASS (National Association of Special Schools) (further submission)

CWSB127 Professor Andrew Rowland, University of Salford; Professor Felicity Gerry, University of Salford and Deakin University; Professor Daryl Higgins, Australian Catholic University; and Professor Sophie Havighurst, The University of Melbourne

CWSB128 Glenn Leech, CEO of Banner Ltd

CWSB129 Louise Renshaw, Director, Classworx Ltd

CWSB130 Spotlight, Agents of Young Performers Association (AYPA) and Keystone Law

CWSB131 National Governance Association (NGA)

CWSB132 Fatherhood Institute

CWSB133 David Hunt, Research Director, Aristotle Foundation for Public Policy; Brian Ray, PhD, President, National Home Education Research Institute (NHERI); and Kevin Boden, Esq., Attorney & International Director, Home School Legal Defense Association (HSLDA)

CWSB134 Whizz Kidz

CWSB135 Christian Legal Centre

CWSB136 The Steiner Academy Hereford

CWSB137 Alex Montegriffo, Community Organiser and Campaigns Manager at Devizes and District Foodbank

CWSB138 British Association of Social Workers (BASW) England

CWSB139 Parentkind

CWSB140 The Children's Society (supplementary submission)

CWSB141 National Network for Child Employment and Entertainment (NNCEE)

CWSB142 Di Larfynn

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Seventh Sitting

Thursday 30 January 2025

(Morning)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 3 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, Sir Edward Leigh, † Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 30 January 2025

(Morning)

[Graham Stringer *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 21

Free breakfast club provision in primary schools in England

11.30 am

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): I beg to move amendment 6, in clause 21, page 42, line 23, leave out

"has the meaning given by section 437(8)"

and insert

"means—

(a) a community, foundation or voluntary school, or

(b) a community or foundation special school".

This amendment amends the definition of "maintained school" in section 551B (inserted into the Education Act 1996 by clause 21) so that it does not exclude community or foundation special schools established in a hospital. Such schools are already excluded by the definition of "relevant school" in that inserted section.

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

Amendment 26, in clause 21, page 43, line 31, at end insert—

"(4) This section may only come into force after the Secretary of State has laid before Parliament a report containing the following information—

(a) what form breakfast club provision by schools currently takes;

(b) how much breakfast club provision costs schools, and how much is charged by schools for such provision;

(c) how much funding is estimated to be required to enable schools to meet the requirements of this section;

(d) what additional staff will be required to deliver the breakfast clubs; and

(e) the grounds on which the Secretary of State would use the power under section 551C."

Amendment 27, in clause 21, page 43, line 31, at end insert—

"(4) This section may only come into force after the Secretary of State has provided details of how schools are to be resourced to meet the requirements of this section."

Amendment 28, in clause 21, page 43, line 31, at end insert—

"551E Duty to fund secondary school breakfast clubs

(1) The Secretary of State must, within three months of the passing of the Children's Wellbeing and Schools Act, create a national school breakfast club programme.

(2) A programme created under subsection (1) must—

(a) provide a 75% subsidy for the food and delivery costs of breakfast club provision; and

(b) offer pupils in participating schools free food and drink.

(3) To be eligible to participate in the programme—

(a) a school must be a state funded secondary school, special school or provider of alternative provision; and

(b) at least 40% of the pupils on the school's pupil roll must be in bands A-F of the Income Deprivation Affecting Children Index."

This amendment would require the Secretary of State to continue with the existing funding programme for secondary school breakfast clubs in areas of deprivation.

Clause stand part.

Stephen Morgan: The Government amendment stands in the name of my hon. Friend, the Minister for School Standards. The amendment is a technical one, which will ensure that the clause only includes one reference to the exclusion of community or foundation special schools established in a hospital from the duty to secure breakfast club provision. Without the amendment, the Bill would mention that twice, which might have caused some confusion.

The amendment ensures the consistent use of the definition of maintained school with the provision on limits to branded school uniform items, which has also been confirmed by Government amendment. The effect of the Bill before and after the amendment—to exclude maintained schools established in a hospital—remains the same. Schools established in a hospital are excluded from this duty, because the Government recognise that children and young people who cannot attend their usual school, because of their medical needs, will already be receiving breakfast and quality care in hospital.

Amendments 26 and 27, tabled by the shadow Minister, the hon. Member for Harborough, Oadby and Wigston, seek a report from the Secretary of State to Parliament with key delivery questions on breakfast clubs. He raises some important issues and, as I stated previously, I value his engagement with the Bill and this subject.

The Department is working intensively and at pace on the delivery plans for breakfast clubs, including the information the hon. Member mentions and more. I will come to that later, but first I want to address his points about what form breakfast club provision takes and why we need to act. What we inherited from the previous Government is a patchwork of provision with varying costs for parents, varying offers and often, critically, insufficient funding for the actual club, leading to the exclusion of many disadvantaged pupils. We are legislating to replace that patchwork with an absolute commitment to give all children, regardless of their circumstances, a great start to the school day via a free breakfast club.

On delivery, I want to reassure the shadow Minister that schools will be funded and supported to deliver the new breakfast clubs. We are working with more than 750 early adopter schools from this April to ensure that we get the implementation, funding and support to resources right, before national roll-out of the new clubs.[1] We published our funding methodology alongside guidance for early adopters on 16 January this year. We worked closely with schools on the rates to ensure they were sufficient. Funding for national roll-out is, of course, subject to the next spending review. As we learn from the early adopters to develop our statutory guidance and support package, more information will be made available, including on the exemptions process, putting that in the public domain and before Parliament.

1.[*Official Report,* 10 February 2025; Vol. 762, c. 2WC.] (Correction)

I trust that Members will agree that the Department has the right plans in place to deal with delivery considerations through work with early adopters, support and statutory guidance, and that they have heard my commitment in Committee today that schools will be funded and supported to deliver the clubs. Therefore, for the reasons I have outlined, I ask the hon. Member for Harborough, Oadby and Wigston kindly to withdraw his amendments 26 and 27.

I am grateful for the opportunity afforded by amendment 28, also tabled by the shadow Minister, to discuss the continuation of provision for secondary schools in disadvantaged areas. The hon. Member makes a good point about hungry children in secondary schools, and I confirm that the 2,700 schools on the national school breakfast programme, including approximately 750 secondary schools, will continue to be supported by the scheme until at least March 2026.

We want to start by giving the youngest pupils, regardless of their circumstances, a great start to the school day. Through our opportunity mission, the Government will ensure that all children get the best start in life as we deliver what we believe is the most important starting point of a child's schooling journey. These new primary school breakfast clubs will be transformational, giving every child access to fully funded provision of at least 30 minutes of free breakfast club. This measure goes much further than the existing national school breakfast program, which only funds the food and covers up to 2,700 schools.

Our plan builds on the evidence that breakfast clubs in primary schools can boost children's academic attainment and attendance and drive up life chances. The free club and food will also support parents with the cost of living, and support parents to work. Compared with studies of programmes targeted at primary-age pupils, there are few high-quality experimental studies on the impact of breakfast clubs on secondary-aged pupils. Typically, primary school breakfast clubs have higher take-up than secondaries, and more studies, such as Magic Breakfast's evaluation, report their positive effects on attainment and attendance. The reported attendance improvement for children at breakfast club schools is equivalent to 26 fewer half days of absence per year for a class of 30 children. Education Endowment Foundation research also shows up to two months of additional progress from key stage one to key stage two.

It has always been our intent—with limited resources, but backed by the evidence—to start with primary schools as we roll out breakfast clubs. It is right that we start with supporting the youngest children. We are working with 750 early adopters from this April to test how the measure will best be implemented. That will not only help us to test and learn how every primary school in the future can deliver the new breakfast clubs, but it will give us important insights into how schools with unusual age ranges, such as all-through schools, special schools or those with on-site nurseries, implement the policy. On that basis, I invite the hon. Member for Harborough, Oadby and Wigston to withdraw his amendment.

Clause 21, by placing a duty on state-funded primary schools to introduce free breakfast clubs, will give all children, regardless of their circumstances, a great start to the school day. We are absolutely committed to spreading the evidenced benefits that breakfast clubs offer, which will form a key part of our mission to break the unfair link between background and opportunity. Many more children will be settled and ready to learn at the start of the school day. It is also good for attendance, good for attainment and good for behaviour.

At a minimum, the breakfast clubs will start for 30 minutes before the start of the school day and will include breakfast. They will be free of charge and available to all pupils from reception to year 6 at state-funded schools. Importantly, the provision includes children with special educational needs and disabilities at mainstream schools, as well as state-funded special schools and alternative provision.

Schools will be able to do what works best for their families, so they will be able to work alongside childcare providers and even other schools if that means that they are best able to deliver the benefits of breakfast clubs to help parents and children.

Patrick Spencer (Central Suffolk and North Ipswich) (Con): Has the Department conducted any analysis differentiating those students who are disadvantaged and on free school meals, or considered disadvantaged, and those who are not? The Government are applying a blanket policy across all students of primary school. The Minister makes an eloquent point that some of those children are very needy, but others are not. Has the Department conducted an analysis of the impact across different groups?

Stephen Morgan: The beauty of this scheme is its universal offer—a free offer to every child in primary school. As I mentioned earlier, we see the clear benefits of the scheme in terms of attainment, behaviour and, indeed, attendance. That is what is really exciting about our plans.

Work is already under way with 750 early adopter schools to start to deliver from April 2025, thanks to a tripling of funding for the breakfast clubs at last October's Budget compared with financial year 2024-25. Early adopters are just the first step in delivering on our steadfast commitment to introducing breakfast clubs in every primary school. They will help us to test and learn how every school can best deliver the new breakfast clubs in the future and maximise the benefit to schools, their pupils and the families and communities they serve. Legislating for breakfast club provision in the Bill will give schools the certainty they need to plan for the future and ensure that there is a consistent and accessible offer for children and parents who need a settled start and support with childcare. I commend the clause to the Committee.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I rise today, as we pass the halfway point of line-by-line scrutiny of the Bill, to find that we still do not have the impact assessment. The Bill has passed Second Reading. It is totally pointless having an impact assessment of a measure if it is produced after has Parliament debated it. The Ministers would make the same point if they were still shadow Ministers, so I make it to them now. I do not understand what the hold-up is.

The last Government substantially expanded access to breakfast clubs in primary and secondary schools and created the holiday activities food programme. The national school breakfasts programme has been running since 2018, and in March 2023 the then Government announced £289 million for the national wraparound

[Neil O'Brien]

childcare funding programme, which helps to fund breakfast clubs, among other things. That was part of a much wider expansion of free childcare that saw spending on the free entitlement double in real terms between 2010 and 2024, according to the Institute for Fiscal Studies, including things such as the 30-hours offer, the two-year-old offer and the expanded childcare offer.

We will not vote against the clause and will not push our amendments to a vote, but I was struck by the comments made by Mark Russell of the Children's Society, who said that given the resource constraints, he would have focused on rolling out breakfast clubs to a greater number of deprived secondary schools, rather than on a universal offer in primary. He said:

"I would like to see secondary school children helped, and if the pot is limited, I would probably step back from universality and provide for those most in need."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 55, Q122.]

I draw attention to the uncertainty being created by the Government's refusal to commit to funding the existing free breakfast provision in secondary schools beyond next year, and likewise to the uncertainty being created around the holiday activities and food programme. A number of witnesses in our first oral evidence session called for Ministers to guarantee that funding beyond next year, and I join them in asking Ministers to give us that guarantee, or at least give us some sense that the provision targeted on deprived schools will be maintained.

To that end, our amendment 28 would lock in the existing provision in secondary schools and secondary special schools. There are arguments for specifically targeting needy secondary school pupils. According to evidence submitted to the Committee by Magic Breakfast:

"The extension to secondary pupils in special schools would not require a significant amount of additional resource".

It would require about 2.2% of the budget. What did Ministers make of the suggestion by Magic Breakfast to make secondary special schools a priority? The Government have made primary schools their priority.

Amendment 26 would require the Government to report properly on provision. Groups such as Magic Breakfast are calling for careful measuring and monitoring of the programme, which is what we need. In Wales, we saw a commitment brought in in 2013 to reach all primary schools, but by last year, 85% of disadvantaged pupils were still not being reached by the provision. Obviously we do not want that to happen here. The Secretary of State must collect data on who is getting breakfasts and on the impact. As Magic Breakfast said in its evidence to the Committee,

"if the Government policy doesn't significantly impact"

behaviour, attendance, concentration, academic attainment and health and wellbeing,

"then the Secretary of State should consider the efficacy of the policy roll out."

That is why we want special monitoring.

The programme is landing on top of a complex existing patchwork, as the Minister said. Some 85% of schools already have a breakfast club, and one in eight of all schools, including secondary schools, have a taxpayer-funded breakfast offer. The new requirement being brought in by the clause will interact with the existing provision in lots of different ways.

Many school breakfast clubs currently run for an hour on a paid-for basis, and I hope that most of them will want to continue to run for at least the period that they run now. Now, if a breakfast club is provided for an hour or more, the school will have to charge the first 30 minutes but not the final 30 minutes, which unavoidably leads to complexity. On the other hand, we do not want schools to focus on just delivering the new statutory 30 minutes then pull the earlier provision, which is useful for parents. Schools will have to do a lot of agonising as they think all this through, and they will have to manage it carefully. In some cases, where the demand is very high, schools may struggle get all the children fed in 30 minutes—lunchtime is normally longer than that. That is one reason why Magic Breakfast is calling for advice and guidance, which I hope the Minister will consider.

Amendment 27 asks for a report on funding, because there is still a lot of uncertainty around that. According to a report by the Institute for Fiscal Studies last year:

"Based on the experience of the national school breakfast programme, the estimated annual cost today would be around £55 per pupil…for food-only provision and double that (around £110) for a 'traditional' before-school breakfast club. Labour's manifesto offers £315 million overall in 2028; this could be enough to fund all primary school pupils under a food-only model, or 60% of pupils if the party plumps for a traditional breakfast club with some childcare element."

The Government are just at the pilot stage, and we just want to make sure that the lessons are learned about the very real costs of this policy in different places and settings, be that for on-site provision, off-site provision, expensive or cheaper places to live, or small rural primaries. They will all have different costs and the funding will have to reflect that.

Hopefully all of these problems are surmountable, as this is obviously a good thing, but we want careful monitoring to make sure that the policy is actually making changes and having the positive impacts that people hope for, and to avoid any unintended consequences.

11.45 am

Munira Wilson (Twickenham) (LD): It is a pleasure to serve under your chairmanship this morning, Mr Stringer. We live in a country where, according to the Joseph Rowntree Foundation, three in 10 children are growing up in poverty, and I know from talking to school leaders up and down the country that one of the biggest challenges that teachers face in the classroom is poverty outside the classroom. I do not think that anybody could disagree with the intent of ensuring that children are well fed and ready to learn and start the school day, but I have questions regarding how the provisions of the Bill will be delivered. Some have already been touched on by the shadow Minister, the hon. Member for Harborough, Oadby and Wigston.

First, on practicalities, in our oral evidence session, Nigel Genders, the education officer for the Church of England, said that 65% of small rural primaries are Church of England schools. I asked him about the practicalities of delivering this scheme, and he said:

"there will be particular challenges in small schools in terms of staffing, managing the site,"

and pointed out that there are economies of scale for the large trusts, but not when

"a school…has 40 or 50 children, one member of staff and probably a site manager."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 66, Q142.]

How is that going to be delivered? I appreciate that there will be pilot schemes, but that is a big question that needs to be answered. Others have raised similar concerns about resourcing.

Secondly, although it remains to be seen how the pilots work out, given the immense financial pressure that so many schools find themselves under, I cannot stress strongly enough to Ministers how important it is that sufficient money is provided to deliver this programme. We cannot have "efficiencies" being found elsewhere—in terms of teaching staff and other activities that the children would normally get—to fund this. When the Mayor of London rolled out free school meals to all primaries, which I strongly supported, I laid down the same challenge to him. Sadly, the universal infant free school meal funding under the previous Government was very seldom uprated, and I know that schools in my constituencies were trying to trying to find money from other pots to fund it. Proper Funding is absolutely critical. In fact, the Association of School and College Leaders said in its written evidence that many of its members "remain to be convinced" that the money being allocated will be sufficient.

My third concern also relates to some of the oral evidence that we heard last week: when we have such scarce resources, as we are told every single day by the Chancellor and Ministers across Government, why are we not targeting our resources at those most in need? Kate Anstey, from the Child Poverty Action Group, said:

"take-up of breakfast clubs or different schemes is around 40%, whereas the vast majority of children are in school for lunchtime."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 98, Q217.]

As a London MP, I can tell hon. Members that children in temporary accommodation are often placed extremely far away from where they are at school. In the case of Twickenham, they are often placed in Croydon or Slough—all over the place—so they are spending 90 minutes, and sometimes longer, getting to school. Many often miss the start of the school day because of transport issues. They are the most needy and vulnerable children, and the chances of them actually being in school to get that breakfast are slim, so as ASCL did, I question whether this provision

"will actually attract those children who would most benefit from it."

That is why, as the Minister is aware because I have tabled a new clause to speak to this, the Liberal Democrats' long-standing policy is that we should actually be extending free school meals and providing a hot, healthy meal at lunch time, when children are definitely going to be in school, to all the poorest children in both primary and secondary schools.

I suspect we will touch on this issue when we discuss the next clause, but I will mention now that I was slightly alarmed that proposed new section 551B(5) of the Education Act 1996 says that the food will

"take such form as the appropriate authority thinks fit."

I recognise that there are school food standards, but I am a bit worried that that might just be a piece of toast and perhaps, if children are lucky, a bit of fruit. Can we ensure that there is strong guidance on the nutritional value of what is being provided?

Finally, on the subject of 30 minutes being the minimum amount of free time, if lots of schools only offer the minimum, and lots of parents have an hour-long commute to work, or even longer than that, 30 minutes will not meet that childcare need. I am worried about the interaction with paid-for breakfast clubs if a parent is having to drop off at 7.30 am, but the free breakfast club does not start until 8 o'clock. Does that mean they get that last 30 minutes for free, but they pay for the first bit? How will that work logistically?

Damian Hinds (East Hampshire) (Con): I welcome what the Minister said about protecting the existing programme in secondary schools for a further year. My hon. Friend the Member for Harborough, Oadby and Wigston is quite right that schools and families will want to know about much more than just next year, but I appreciate that the expectation is that the certainty will come in the spending review. I hope the same will also be true for the holiday activities and food programme.

Of course, breakfast clubs in school is not a new idea. There are, as the Minister said, 2,694 schools in the national school breakfast club programme, serving about 350,000 pupils. That programme is targeted according to the deprivation of an area, with eligibility at the whole-school level in those areas, and provides a 75% subsidy for the food and delivery costs.

There are many more breakfast clubs than that, however; it is estimated that the great majority of schools have some form of breakfast club. Many clubs, of course, have a modest charge, but if a child attending that breakfast club is helping a parent on a low income to be able to work, typically, that breakfast club provision, like wraparound care provision, would be eligible for reimbursement at up to 85% as a legitimate childcare cost under universal credit. That 85% is a higher rate than was ever available under the previous tax credits system. Some schools also use pupil premium to support breakfast clubs, and there are also other voluntary-sector and sponsored programmes.

From a policy perspective, overall, there are two big objectives to a breakfast club. The first is, of course, to help families with the cost of living, and the other is about attendance. Attendance is an issue in primary and secondary school, but we must remember that it is more of an issue in secondary school, and it is more of an issue the lower people are on the income scale. That is why the national school breakfast club programme runs in secondary as well as primary schools, and why it is targeted in the way that it is.

I also want to ask a couple of questions, as the hon. Member for Twickenham and my hon. Friend the Member for Harborough, Oadby and Wigston just did, about how the timings work and about the minimum of 30 minutes. The many schools—perhaps 85% of them—that already have a breakfast club quite often have it for longer than 30 minutes. What should they do? Should they charge for the bit that is not the 30 minutes but have 30 minutes that are free? That is perhaps not in the spirit of what we mean by a universally free service. If they have a paid 45-minute breakfast, would they also have to offer an option to just come for the 30 minutes and have that for free?

Amanda Martin (Portsmouth North) (Lab): Will the right hon. Gentleman give way?

Damian Hinds: Of course, especially if the hon. Lady has the answer.

Amanda Martin: I want to comment more from my own experience, because I used to be a pre-school chair. When the free hours came in for pre-school, they did not cover the full time that the child would be there, so mechanisms were put in place where some elements of the time were free and some elements were not. That sort of arrangement for operating such a system has been around in the sector for quite a while.

Damian Hinds: It has, and it has also been very controversial in many cases for pre-school provision, as the hon. Lady will know.

I also want to ask about the costs and reimbursements, which amendments 26 and 27 speak to. The Government, before they were in government and probably since, talked a lot about saving families £400 a year. In my rough maths, if we take £400 and divide it by 190 school days—[*Interruption.*] Oh, it is £450. Well, I am not able to adjust my maths live, so the answer will be slightly more than the number I give now. My maths gave me £2.10 a day. That seems to be somewhat different from the figures that schools are actually being reimbursed in the pilot programme, so I hope for some clarity on this point.

The details of the early-adopter programme talk about an initial set-up cost of £500, a lump sum of £1,099 to cover April to July and then a basic rate being provided per pupil. There is a different rate depending on whether the child is what is called FSM6—eligible for free school meals previously—if I have read the details correctly. I am not clear why the unit cost of a breakfast would be different between those two groups of children, but perhaps the Minister could fill me in.

Even at the higher rates—the FSM6 rates—there seems to be quite a gap between that and £2.10, or the Minister's slightly higher figure, when it is £450 divided by 190 days. Obviously, part of that may be made up of savings from bulk purchasing and so on, but it still seems quite a gap, if I have understood the numbers correctly. I hope the Minister can help me to understand.

Patrick Spencer: When I was a governor of a primary school, I found that an unintended consequence of underfunded breakfast clubs was parents accruing ludicrous amounts of debt. There are no circumstances in which the school would have turned away the child, but that does not bode well for a policy that is about supporting parents who are hard up. If parents are forced to pay for the breakfast club and accrue huge amounts of debt, we know that is very bad for their mental health and for their general wellbeing. I do not know whether the Minister has anything to say on that point, but I am sure my right hon. Friend will agree.

Damian Hinds: As ever, my hon. Friend makes an important point. My worry is that, in a couple of years' time, when Members sitting on both sides of this Committee Room get emails about the funding pressures on schools—because, spoiler alert, there will still be funding pressures on schools—breakfast clubs will be one of the factors contributing to those pressures, if this programme is not fully funded or almost fully funded. I wonder whether the Minister will say on the record that it is his expectation that this programme will, like the national school breakfast club programme, cover at least 75% of the actual cost of provision.

Stephen Morgan: I thank all right hon. and hon. Members for their interventions. Members will appreciate that future funding decisions are subject to the spending review, but they can have the assurance from me today of the commitment that we have already made with regard to secondary school inclusion in the national school breakfast club programme and, indeed, my recently announced confirmation of more than £200 million for the holiday activities and food programme for the next financial year.

The shadow Minister made a number of points regarding schools currently on the national school breakfast club programme. Funding was confirmed in the previous Budget, which will ensure that that programme continues to at least March 2026. Subject to the will of Parliament, schools with children from reception to year 6 will transition from the existing programme to the new offer of free breakfast clubs lasting at least 30 minutes. The timing of the national roll-out will be confirmed in due course. Schools moving from the national school breakfast club programme to the new offer will be supported in that transition. Further details on the programme will follow after the conclusion of the spending review.

The shadow Minister asked a number of questions about when the duty will commence. Legislating breakfast club provision in this Bill will give schools the certainty that they need for the future. The national roll-out and commencement of this duty will be determined in 2025 after the spending review. National roll-out will also be informed by the assessment of the early-adopter phase of the roll-out, which will help us to test and learn how best we can support schools to implement their duty and overcome the barriers that they might encounter. As the Committee will know, we must go through the appropriate spending review process before committing to a date for national roll-out.

12 noon

With regard to the shadow Minister's points about data and impact, he should be assured that we will absolutely be collecting data from schools—the sort of data that his amendment 26 outlines on breakfast club provision. I also give a firm commitment today to Parliament that we will be publishing the outcomes of the early-adopter programme and the data on the national roll-out; it is crucial for the programme's success to have robust data on the clubs in the public domain. Our grant for early adopters already realises that intent. With over 750 early adopters, we will be regularly monitoring delivery, including the roll-out and take-up of breakfast clubs.[1] That shows our commitment to the effective monitoring and evaluation of the programme.

We will also seek to understand how those schools are implementing the breakfast clubs, what barriers and enablers exist, and what the perceived outcomes are. We will also gather data to allow an assessment of the impact.

Tom Hayes (Bournemouth East) (Lab): I have respect for the insight and experience of the right hon. Member for East Hampshire, but I ask the Minister whether one of the goals of the free breakfast clubs is to ensure that children, particularly those from hard-up backgrounds,

1.[*Official Report,* 10 February 2025; Vol. 762, c. 2WC.] (Correction)

are in a position to be ready to learn, so that they can start the school day with a hungry mind, not a hungry belly. The right hon. Member for East Hampshire made a point about the current provision of free breakfast clubs, but in my constituency of Bournemouth East, we have remarkably few. There is a real inconsistency in provision across our country. On that note, I will make a special call for schools in Bournemouth East to be among the early adopters. I thank the Minister for his response.

Stephen Morgan: I am afraid that my hon. Friend needs to remain patient in waiting for the confirmation of which local authority areas will have early adopters, but I know that he has been a tireless champion on these issues. I promise that he will not have to wait much longer to know which schools in his patch may have a breakfast club.

This scheme will make a huge difference to children's lives. We know that it will put more money in the pockets of parents, but also, as I mentioned earlier, that it will be good for attendance, attainment and behaviour. Research out today demonstrates the impact and the challenge that we face to make sure that children do start school ready to learn.

Amanda Martin: I want to make about point about attendance and the evidence that suggests progress. I agree with my hon. Friend the Member for Bournemouth East that is about children's bellies being full and them being able to learn in the best part of the day. It is also a calming part of the day. It allows parents, if they have an infant and a junior, to drop them off—they could do the infant first, and the junior next. It also helps our parents to go to work. Evidence also suggests that breakfast clubs can help children to make up to two additional months of progress in their core reading, writing and maths skills because they are, as my hon. Friend said, ready to learn.

Stephen Morgan: My hon. Friend speaks with real authority on these issues as a former teacher. I know that she will be very excited about breakfast clubs coming to her new constituency of Portsmouth North. Attendance is a key priority for this Government, and it goes right to the very top—the Prime Minister has set out that he is also keen to make attendance a key priority. Children have to be in school to learn the skills that they need for life and work. I know that breakfast clubs will make a big difference in making that happen.

Matt Bishop (Forest of Dean) (Lab): I am a previous chair of governors and I have worked as an education welfare officer. Do you agree that punctuality also comes into the issue of attendance? If children come into school earlier for breakfast clubs, they are in class, which minimises the risk of disruption to other students' learning and to teachers presenting their lessons.

Stephen Morgan: I thank my hon. Friend for his time as a school governor. Governors across the country do such important work holding headteachers to account and supporting them in the difficult challenges that they face. He made an important point about punctuality. We know, of course, that if a child is accessing a breakfast club, it hopefully gets them to school on time. I know that he has been a real champion of those issues in his constituency.

We have just heard how passionate Labour Members are about the difference that breakfast clubs will make, and that is why we are so excited to roll them out through this legislation. We will learn from the early-adopter scheme, which will inform the monitoring and evaluation plan for the national roll-out. For that roll-out, we will ensure that there are appropriate arrangements for the collection of breakfast club data from schools and for the evaluation of the programme.

The hon. Member for Twickenham made a number of helpful points on the practicalities of funding our ambitions for children and young people. The new breakfast clubs and the benefits that they will bring to children and families up and down the country are a top priority for this Government. We will therefore, of course, provide funding to cover the new duty, including for the costs of nutritious food and staffing. Moreover, informed by our early-adopter scheme, we will support schools who face delivery challenges to find the right approach for their school, pupils and parents. Schools will absolutely not be left to do this alone. As I mentioned, from April this year, before this duty comes into force, we will work with up to 750 new breakfast clubs in schools across the country.

Catherine Atkinson (Derby North) (Lab): The right hon. Member for East Hampshire mentioned that many schools already have breakfast clubs. I regularly visit schools in Derby North and recently visited Cavendish Close junior academy, which already provides a breakfast club. Staff there were confident in their ability to scale up; in fact, they are excited to do so and welcome the opportunity. Does the Minister agree that this clause will open up the benefits of breakfast clubs to all our children in primary schools and that that represents a massive step forward?

Stephen Morgan: I thank my hon. Friend for that intervention. She speaks very eloquently about the benefits this will bring to parents. Those benefits will include not only £450 back into the parent's pocket but more childcare choices. I know that she is excited about this programme being rolled out in her constituency. To summarise the points on funding, we are keen to learn from the early adopters and feed that into our ongoing support programme for schools.

A number of hon. Members, including my hon. Friend the Member for Portsmouth North, raised points about the impact on attendance. Breakfast clubs have been proven to ensure that every child starts the day ready to learn by improving attendance, behaviour and attainment. The Magic Breakfast evaluation reported that the improved attendance of children at schools with breakfast clubs was equivalent to 26 fewer half-days of absence per year for a class of 30, and research by the Education Endowment Foundation showed that there was up to two months of additional progress from key stage 1 to key stage 2. Schools that have offered free universal breakfast clubs have told us that they make a huge difference. For example, Burton Green primary school in York reported significant improvements in punctuality, children more settled for lessons and improved behaviour, especially for pupils with SEND.

I assure hon. Members that I understand that absence is a key barrier to learning. For children to achieve and thrive, they need to be in school. We are doing lots to support that, including making attendance guidance

[Stephen Morgan]

statutory last summer, requiring schools to return data through our attendance data tool, and working with our attendance ambassador, Rob Tarn, to develop an attendance toolkit. We have also expanded the attendance monitoring programme to reach 1,000 more children, and have invested £15 million to expand that programme, which provides targeted one-to-one support for students who are persistently absent. I commend the clause to the Committee.

The Chair: Before we move on, I will say that I suspect that some hon. Members wanted to speak earlier. I will select Members to speak only if they bob. Members can speak after the Member proposing the motion has replied to the debate. The proposer then has the opportunity to reply, so it is easier if all Members have spoken by then. I had the impression that at least two Members wished to speak and therefore made slightly overlong interventions. I remind Members that interventions should be short and to the point.

While I am being pedagogic, I note that Members have once or twice involved me in the debate. Please avoid saying "you", because I do not have an opinion on these matters.

Amendment 6 agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22

FOOD AND DRINK PROVIDED AT ACADEMIES

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

The Chair: With this it will be convenient to discuss new clause 41.

Stephen Morgan: I am grateful for the opportunity, afforded by the new clause suggested by my hon. Friend the Member for Washington and Gateshead South (Mrs Hodgson), to discuss compliance with school food standards.

It is important that children eat nutritious food at school, and the Department encourages schools to have a whole-school approach to healthy eating. The standards for school food are set out in the Requirements for School Food Regulations 2014. They ensure that schools provide children with healthy food and drink options, and that children get the energy and nutrition that they need across the school day. School governors and trustees have a statutory duty to ensure compliance with the school food standards. The existing regime involves school governors and trustees appropriately challenging the headteacher and senior leadership team to ensure that the school is meeting its obligations, and we want to support governors to work confidently with school leaders to ensure that the standards are met.

The Department for Education, with the National Governance Association, launched an online training pilot on school food for governors and trustees in November last year. The pilot, which will run until the end of May 2025, is designed to test the feasibility of using an online training platform to make information on school food available to governors and trustees in an accessible and flexible way. We will soon be evaluating the effectiveness of the training programme to determine whether it could be a valuable resource in the long term.

As well as supporting governors and trustees, we need a compliance regime that ensures standards are met without creating undue burdens. We note the findings of the compliance pilot run by the Department and the Food Standards Agency during the 2022-23 academic year, and we are working with the FSA on the next steps. Although the pilot demonstrated that food safety officers could conduct checks of school food standards during routine food hygiene inspections in schools, further consideration is needed of how non-compliance should be handled. Implementing that kind of monitoring arrangement nationally would require new funding, but more importantly, it is unlikely that it would be effective if the barriers identified in the pilot remained unaddressed. We want to work with the sector to understand how we can best overcome the challenges. For those reasons, I hope the new clause is not pressed.

We are committed to raising the healthiest generation ever. We have already laid secondary legislation to restrict television and online advertisement of less healthy food and drink to children and announced changes to the planning framework for fast food outlets near schools. We are also committed to banning the sale of high-caffeine energy drinks to under-16s, for which we will set out plans in consultation in due course.

Clause 22 formalises the long-standing position that all schools should comply with the school food standards across the whole school day. The clause is a technical measure, as academies are already well versed in the standards, and this legal change simply confirms long-standing policy. All academies have had to comply with standards for lunchtime provision; but for some academies there is a regulatory gap in respect of food served outside lunch. The clause will close that gap and ensure that the food served at breakfast clubs is healthy and nutritious, giving pupils the energy they need to get the most from their school day.

12.15 pm

Munira Wilson: I want to stress the concerns I expressed in my previous remarks about the quality and nutritional value of the food that will be offered. I recognise that school food standards are in place, but although the recent House of Lords report on obesity welcomed the introduction of school breakfast clubs, it strongly recommended that the Government review and update the school food standards, and one of the witnesses this Committee heard said that schools should be given clear direction on what is and is not acceptable.

It is important that our children do not get high-fat, sugary or minimal nutrition provision from the breakfast clubs. When it evaluated the breakfast offer at 17 primary schools in Yorkshire, the Food Foundation found that fruit and water were not always offered at breakfast. Such things should be addressed. I hope that as the guidance is rolled out, more detail will be provided, but I urge the Government to consider the recommendation to review school food standards as they roll out breakfast clubs.

Stephen Morgan: I thank the hon. Member for Twickenham for her contribution; this is an issue that I know she cares passionately about. As I mentioned, the early adopter programme for breakfast clubs will

give us an opportunity to test and learn, and to make sure we implement a national scheme based on really good, nutritious food. Governing bodies have a duty to ensure that the standards for school food set out in the Requirements for School Food Regulations 2014 are complied with, and they should appropriately challenge the headteacher and senior leadership team to ensure the school is meeting its obligations.

I believe we are making quick progress to deliver breakfast clubs in every primary school, with 750 early adopters. We recently published early adopter guidance to provide support to schools on these issues, which includes support and advice on a healthy, balanced breakfast offer. It is important that children eat nutritious food at school, and the school food standards define the foods and drinks that must be provided and those that are restricted. As with all Government programmes, we will keep our approach to school food under review.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Clause 23

SCHOOL UNIFORMS: LIMITS ON BRANDED ITEMS

Munira Wilson: I beg to move amendment 87, in clause 23, page 44, leave out lines 22 to 29 and insert—

"(1) The appropriate authority of a relevant school may not require a pupil at the school to have to buy branded items of school uniform for use during a school year which cost more in total to purchase than a specified monetary amount, to be reviewed annually.

(1A) The Secretary of State may by regulations specify the monetary amount that may apply to—

(a) a primary pupil; and

(b) a secondary pupil."

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

Government amendment 7.

Amendment 29, in clause 23, page 44, line 23, leave out "have" and insert "buy".

This amendment would enable schools to require pupils to wear more than three branded items of school uniform as long as parents have not had to pay for them.

Amendment 59, in clause 23, page 44, line 24, leave out "three" and insert "two".

Amendment 30, in clause 23, page 44, line 26, leave out "have" and insert "buy".

This amendment would enable schools to require pupils to wear more than three branded items of school uniform as long as parents have not had to pay for them.

Amendment 60, in clause 23, page 44, line 27, leave out "three" and insert "two".

Amendment 61, in clause 23, page 44, line 28, leave out from "year" to end of paragraph.

Amendment 31, in clause 23, page 44, line 29, at end insert—

"(1A) The appropriate authority of a school may require a pupil to buy or replace branded items which have been lost or damaged, or which the pupil has grown out of."

This amendment would enable schools to require pupils to replace lost or damaged branded items.

Amendment 32, in clause 23, page 44, line 40, at end insert—

"except PE kit or other clothing or items required as part of the school's provision of physical education lessons".

Amendment 91, in clause 23, page 44, line 40, at end insert

"except items of kit required when representing the school in sporting activities".

Government amendments 8 to 10.

Clause stand part.

New clause 35—*VAT zero-rating for certain items of school uniform*—

"(1) The Secretary of State must, within 6 months of the passing of this Act, make provision for certain items of school uniform to be zero-rated for the purposes of VAT.

(2) For the purposes of this section, 'certain items of school uniform' means items of school uniform for pupils up to the age of 16."

New clause 56—*School uniforms: availability of second-hand items*—

"(1) The appropriate authority of a relevant school must ensure that second-hand items of school uniform are made available for sale to the parents of pupils or prospective pupils.

(2) Second-hand items of school uniform may be made available for sale so long as the items—

(a) comply with the school's current uniform requirements;

(b) are in an acceptable condition; and

(c) can be purchased for significantly less than the cost of buying the same item new.

(3) The appropriate authority must make information on the purchase of second-hand items of school uniform easily available on the school's website.

(4) In this section—

'the appropriate authority' means—

(a) in relation to an Academy school, an alternative provision Academy or a non-maintained special school, the proprietor;

(b) in relation to a maintained school, the governing body;

(c) in relation to a pupil referral unit, the local authority;

'relevant school' means a school in England which is—

(a) an Academy school;

(b) an alternative provision Academy;

(c) a maintained school within the meaning of section 437(8) of the Education Act 1996;

(d) a non-maintained special school within the meaning of section 337(A) of the Education Act 1996;

(e) a pupil referral unit not established in a hospital.

'school uniform' means any bag or clothing required for school or for any lesson, club, activity or event facilitated by the school.

'second-hand items' means items of school uniform which have previously been owned by another pupil, subject to subsection (2)."

Munira Wilson: I rise to speak to amendment 87, which stands in my name and those of my hon. Friends.

My party and I strongly support the objective of clause 23—to bring down or minimise the cost of school uniform for hard-pressed families up and down the country. We know that the cost of uniform causes a lot of hardship: it impacts school attendance when children do not have the right items of uniform, and we heard during our oral evidence sessions and have seen in some of the written evidence that children are regularly sent home from school if they do not have the right uniform, which I personally find outrageous considering the current attendance crisis. The intent behind this clause is absolutely right; my concern is how the Government have gone about it.

I have two concerns. The first is that, if a number of items are set out in legislation—three or four, depending on whether it is primary or secondary—there is nothing to stop the overinflation of the prices of those items. We

[Munira Wilson]

could end up in a situation in which, for the sake of argument, three items cost £100 each. There is nothing to stop that happening, so I do not think the provision will necessarily rein in the cost of branded items for families. Secondly, it grates with me as a liberal to have such detailed prescription in legislation about how schools operate and the decisions that school leaders take on the number of items that can be branded.

Amendment 87 sets a cap on cost rather on the number of items, and that would be reviewed and updated through secondary legislation every year to keep it in line with inflation. Schools that want to have more branded items but cannot fit it within the cost cap could sell branded logos that can be sewn on to basic uniform items bought in supermarkets, such as plain jumpers and shirts and so on. I have to say, as a parent of small children, I do not fancy the idea of doing lots of sewing, but I am sure there are more innovative ways to iron on logos and suchlike.

The Association of School and College Leaders expressed the concern on behalf of their members in their written evidence that driving down the number of items and being so prescriptive might have the opposite effect, particularly with PE kit. Children, particularly teenagers subject to peer pressure, might compete to wear more expensive sporting items.

Setting a cap in monetary terms rather than on the number of items, addresses the two issues of overinflation and of over-prescription in legislation. It also has the benefit of being an effective market intervention, because it helps to drive down the costs of suppliers competing for school contracts for schools that want to be able to provide more branded items. That is a much more sensible way of approaching the issue and tackling a problem that we are united in wanting to tackle.

New clause 35 concerns a simple matter of fairness. I cannot understand why the zero rate of VAT applies only on clothing for children up to the age of 14 and that parents have to pay VAT on school uniform for children who are larger or who are over 14. Dare I say it—this is one of the few benefits of Brexit.

Damian Hinds: Press release!

Munira Wilson: Press release—there we go! This is a rare benefit of Brexit: we have the freedom to apply a zero rate of VAT on school uniform up to the age of 16. It is a basic issue of fairness. If the Government want to drive down the cost of uniform, this is a simple thing for them to address.

Catherine Atkinson: There is a uniform shop, Uniform Direct, in my constituency in Derby, which was opened by Harvinder Shanan. Like me, she is a mum of three. She is determined to drive down the costs of school uniform and understands the financial pressures that local families face, particularly with the cost of living crisis that the last Government left us in. Her small business has been able to reduce the cost of items. She told me about how in one instance, when she began to supply a school, she was able to bring the cost of their blazers down from £75 to £25.

I note that the majority of the schools that Harvinder Shanan supplies are already compliant with the limitations on the number of branded items that the Bill imposes. If many can reduce, or have already reduced, the number of branded items, I am concerned that amendments seeking exceptions would fundamentally undermine the purpose of the clause, which is to bring down the costs of school uniform that families have to bear. Some providers might seek to increase the costs of branded items. Consideration of a cost cap was asked for, to limit the amount of money that could be charged. I invite the Minister to keep the clause under review and to keep all options open, should the cost of branded uniform items rise.

Turning to new clause 56, the hon. Member for Harborough, Oadby and Wigston indicated a shared concern about prescription for schools, which seems somewhat at odds with the prescription sought through the new clause, which would prescribe details of how second-hand items might be made available down to what is on school websites. My concern is that the detail of that provision would impose so much prescription that when there are new items of uniform, second-hand items simply would not be available.

In total, the clause represents a huge saving for families in Derby North and across the country. I greatly welcome the provision.

Neil O'Brien: I find myself in great agreement with much of what the hon. Member for Twickenham said about the danger that this provision will turn into a piece of backfiring micromanagement. The Opposition have made that point and, indeed, we have heard Labour Members make the same point. We are not in a position to make a fiscal commitment today, but I thought that that the hon. Lady made a good point about VAT. I found myself agreeing with more and more of what she was saying and then, towards the end, when she started talking about potential Brexit benefits, I realised we were really through the looking glass. Remarkable moments here today—incredible scenes.

To describe our amendments in brief, amendments 29 and 30 say that schools can have items that parents do not have to pay for, and amendment 31 clarifies that it is three at any given time. Schools can require replacement of lost items; amendment 32 exempts PE kit, and amendment 91 exempts school sports team kit. New clause 56 is a positive suggestion to make schools offer old uniform to parents. As the hon. Member for Twickenham said, we do not particularly want to be prescriptive, but if we are going to be, we might as well do it in sensible ways. That builds on the previous guidance.

When I was a school governor, which was mainly under the previous Labour Government, I was struck by the flood of paper that came forth every week from "DFE Towers", the Sanctuary Buildings. That flood abated a little after 2010, although probably never enough. Sometimes, I wondered whether we had more ring binders with policies in than we had children; but that might soon seem like a golden age, because under new Ministers, the urge to micromanage seems to be going into overdrive.

Our guidance, introduced in 2021, encouraged schools to have multiple suppliers, and it was focused on generally holding down costs, as the hon. Member for Twickenham pointed out. Parents are in fact spending less in real terms on school uniforms overall than they were a decade ago, according to the DFE's own survey. The

DFE found that average total expenditure on school uniform overall was down 10% in real terms, compared with 2014.

Tom Hayes: Does the shadow Minister agree with a 2023 report by the Children's Society which showed that school uniform costs were another burden on families, impacting on children's education, to the point that 22% of parents were reporting that their child was experiencing detention for breaching uniform policies, and one in eight had been placed in isolation? Last year, the Children's Society surveyed parents again and found that two thirds were finding uniform costs unaffordable, which is not surprising given the cost of living crisis affecting so many parents. The hon. Member speaks as a former school governor and therefore with deep experience. Does he agree that we need to reduce the cost of uniforms, because parents are struggling and, as a consequence, children's education is suffering too?

Neil O'Brien: That is a very helpful intervention, because it lets me say what I was about to say next. We obviously want to reduce the cost of school uniform, but really, we want to reduce the cost of clothing children overall. If we have the kind of backfiring effects that a number of Members on both sides have pointed out, we will not achieve that.

12.30 pm

Looking at the cost of branded items specifically, which is what the Government are in the business of trying to micromanage here, other surveys show that there has been a fall in their real-terms cost of about 25% between 2020 and 2024. The Government, however, are now planning to use complex, primary legislation to micromanage exactly how many items of uniform can be branded or specific. It will become the law of the land that a school

"may not require a primary pupil at the school to have more than three different branded items of school uniform for use during a school year"

or

"may not require a secondary pupil at the school to have more than three different branded items of school uniform for use during a school year (or more than four different branded items of school uniform if one of those items is a tie)."

We are about to make that the law of the land. This is micromanagement on steroids. The age of school freedom is clearly over and the age of ministerial micromanagement is back, back, back, as we will see in future clauses.

Catherine Atkinson: The shadow Minister's new clause 56 sets out specific things in great detail. It seems really odd that he has a concern about micromanagement in light of the provisions he has tabled.

Neil O'Brien: The hon. Lady is quite right to point out the tension between wanting to avoid micromanagement and saying that if we are in the business of prescription, we might do some sensible things. I wanted to offer a positive suggestion rather than simply critique what the Government are doing, which is why that is there. Indeed, a lot of schools are already doing it. I understand the hon. Lady's point, but one reason why Whitehall micromanagement is a bad idea is that rules dreamed up by civil service mandarins in London often go wrong when they make contact with the real world. That is exactly what has happened here.

I have no doubt that Ministers' intentions for clause 23 are good, but it will have the opposite effect to the one they intend. It may well make things more expensive for parents—not less. That will hit many schools. Ministers said, in answer to a written question, that

"based on the Department's 2023 cost of school uniforms survey of parents, we estimate that one third of primary schools and seven in ten secondary schools will have to remove compulsory branded items from their uniforms to comply".

Instead of measures the Government could have brought forward in the Bill—things that the polls show are teacher priorities such as discipline, as Teacher Tapp shows—we will have at least 8,000 schools spending their time reviewing their uniform policy.

Worst of all, this may well end up increasing costs for parents overall. Many secondary schools will respond to this new primary legislation by stopping having uniform PE kit, at which point, highly brand-aware kids will push parents to have stuff from Adidas or Nike or whatever instead, which will be more expensive. What do we think that school leaders will get rid of in response to the new rules? We know that according to the Government, lots of them will have to change their uniforms in response to this.

In a poll of school leaders last year, more than half said that the first things they would remove in the event of such restrictions would be PE kit, but uniform PE kit is cheaper than sportswear brands; it is nearly half the price for secondary school kids. I worry that the Government have a sort of tunnel vision here. They want to cut the cost of uniform, but we really want to cut the cost of clothing children overall. The problem is that when we get rid of uniform, particularly PE kit, what will fill the space is often more expensive and worse.

David Baines (St Helens North) (Lab): I speak as a parent of a child at a secondary school with branded PE kit, so I have some interest in this. Maybe my understanding is wrong, but surely any responsible school following this becoming law, as I hope it does, would still have a uniform? Uniform does not have to be branded to be uniform. This would not necessarily mean that it would be a free for all and that children would be encouraged to turn up in all sorts of branded sports gear. They can still wear plain sports clothes that are uniform and are not hugely expensive or branded by international sportswear brands.

Neil O'Brien: That is an incredibly helpful point, because it leads me to the point that the word "branded" here is being used in a very specific way, which is not a particularly natural meaning. Anything specific or anything where there is only a couple of shops that sell it will count as branded. For example, I think of the rugby jumper that I used to wear when I was doing rugby league in Huddersfield in the 1990s. It was a red jumper with a blue stripe. If it was freezing cold and snowing, I could reverse it. That jumper was branded. It did not have any brand on it—it was not sportswear—but anything like that is captured in the provision. I also remember that when I was at school, in summer we had very unbranded clothing. The school said, "You can have a black T-shirt." What happened? Everyone had a black Nike or Adidas T-shirt, so more expensive stuff fills the space.

[Neil O'Brien]

Let us take a worked example and think about the primary school that my children go to, which is typical. They have a jumper and a tie in the winter. My daughter has a summer dress. They have a PE hoodie, a PE T-shirt and a plastic book bag, so they are a couple of items over the limit. Our children are at a really typical state primary, so which of those items do Ministers want them to drop?

The Minister for School Standards (Catherine McKinnell): It is up to the school.

Neil O'Brien: If they drop the book bag, other bags will likely be more expensive. My kids are quite young, so they are not very brand-aware, but we will end up with a request for a branded bag and something more expensive. *[Interruption.]*

The Chair: Order.

Neil O'Brien: If we get rid of the PE tops for the older kids, we will end up with branded sportswear stuff. *[Interruption.]* If Members want to intervene, they can do so.

I watched the kids in a London secondary school arriving for school the other day, and it was really apparent from watching them that the expensive thing for their parents was not the uniform, but the expensive branded coats that they were wearing over them. All the fashion brands were on display. I worry that we are missing the pressure that is put on parents to get this stuff when we take out uniforms. It is ironic that the word used in the legislation is "branded" school uniform, when fashion brands—real brands—will fill the space that Ministers are creating by trying to micromanage schools.

I will talk about sports teams and amendment 91, which I will press to a vote. There is a specific problem here. The explanatory notes to the Bill state that an item of branded uniform will be 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 year. This means that it 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",

it will count towards the cap. It is clear that that means that if there is a sports team and it has a kit, that would count towards one of the three branded items. The explanatory notes make that absolutely clear.

If there is more than one school team, the problem is even worse. If a school had a sports team for athletics, rugby, swimming, football or whatever it might be, pupils would use up the entire limit of items doing that. This is effectively as good as a national ban on having school sports team kits. This is micromanagement gone wrong.

Amanda Martin: Will the hon. Gentleman give way?

Neil O'Brien: I would also welcome an intervention from the Ministers if they want to say why this is wrong.

Amanda Martin: Having taught in schools and had schools sports teams, we have kits within the school. When pupils represent their school teams, the kits are washed and given out to the children, because that means that all children get a chance to participate. Schools might not have the same football or rugby team. Those kits belong to the school and are taken in and washed, so it does not stop children of all abilities and backgrounds representing their school.

Neil O'Brien: That is another hugely helpful intervention, because it lets me say two things. First, the clause as drafted does not help, because it uses the words "to have". Unless the Government accept our amendments, the fact that the kits are being given does not make any difference, because the legislation does not say that. Secondly, there is an implicit assumption in the hon. Lady's intervention that all schools will, from now on, have to pay for all this themselves. It is generous of her to make the huge funding commitment to schools that she has just mentioned, but unfortunately I do not think that the Ministers have come up with the money to do what she says.

We know why there are school sports teams. We do not expect English, Scottish or Welsh football teams to have a single kit. There is a reason why teams have a kit, yet that will effectively be banned by the clause. Amendment 91, which I will press to a vote, would exempt school sports teams. The DFE's current suggestion on what schools should do in this situation is to give pupils kit, as the hon. Member for Portsmouth North said, but even that would not work under the clause unless the Government accept amendments 29 and 30. We have also tabled the amendments because the Bill as drafted potentially bans schools from asking children to wear "more than three" compulsory branded items even if the school has provided them for free, which is obviously bizarre. That is why our amendment would change "have" to "buy".

That brings me to amendment 31, which is a practical one to correct what I think is a drafting error. At the moment, if a child grows out of, or loses, or damages a branded item, then parents will not have to replace that item within the academic year because the Bill says that they cannot be asked to "have more than three" items during a school year. If schools are allowed to require three branded items, then they should obviously be allowed to require that those items are replaced otherwise, effectively, uniform policy becomes unenforceable.

Instead of all this backfiring micromanagement, our new clause 25 points toward a different, more effective way to reduce costs for parents. Some 70% of schools already offer second-hand uniforms. Our amendment just aims to get schools doing what many others already are. As the parent of primary school children, I know how much is already passed on from sibling to sibling and from family to family outside school, though that is something that is obviously much less likely to happen with non-uniform items.

Finally, it says in the notes of the Bill that parents can make a complaint to the Department and that

"The department will be able to act when it is found that a school has not complied with the limit". I feel that Ministers should have better things to do with their time than to try and fail to micromanage schools and determine whether the PE kit at Little Snoddington

primary school is compliant. After so many attempts at micromanagement, I just worry that this is going to backfire and the cost in the end to parents is going to be higher.

Amanda Martin: While I have the utmost respect for the hon. Member for Harborough, Oadby and Wigston, I want to draw his attention to the real world of parents, the cost of uniforms, the impact of negativity on pupils. As a former teacher and a parent of three lads who did not all go to the same school, so could not always have their clothes passed down, I am really pleased to see clause 23. We have heard from the Children's Commissioner that this is an issue for so many children, through her big ambition conversation on behalf of children. We also see a BBC survey that notes how senior teachers, and I have been one of these, have helped parents buy uniform and have provided school uniform. That is done by so many staff in our schools across the country and it also shows the cost of the hardship that parents and families are under.

The Children's Society also note in their support that this is "practical and effective". They do not see it as red tape, as lines being drawn, or as schools being held to account. They actually see it as a real, practical and effective way to help children and to help parents afford uniform. It does not stop schools stipulating a school colour or a standard of uniform, relating to their own uniform policy. It stops uniforms costing the earth. Many parents have emailed me, and one parent said that they stagger the cost of uniform across the year—buying one now and getting another next time, when they get paid. That leaves children—I am guilty of it myself— wearing uniforms that are too big, and that they never grow into. Or worse still, if the uniform is passed down, it might be worn out because siblings have worn it, or a cousin has worn it, or a neighbour has worn it before donating it to the kids. The clause stops children feeling self-conscious and really uncomfortable in school. It gives them a sense of dignity while they are in their school place and—we all know— if they feel pride in who they are and feel confident, it helps with learning and with being able to take part fully in education.

Catherine Atkinson: Does my hon. Friend agree that what has been presented suggests that families must choose between branded uniform and fashion brands? Does this clause open up options for parents so that they can have more affordable uniform for their children and save the family money?

Amanda Martin: Absolutely, and it does not stop schools also having their own recycling for uniform, which many, many do. I will give a mention to the fabulous Penelope Ann, the only family owned uniform shop we have in Portsmouth, which works with schools to offer the best cost price they can on blazers and other uniform pieces to everyone across the city, allowing parents to top up, whether they want to buy trousers in that shop, or a supermarket, or go to another place to buy the extra uniform. In reality, three pieces of uniform could be a PE T-shirt, a book bag, and a school jumper. Those are three things that it could be, and that every child would be able to have. If they are in secondary school, it could be a blazer. It is on us to make sure. We have to check that schools are working with this. For example, Penelope Ann could offer schools a mark-up price on that blazer. It may well be that one school says, "No, thank you," but that other schools do mark it up. It is for us to check and make sure that the reality is that every single child can wear a piece of uniform and feel part of their school.

In short, it is common sense. It makes uniforms affordable for all kids and it is what parents and children have been asking for.

12.45 pm

Damian Hinds: We all share the objective of trying to keep costs down and reduce costs where possible. That is why we have guidance to schools on school uniform costs and why that guidance became statutory guidance. It is utterly extraordinary to talk about writing this level of detail about uniform policy into primary legislation.

In our previous days' discussions on the Bill, we have said we will come back to all manner of really important things in delegated legislation, which can be more easily updated. For some reason, this measure needs to be written into an Act of Parliament.

Amanda Martin: The previous Government did take steps on uniform, but they are obviously not working, because parents are paying extortionate amounts of money for uniform. We need to look at what is going wrong. This is a way to help support parents.

Damian Hinds: If the Chair will indulge me, I will just read a brief extract of the statutory guidance:

"Parents should not have to think about the cost of a school uniform when choosing which school(s) to apply for. Therefore, schools need to ensure that their uniform is affordable.

In considering cost, schools will need to think about the total cost of school uniforms, taking into account all items of uniform or clothing parents will need to provide…

Schools should keep the use of branded items to a minimum.

Single supplier contracts should be avoided unless regular tendering competitions are run…This contract should be retendered at least every 5 years.

Schools should ensure that second-hand uniforms are available for parents to acquire"—

and that information needs to be readily available, and schools should

"engage with parents and pupils when they are developing their school uniform policy."

Matt Bishop: I wonder about the word "minimum". What is minimum? Is it 10 items, five items, 20 items?

Damian Hinds: What the guidance is saying to a headteacher is, "We trust you to be able to make judgements." By the way, the Department gives guidance to schools on all manner of things, within which schools then make judgements on what is right, but it is statutory guidance, which means they have to have regard to every element in it.

I think it sounds like pretty good guidance. It is comprehensive. Unlike the clause that will become part of an Act of Parliament, it does not just focus on one aspect of cost. It talks about all the aspects.

Amanda Martin: The provision would not be in the Bill if the guidance was working. I have already made this comment. What tracking and monitoring has been done of the statutory guidance? It is obviously not

[Amanda Martin]

working. We hear from parents who are being charged £100 for a blazer, or a rugby top, which has been mentioned—some of those are £50.

Damian Hinds: With deep respect, and I absolutely acknowledge the experience that the hon. Lady brings to the subject, there is nothing in the Bill to stop someone being charged £100 for a blazer. That is my point. It homes in on one aspect of the cost of kitting out a child to go to school and ignores the others.

I think the advice is good, and I wonder what makes the Government think that they can come up with a better formulation than trusting individual schools to make that decision—why they think they can come up with something that is going to work for 22,000 schools.

The hon. Lady says it obviously is not working. In the most recent school uniform survey done by the DFE in 2023, parents and carers were significantly more likely—twice as likely—to report that their school facilitated purchase of second-hand uniform. It had been 32% of parents, but now it is up to 65%.

My hon. Friend the Member for Harborough, Oadby and Wigston covered how the text as laid out in the Bill uses the word "branded", but that includes not only where there is a school name or logo but if

"as a result of its colour, design, fabric or other distinctive characteristic, it is only available from particular suppliers."

It covers rather more items than the lay reader might expect when talking about branded items.

There will be a maximum of three branded items in primary school, and four in secondary school if the fourth is a tie. What have the Government got against ties in primary schools? I put down a written parliamentary question on that, and I got an answer back that explained that the vast majority of primary schools do not have a tie. That is true—but some do. Why is it that Ministers sitting in Sanctuary Buildings think that because most do not have a tie, no one should be allowed to have a tie in year 6?

My hon. Friend the Member for Harborough, Oadby and Wigston already asked, and it is also in the amendment in his name, why the Bill specifies one cannot have more than three branded items, rather than require the purchase of more than three. The hon. Member for Portsmouth North outlined a case where the school might decide that a good use of its funds is to provide an item. It might not be sports gear—it might be a book bag—but as currently drafted, the school would not be allowed to do that.

The clause includes the phrase "during a school year". That is peculiar wording. I do not know of any school that requires the use of uniform outside of the school year, so what is the purpose of that —what is it getting at? I presume that it means that there cannot be a summer uniform and a winter uniform, and not that it means one cannot replace an item part way through the year. First, it would be helpful to know that for sure, and secondly, it highlights again the craziness of writing that level of detail into an Act of Parliament. Schools are already obliged in the statutory guidance to ensure that uniform cost should not be a factor in school choice. Why not trust them to work out how best to do that, rather than have that level of prescription?

The hon. Member for Twickenham also made the point that the cost of uniform is not only about the number of items, but a mix of what the uniform is, the supplier price, the negotiation with suppliers, and the availability of second-hand uniform. Some schools will provide free uniform through a uniform exchange in certain cases. If I had to pick, I would contend that the bigger factor is the availability of second-hand uniform, rather than having one extra item. As I said earlier, many schools now provide that.

I also ask for clarity about optional items. For example, with a woolly hat, a school may say, "You do not have to have a woolly hat, but if you do, it should be a school woolly hat." I am not clear whether that would be captured by the regulations. On the question of grandfathering, are we saying that from the moment that the Bill becomes an Act, the rules take effect whatever year in school someone is currently in, or are we saying that it applies to new entrants to key stage 1, key stage 2, year 7 or a middle school? If not, does that mean that a pupil already in school could say, "You can't enforce your existing uniform policy on me"?

Ordered, That the debate be now adjourned.—(*Vicky Foxcroft.*)

12.55 pm

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Eighth Sitting

Thursday 30 January 2025

(Afternoon)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 3 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, Sir Edward Leigh, † Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
Chowns, Ellie *(North Herefordshire)* (Green)
Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 30 January 2025

(Afternoon)

[Graham Stringer *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 23

School uniforms: limits on branded items

Amendment proposed (this day): 87, in clause 23, page 44, leave out lines 22 to 29 and insert—

"(1) The appropriate authority of a relevant school may not require a pupil at the school to have to buy branded items of school uniform for use during a school year which cost more in total to purchase than a specified monetary amount, to be reviewed annually.

(1A) The Secretary of State may by regulations specify the monetary amount that may apply to—

(a) a primary pupil; and

(b) a secondary pupil."—*(Munira Wilson.)*

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Government amendment 7.

Amendment 29, in clause 23, page 44, line 23, leave out "have" and insert "buy".

This amendment would enable schools to require pupils to wear more than three branded items of school uniform as long as parents have not had to pay for them.

Amendment 59, in clause 23, page 44, line 24, leave out "three" and insert "two".

Amendment 30, in clause 23, page 44, line 26, leave out "have" and insert "buy".

This amendment would enable schools to require pupils to wear more than three branded items of school uniform as long as parents have not had to pay for them.

Amendment 60, in clause 23, page 44, line 27, leave out "three" and insert "two".

Amendment 61, in clause 23, page 44, line 28, leave out from "year" to end of paragraph.

Amendment 31, in clause 23, page 44, line 29, at end insert—

"(1A) The appropriate authority of a school may require a pupil to buy or replace branded items which have been lost or damaged, or which the pupil has grown out of."

This amendment would enable schools to require pupils to replace lost or damaged branded items.

Amendment 32, in clause 23, page 44, line 40, at end insert—

"except PE kit or other clothing or items required as part of the school's provision of physical education lessons".

Amendment 91, in clause 23, page 44, line 40, at end insert—

"except items of kit required when representing the school in sporting activities".

Government amendments 8 to 10.

Clause stand part.

New clause 35—*VAT zero-rating for certain items of school uniform*—

"(1) The Secretary of State must, within 6 months of the passing of this Act, make provision for certain items of school uniform to be zero-rated for the purposes of VAT.

(2) For the purposes of this section, 'certain items of school uniform' means items of school uniform for pupils up to the age of 16."

New clause 56—*School uniforms: availability of second-hand items*—

"(1) The appropriate authority of a relevant school must ensure that second-hand items of school uniform are made available for sale to the parents of pupils or prospective pupils.

(2) Second-hand items of school uniform may be made available for sale so long as the items—

(a) comply with the school's current uniform requirements;

(b) are in an acceptable condition; and

(c) can be purchased for significantly less than the cost of buying the same item new.

(3) The appropriate authority must make information on the purchase of second-hand items of school uniform easily available on the school's website.

(4) In this section—

'the appropriate authority' means—

(a) in relation to an Academy school, an alternative provision Academy or a non-maintained special school, the proprietor;

(b) in relation to a maintained school, the governing body;

(c) in relation to a pupil referral unit, the local authority;

'relevant school' means a school in England which is—

(a) an Academy school;

(b) an alternative provision Academy;

(c) a maintained school within the meaning of section 437(8) of the Education Act 1996;

(d) a non-maintained special school within the meaning of section 337(A) of the Education Act 1996;

(e) a pupil referral unit not established in a hospital.

'school uniform' means any bag or clothing required for school or for any lesson, club, activity or event facilitated by the school.

'second-hand items' means items of school uniform which have previously been owned by another pupil, subject to subsection (2)."

Tom Hayes (Bournemouth East) (Lab): It is a pleasure to serve under your chairpersonship this afternoon, Mr Stringer. I was going to speak before the Committee adjourned this morning, and I have dwelled over that break on what to say, because I have been listening carefully to the Opposition spokespeople. I like to think that I strive to be reasonable and I do not want to be excessively party political.

Hon. Members: *indicated assent.*

Tom Hayes: There are nods and laughs.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): Sounds good.

Tom Hayes: Sounds good, but I want to bring us back, if I may, to reality. We need to do that, because first, all of us in this room would acknowledge that the status quo is not working. I have been a school governor, I have sponsored a mental health project for children and young people, and I know just how hard teachers and support staff work. We all know how fantastic our schools are, but still the status quo is that parents are struggling, and children are suffering.

I was dwelling on what to say particularly because some of this is very personal to me; I grew up as a free school meals kid on a council estate caring for two disabled parents. It is only in recent times that I have started to talk openly about growing up in poverty—I would previously call it "financial hardship", but that feels too clinical a term. I call it poverty, because if I am now an MP, it is my duty to speak truth and to try to show some inspiration to families locally who may be struggling. That does present its challenges, particularly in the conversations that I have with my mum, because she does not feel comfortable all the time with me talking about growing up in poverty. She feels that somehow it is her son's way of saying that she did not do well enough, that she failed, and that she let him down in her duties. That shame persists.

I spoke with her last night about my role in this Committee, and what we were discussing and considering today. I told her what I would say if the opportunity arose, and we again navigated that difficult conversation, as I am sure I will do many times in the future. I had to bring it back to the point that she did everything she could; she loved and cared for her sons and tried her best, but ultimately the society that we live in held her back. Despite her best efforts, politics was not there to support her. If somebody at the age of 41, as I am, is having this conversation with their mum so many years later, imagine the conversations that might happen in 30 or 40 years' time between parents and children, where a parent hears from their child as an adult that they did not get all they needed, and that somehow they were not able to achieve all that they may have wanted.

We need to bring it back to the real world, because, in truth, uniform costs are significant. When I speak with parents locally, they cite uniform costs as a reason why they cannot properly care for their children in the way that they want to. When I told my mum last night that I would be sitting in this Bill Committee, and that a Government would be moving forward with an Act of Parliament to cap the number of uniform items, that said a lot to her. It said that we had her back, that we did not believe that parents who did their best but were held back by poverty were to blame, and that they were not being shamed. For an Act of Parliament to cap the number of uniform items and to reduce the cost for families felt to her—as I know it will feel to many of my constituents—like a hugely symbolic step.

When we talk about politics as a place of disconnection and hopelessness, and of politicians not delivering against what people want, having an Act of Parliament that says, "We are on your side; we understand what you are going through, and we think that this is such an important step to take that we will enshrine it in statute," is, I feel, a really important way, in a time of polarisation, division, hopelessness and frustration, of trying to bridge the gap that exists between our politics in this place and the reality of people's lives in my constituency and everybody else's.

Because it always sticks in my mind, I will close with this quotation from William Blake:

"Pity would be no more,

If we did not make somebody Poor".

What we are here to do today, as we are every day as elected representatives, is to address and overcome the structural causes in our society that make people poorer, that limit people's opportunities and life chances, and that make our society weaker and less vibrant. With this Government's proposal to cap uniform items, I think we have an opportunity to tackle one of those structural causes, and to actually show to our communities, "Yes, after so much division and hopelessness, we are on your side."

The Minister for School Standards (Catherine McKinnell): It really is an honour to follow my hon. Friend the Member for Bournemouth East, who made an incredibly powerful case for why we have brought forward these measures, as indeed did my hon. Friend the Member for Portsmouth North, who also shared her experience, as a mother, of battling some of these issues.

I have to say that, on the way back to this Committee, after the brief break that we just had, I went past some members of staff who work in the House, and they said, "Oh, you look in a hurry." I said, "Yes, we are about to talk about the measures that we are bringing forward on uniforms," and, instantly, they said, "Oh my goodness, it's a nightmare! They cost a fortune," and expressed how challenging they find it.

Indeed, when I was recently asked to find a picture of myself in my old school uniform—and I had to search hard because, while I know I look really young, it was a while ago that I was at school—I wanted a picture that would represent the school that I went to, but strangely, when I found the pictures, I realised that my school uniform had no branding. It was a plain grey jumper, a plain grey skirt and a blue generic shirt.

I realised that those were the times that we lived in; we had less, and that was the reality, I think, for the vast majority of schools. I remember my school being very smart and very strict, but that was the uniform that we had. I think we did have a blazer with a badge on as well, and we had to wear that to and from school, but that was how the school dealt with the public outward projection of the school identity. I grew up as one of eight siblings, and I do not know how my parents would have managed for the eight of us growing up, given the uniforms that some families have to buy today.

That is why I am delighted to speak today to clause 23, and to address the amendments that have been put forward in this group, because this Government really are committed to cutting the cost of school uniforms for families. That is why the Government have chosen, as a priority in this Bill, among many other things, to support families by limiting the number of branded items that schools can require pupils to have. I genuinely appreciate the contributions on this, some of which have been very thoughtful, and I am very happy to allay concerns that have been raised as part of this discussion.

[Catherine McKinnell]

I will turn first to amendment 87, tabled by the hon. Member for Twickenham, which is to replace the limit on the number of branded school uniform and PE kit items that a school can require with a limit on the cost of those branded school uniform items. We want to ensure that any action that we take to reduce the cost of uniform provides schools and parents with clarity, and offers parents choice in how to manage the cost of uniform. Ensuring that parents can buy items from a range of retailers gives them that flexibility. However, introducing a monetary cap on branded items risks increasing schools' reliance on specific suppliers and therefore risks reducing that choice for parents.

We want to also provide parents and schools with absolute clarity about our expectations regarding branded items in schools. A cost cap on branded items would create ambiguity as to how items purchased in second-hand uniform sales, for example, would be accounted for. Lastly, a cap on the cost of branded school uniform would be complex for schools and parents to manage due to varying production costs and regional price differences. For those reasons, I kindly ask the hon. Member for Twickenham to withdraw her amendment.

I now turn to Government amendment 7, which is a technical amendment to improve drafting that is consequential on Government amendment 8, which I will speak to shortly. Government amendment 7 ensures that the limits on branded school uniform items will continue to apply only to schools in England, following changes made by Government amendment 8. The territorial extent of the provision applies to both England and Wales, but the application of these measures applies to England only. Education, including requirements around school uniform, is a devolved matter, and therefore so is this provision.

I turn now to amendments 29 and 30, tabled by the hon. Member for Harborough, Oadby and Wigston, which would to leave out the word "have" and insert the word "buy" in the relevant lines. As the hon. Member knows and has heard, too many families still tell us that the cost of school uniforms remains too large a financial burden. We need to remove the cost of uniform as a barrier to children accessing school and its activities. The Government therefore want to ensure that the action we are taking to reduce the cost of school uniform provides all schools and parents with clarity about what these changes will mean for families.

The hon. Member's amendment would allow schools to require pupils to wear more than three branded items of school uniform, provided parents do not have to pay for them. It could create confusion about whether a given branded item of uniform would be captured within the statutory limit. We want to provide parents and pupils with clarity about the expectations regarding branded items in schools. Allowing schools' uniform policies to set out different requirements, depending on the school's ability to provide or source branded items for free, would undermine this principle.

Equally, we do not want to place an undue burden or expectation on schools by suggesting that they could or should be supplying core items of uniform to their pupils at no cost. That could risk increasing visible inequalities between schools and pupils, depending on their circumstances. There is also the risk that, if schools provide pupils with additional branded items at no cost, they may be subsequently tempted to charge parents for expensive replacements, if those items are ever lost or damaged. Finally, while I understand the hon. Member's objective with this amendment, I note that accepting it in its current form would result in the drafting of the Bill implying that it would be pupils themselves purchasing branded uniform items, which is very unlikely to be the case in practice and I am sure it was not the hon. Member's intent.

I turn now to amendment 31, which was also tabled by the hon. Member for Harborough, Oadby and Wigston. It would insert a proposed new section that says:

"The appropriate authority of a school may require a pupil to buy or replace branded items which have been lost or damaged, or which the pupil has grown out of."

Schools can already set standards for appearance in their uniform and behaviour policies. For example, they can require that the correct uniform be worn, including any branded items, and that uniforms must be well presented. This proposed new section enabling schools to require pupils to replace lost, damaged or outgrown branded uniform is therefore unnecessary. Schools already have the powers to enforce it at present, and it goes against one of the main aims of this measure, which is to give parents greater choice and freedoms in their spending decisions on school uniform. Furthermore, on one additional technical point, while I appreciate the hon. Member's intent with this amendment, the current drafting would apply this proposed new section to a wider range of schools than the original measure, including non-state-funded independent schools, which I assume was not his intention.

I now turn to amendments 32 and 91, which were once again tabled by the hon. Member for Harborough, Oadby and Wigston, to insert

"except PE kit or other clothing or items required as part of the school's provision of physical education lessons"

and

"except items of kit required when representing the school in sporting activities".

Amendment 32 would mean that, in addition to the three branded items that schools could require, with a fourth item for secondary and middle schools if those items included a branded tie, schools could also require pupils to have a potentially unlimited number of branded PE kit items. Amendment 91 would mean that schools could require those pupils who wish to represent the school in sporting activities to have a potentially unlimited number of branded items.

At present, secondary schools in particular often require a large number of branded PE kit items. Almost three in 10 parents of secondary-aged children already report their child's school requiring five or more PE kit items. That is unacceptable. Amendment 32, if adopted, would effectively nullify that entire measure, and severely limit any cost savings it would generate for parents. It is also contrary to the main aim of the measure, which is to give parents more choice over where and how they spend their money—including on PE kit.

2.15 pm

Neil O'Brien: This was the main point that we wanted to make, and it is good to have confirmation from the Minister that our interpretation of the notes is correct. The notes say it

"includes items required for PE and sport… even if an activity is optional, if a pupil requires a branded item of uniform to participate in that activity, then the item will count towards the limit."

The Minister has just said that this will absolutely bite on school sports teams—

Catherine McKinnell: That is not what I said.

Neil O'Brien: That is precisely what the Minister just said. She said that by having the amendment we would be allowed to have unlimited numbers of items for school sports teams. So it is clear that the measure bites in exactly the way that we say it does, which is why we need amendment 91.

Catherine McKinnell: No, the two things do not follow. I said that the limit on the number of branded items applies to PE kits. However, schools still have the freedom to choose how to use that branded number allocation, including in relation to PE and sports. It does not restrict the ability of schools to loan out specific competition kit where appropriate. The intention of the measure, which amendment 91 would completely undermine, is that the cost of PE and sports kits should never be a barrier to participation in PE and sports. That is what the measure is intended to achieve—while his measure would achieve the opposite.

Neil O'Brien: Just to confirm what the Minister is saying, under the clause if passed, school sports teams will not be able to require pupils to own the items. In the future, schools will only be able to loan items for school sports teams to their pupils, so there will be quite a big difference.

Catherine McKinnell: To be clear, the legislation will require that parents cannot be mandated to purchase more than three branded items, or four including a tie. That includes PE and sports kits. I am not sure that the hon. Gentleman lives in the real world, but many schools already loan out sports kits to ensure the full participation of any child, and do not require the parent to buy the kit to participate in that sport. Many secondary schools have opportunities for a whole range of sports—quite rightly—and they all potentially require different kit, as well as matching kit in order to present a uniform team image. Many schools will already loan out the kit where they have to compete externally.

Schools can loan it out or they can provide it for free. Indeed, the entire purpose of the provision is to ensure that no child is prevented or put off from taking part in sport because they are worried about the cost of the sports kit. That should never be a barrier to a child's participation in PE and sport. It is therefore right that schools that continue to require large numbers of branded items are forced to reduce them. That is why the measure is needed.

Darren Paffey (Southampton Itchen) (Lab): Does the Minister agree that this issue is actually very simple and, while we appreciate the level of detail and scrutiny that opposition parties are rightly giving to it, we risk making a mountain out of a molehill? The fact is that uniform has become prohibitively expensive and there are more items than necessary in many schools. Many families and schools welcome these practical measures to bring costs down and, if this Bill is about removing barriers to opportunity, supporting the clause as it stands is the way of achieving that.

Catherine McKinnell: My hon. Friend puts it in a nutshell.

Speaking of additional complexity, I turn now to amendments 59 and 60—I have not picked on those particularly; they just happened to coincide with the hon. Gentleman's intervention. Tabled by the hon. Member for Runcorn and Helsby (Mike Amesbury), the amendments seek to reduce the number of branded items primary and secondary schools can require from three to two. I know that the hon. Member has been a long-time campaigner on the issue of making school uniform more affordable for families. That is why I am sure he will share our view that, while school uniform plays a valuable role in creating a sense of common identity among pupils and reducing visible inequalities, too many schools still require an unacceptably high number of branded items.

The Government believe that a limit of three branded items provides the best balance, reducing costs for parents while ensuring that schools, parents and pupils can continue to experience the benefits that allowing a small number of branded items can bring. Restricting schools to only two branded items will make it harder for schools to find that balance and set a uniform policy that works best for their circumstances. That is especially true for secondary schools, which will already have to make choices about how best to use their limit of three or four branded items, depending on their local circumstances. We believe that the limit of three provides clarity to parents, gives them more choice in where they purchase uniform and allows them greater flexibility to make the spending decisions that suit their circumstances, all while giving schools the flexibility they need to set their uniform policies.

I turn now to amendment 61, also tabled by the hon. Member for Runcorn and Helsby, which seeks to remove the ability of secondary and middle schools to have four compulsory branded items when one of those branded items is a tie. This Government are genuinely ambitious about reducing costs for parents, but we recognise that there are different uniform needs in primary and in secondary schools. The vast majority of primary schools do not currently require a branded tie and, as most primary schools already have a low number of compulsory branded items, we do not want that number to increase.

In comparison, most secondary and middle schools already require branded ties, which are generally low-cost and long lasting. Ties are often a quick and distinctive way of signifying belonging, including identifying houses or year groups, so allowing secondary and middle schools an additional branded tie recognises the reality of school uniform policies in England. It balances reducing costs for parents with providing secondary schools with the necessary extra flexibility in setting their uniform policies.

Neil O'Brien: The Minister is very kind to give way. She has raised the issue of house ties; if a school is already at its limit of branded items for the year, and halfway through the year a child is offered a branded

[Neil O'Brien]

house tie, that would be an additional item, would it not? That would take them over the limit, so how is that supposed to work?

Catherine McKinnell: A school would have to operate within the limits of these requirements, so it would probably choose not to introduce these things mid-year. It is really not that complex.

Matt Bishop (Forest of Dean) (Lab): Does the Minister agree that if house ties came in mid-year, the requirement would be for the house tie, which would replace the original tie? Therefore, the number would still be the same.

Catherine McKinnell: The proposal is fairly straightforward. It allows, for example, a secondary school to retain a branded tie and blazer while still being able to brand up to two items—either PE kit or daywear—according to their circumstances. Therefore, for the reasons I have outlined, I kindly ask the hon. Member for Harborough, Oadby and Wigston not to press his amendment 32.

I now turn to Government amendments 8, 9 and 10, a group of technical and drafting amendments focused on the interaction between this Bill's measures on school uniform and their application to hospital schools. Government amendment 8 corrects a drafting omission, ensuring that all forms of schools established in a hospital are correctly excluded from the new statutory limit on compulsory branded school uniform items. Given their nature, the vast majority of hospital schools do not require any form of uniform, branded or otherwise. We therefore want to avoid this legislation placing unnecessary obligations or administrative burdens on such schools.

The Government recognise that schools established in a hospital operate in a very specialised medical environment, and it would therefore be inappropriate to bind any hospital schools to requirements or regulations that do not reflect the unique context in which they operate. Under the current wording of the Bill, some forms of schools established in a hospital—most notably, those established as academies or alternative provision academies—would not be excluded. Government amendment 8 corrects that omission.

Government amendment 9 is a further technical amendment to ensure that in the revised definition of "relevant schools" in this clause there is no double exclusion of community or foundation special schools established in a hospital from the new limits on branded school uniform items. A double exclusion might have caused confusion. Therefore, the new drafting will ensure that such schools are only excluded once.

Government amendment 10 is intended to correct an omission in the existing legislation in relation to hospital schools being required to have regard to statutory guidance that the Secretary of State must issue on the cost of school uniform. The amendment addresses the same drafting omission as Government amendment 8 and will ensure that all forms of schools established in a hospital, including academies, are correctly excluded from the requirement to have regard to guidance on the cost of school uniforms. As previously stated, this Government recognise that schools established in a hospital operate in a specialised medical environment. Therefore, it would be inappropriate to bind any hospital schools to follow guidance that does not reflect the unique context in which they operate.

Government amendment 10 also ensures there is a consistent definition of "relevant schools" across the two legislative measures in relation to school uniform: the duty to have regard to guidance on the cost of school uniform and the new statutory limit on compulsory branded items. Therefore, for the reasons I have outlined, I kindly ask that the Committee agrees to these amendments.

I now turn to clause 23. As we have said, the cost of school uniforms, especially branded items, has long been a major concern for parents. Despite the Department for Education issuing statutory guidance on the cost of school uniforms, too many schools continue to require excessive numbers of branded items, with some schools still requiring 10 or more different branded items.

As I said earlier, having a small number of branded uniform items plays a valuable role in creating a sense of common identity among pupils and in reducing visible inequalities. However, branded items are often more expensive, so it is right to limit their use. Therefore, clause 23 limits the number of compulsory branded items of uniform that schools can require to three or fewer. To provide additional flexibility, secondary schools and middle schools will have the option to include an additional compulsory branded item if one of the items is a tie. These limits will enable more parents to buy more generic items from a range of retailers, allowing them to best control the cost of their children's school uniform.

Amanda Martin (Portsmouth North) (Lab): I want to echo that sentiment and to ask a question. In my city, when we get the minimum wage rise, 10,000 adults will get a pay rise. There is a cost of living crisis for them. Will this limit of three items, or four items if the child is in secondary school and a tie is included, make a difference to the people in my city?

Catherine McKinnell: We are absolutely confident that this limit will make a difference to many families up and down the country, including in Portsmouth North. Some schools already operate within these limits; I know that many schools have gone to great lengths to operate within the spirit of the guidance already in place, to try to minimise uniform costs for families. However, that is not universal, and we think that the clarity this measure will bring will ensure that those benefits are not just for some children in some schools, but for all children in all schools right across England. We also believe that the measure balances reducing costs for parents with ensuring that schools, parents and pupils can continue to experience all the benefits that a uniform that includes a number of branded items can bring.

This is not about the state interfering in the day-to-day running of schools. Schools can still choose which items to brand as long as they adhere to the legislative limit. They will also still be able to include the optional tie, if they wish.

School uniforms should be designed to make pupils look and feel smarter, not to make families poorer. Schools will still be able to set and enforce appropriate uniform policies within these limits. I know that many schools and school leaders are already rising to this challenge, and I am sure that many more will welcome the clarity that this measure brings, ensuring that the cost of uniform is never a barrier to pupils accessing school life. I hope the Committee agrees that the clause should stand part of the Bill.

Finally, I move to new clause 35, tabled by the hon. Member for Twickenham, which aims to remove VAT on school uniform for pupils up to the age of 16. As I have already stated, the Government are committed to cutting the cost of school uniform for families. That is why the Government have chosen to support families by limiting the number of branded items that schools can require pupils to have.

Under current VAT rules, all children's clothing and footwear designed for children under the age of 14, including school uniforms, already has a zero rate of VAT, meaning that no VAT is charged on the sale of those items. The UK is one of only two among the 37 OECD member countries to maintain a VAT relief for children's clothing, which costs the Exchequer £2 billion a year. Going further would come at a cost to the Exchequer and I know that the hon. Member for Twickenham will be aware that we face hard choices about the best use of public money. There are therefore no current plans to go further on this issue. Tax changes are properly made at fiscal events and in the context of the overall public finances. I therefore respectfully urge the hon. Member not to press the new clause.

2.30 pm

Finally, new clause 56, tabled by the hon. Member for Harborough, Oadby and Wigston, would require schools to ensure that second-hand uniform is available for sale to parents of pupils or prospective pupils. Second-hand uniforms can definitely benefit all parents, particularly those on low incomes and, by extending the life of garments, they are a more sustainable option. Schools are already required to have regard to existing statutory guidance on the cost of school uniform, which states:

"Schools should ensure that arrangements are in place so that second-hand school uniforms are available for parents to acquire".

The guidance states that it is for the school to decide how that will be best achieved,

"for example through periodic second-hand uniform sales or swap shops".

Schools are already doing those things.

The guidance already states that

"schools should ensure that information on second-hand uniforms is clear for parents of current and prospective pupils and published on the school's website."

The guidance is clear about our intent while giving schools the flexibility to keep their existing second-hand arrangements or to set up new arrangements that best work for their circumstances. For the reasons I have outlined, I kindly ask the hon. Member not to press his new clause, and I commend clause 23 to the Committee.

Neil O'Brien: I intend to press only amendment 91 to a vote. We have had an interesting and thoughtful debate this afternoon. I note again that we have heard from the Association of School and College Leaders, Government Back Benchers, the Liberal Democrat Front Bench and the Conservatives about the danger that these measures will backfire and that, in the real world, what will replace cheap, standard PE kit is more expensive, branded sportswear. That is why we wanted to exclude PE kit. I will not press the new clause to a vote—we do not have time to press every single thing to a vote—but I would like to press amendment 91.

The Chair: When we get to that amendment, I will ask you to formally move it.

Munira Wilson (Twickenham) (LD): I pay tribute to the hon. Member for Bournemouth East for the powerful way in which he shared his personal story. I thank him for that genuinely. I was quite saddened before lunch, because there was quite a lot of discord in the room on an issue where there is actually quite a lot of unanimity. We all genuinely want to bring down the cost of school uniforms.

I am still slightly perplexed by the Minister's response to amendment 87; her point that it would reduce choice is a red herring. There is nothing to stop parents going to high street shops for shirts, trousers, skirts and all that. We are just saying that there should be a cost cap. In the arguments I heard from the Back Benches, the hon. Member for Derby North even made the point that we should consider a cost cap and, in an intervention on the right hon. Member for East Hampshire, the hon. Member for Portsmouth North said that at the moment, schools can charge £100 for a blazer—well, under this legislation, they still could. That is precisely why a cost cap makes much more sense than an item cap.

I take on board the Minister's point about regional variation; that is something that could be addressed, but regional variation exists now. A blazer that costs £100 in London might cost £75 in the north-east, and that will still be the case. A cap would guarantee cost savings to parents and give flexibility to schools, whereas the legislation as it stands will not guarantee cost savings on branded items. It is a no-brainer, and I therefore want to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 2, Noes 10.

Division No. 8]

AYES

Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Foody, Emma	Morgan, Stephen
Foxcroft, Vicky	Paffey, Darren

Question accordingly negatived.

Amendment made: 7, in clause 23, page 44, line 22, after "school" insert "in England".—*(Catherine McKinnell.)*

This amendment is consequential on Amendment 8, and is needed to ensure that clause 23 applies only in relation to relevant schools in England.

Amendment proposed: 91, in clause 23, page 44, line 40, at end insert—

"except items of kit required when representing the school in sporting activities".*—(Neil O'Brien.)*

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 10.

Division No. 9]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Foody, Emma	Morgan, Stephen
Foxcroft, Vicky	Paffey, Darren

Question accordingly negatived.

Amendments made: 8, in clause 23, page 45, leave out lines 13 to 18 and insert—

"'relevant school' means—

(a) an Academy school,

(b) an alternative provision Academy,

(c) a maintained school,

(d) a non-maintained special school, or

(e) a pupil referral unit,

other than where established in a hospital;".

This amendment ensures that the definition of "relevant school" in section 551ZA (inserted into the Education Act 1996 by clause 23) is consistent with the definition in section 551B of the Education Act 1996 (inserted by clause 21), and accordingly excludes any school established in a hospital.

Amendment 9, in clause 23, page 45, line 25, leave out "has the meaning given by section 437(8)" and insert "means—

(a) a community, foundation or voluntary school, or

(b) a community or foundation special school".

This amendment amends the definition of "maintained school" in section 551ZA (inserted into the Education Act 1996 by clause 23) so that it does not exclude community or foundation special schools established in a hospital, which are now excluded as a result of Amendment 8.

Amendment 10, in clause 23, page 45, line 27, at end insert—

"(4) In section 551A (guidance about the costs of school uniforms: England), for subsections (5) and (6) substitute—

'(5) In this section "the appropriate authority" and "relevant school" have the same meanings as in section 551ZA.'"*—(Catherine McKinnell.)*

This amendment aligns the definitions in section 551A of the Education Act 1996 with those in the sections inserted by clauses 21 and 23 (as amended by Amendments 6, 7, 8 and 9).

Clause 23, as amended, ordered to stand part of the Bill.

Clause 24

Local authority consent for withdrawal of certain children from school

Neil O'Brien: I beg to move amendment 33, in clause 24, page 46, line 3, leave out from beginning of line to "a" in line 10.

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

Amendment 46, in clause 24, page 46, line 4, leave out subsection (3).

Amendment 35, in clause 24, page 46, line 18, at end insert "or,

"(c) providing services to the child or their family under section 17 of the Children Act 1989."

Neil O'Brien: Amendment 33 would delete the requirement for children in special schools to secure local authority consent to be home educated. In contrast, amendment 35 would widen the scope of required consent from just those children subject to section 47 investigations to those under a slightly lower level of concern with social services, which are section 17 children in need.

I will turn to the widening amendment first. We support the Government's intention with this clause to give local authorities the power to withhold consent to home educate a child where it is subject to a section 47 investigation or a child protection plan, or where it is a section 17 child in need. However, we worry that the clause as drafted might not fully achieve the Government's aims and create a bit of a conflict of interest for a local authority, so our amendment would broaden the criteria to include children in need under section 17.

The Government spoke rightly of the tragic case of Sara Sharif, but my understanding is that unfortunately she would not have been protected by the Bill as drafted, as she was not the subject of a section 47 child protection plan. As the Children's Commissioner wrote in December:

"Despite there having been evidence of violence at home since birth, Sara was not under any intervention from social care when she died. The Bill must therefore go further in protecting children like her, making it impossible for a child ever known to social care for abuse or neglect to be home schooled."

That request goes a bit further than our amendment, but it is a really powerful argument. What does the Minister make of the argument that the clause should require consent for home education if a child has ever been a subject of concern?

Although our amendment does not go as far as the Children's Commissioner's idea, I hope that it is in that spirit, in so far as it widens the scope of the clause to include more children where social workers have live concerns. I hope the Government might accept it, either here or in the other place, once they have had time to chew it over. I do not necessarily expect an immediate answer from the Minister, but I hope that he will think about it at the very least.

The DFE's child practice review panel on elective home education, which was published last year, looked at 41 cases where a child died or was seriously harmed and elective home education or a child missing education was a factor. Some 29 children were defined as being in elective home education, and six were defined as being children missing education. There was not enough information to classify the final six. Some 24 of those children had no agency involvement, never mind child protection, and some were not known to services at all. The bar of a section 47 investigation or a child protection plan is simply too high in some cases to protect some quite vulnerable children. That is the widening.

Amendment 33 would provide the narrowing to not include all those in special schools. I was surprised when I was saw subsection (3), and I had to speak to quite a few people to check that I was reading it right. The right to educate children at home is quite a fundamental one, and there are a lot of circumstances where it is the right thing for a child with special needs, because of either their physical or mental health needs. It is quite a big thing to say that they are now all to be treated in the same way and lumped together under the same clauses as children of concern to social services with child protection plans. Some of these children are very sick, and the last thing that their blameless, amazing parents need is a load of bureaucracy. Sometimes, they will need to move fast. In a previous sitting I mentioned a child with incredibly intense needs who is a constituent of mine. It seems strange to require her parents to go through bureaucracy if they want to home educate her, given her incredibly high level of physical health needs.

I mentioned at the start of my speech that there is a potential conflict of interest. We have heard of some examples where educating a child who is in a special school at home is discouraged, because it would increase the cost to the local authority—for example, in the provision of therapeutic or medical support at home—even though it is potentially in the best interests of the child. Can the Minister reassure me that that will not happen in future?

I wondered what Ministers were trying to get at here and whether there was some sub-category of children in special schools who they were interested in. I read through the explanatory notes really carefully, but they were silent on why children in special schools are being included on a blanket basis. I am completely open to persuasion on this issue, and perhaps the Minister will say more about it, but the first time I read the explanatory notes, I thought, "What? Why on earth are we treating all the parents of kids in special schools in the same way that we treat people who are literally the subject of live social services investigations for abuse?"

I will say more on the second group of amendments to this clause, but just to reiterate, we are supportive of what the Government want to do here. We want to widen it in one way and potentially narrow it in another. I am interested in hearing the Minister's remarks.

2.45 pm

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): Amendment 46 is very similar to amendment 33, in the name of the hon. Member for Harborough, Oadby and Wigston, in that it removes subsection (3) and condition A, and for much the same reasons. We are extremely concerned that a parent wanting to remove their child with special educational needs and disabilities from a special school will be subject to this extra bureaucracy.

We know that we have a SEND crisis. There are so many parents, even when their child is in a special school, who feel that the school is not meeting their child's educational needs and that their child is better served through a home education. I would point out that the local authority does not always have the best information on children in special schools. They will be turning to the schools themselves for a view, maybe more so than to the parents. There may be a bit of iniquity there.

I would like to question the Minister on the circumstances in which the local authority can refuse permission. Condition A implies almost an equivalence between children with special educational needs and children where there are safeguarding concerns, which seems quite a parallel to draw in legislation. The other question I have is about the timescale for the decision making. We know that local authorities can get bogged down in their processes. How does the Minister plan to ensure that authorities are not taking a long time to grant permission to parents to take their children out of special needs schools when they feel that school is not meeting their child's needs?

Damian Hinds (East Hampshire) (Con): It is a very long-standing right in England for a parent to choose to send their child to school or to educate at home. It is a right that the vast majority of parents never take up, but which nevertheless could be considered a fundamental parent's right. The condition is always that the child must be receiving a suitable education. That phrase, "a suitable education", has never been defined in law, and on occasion that creates some tensions. School should be right for the vast majority of children. A school system is designed to apply to the vast majority of children. The Bill is right to introduce a register of children not in school. That was also our policy when in government, but I think the balance is wrong between the detail of information required of parents and the support on offer.

Although the number of children in elective home education has been growing, the data collection is relatively new and has been mandatory only since autumn 2024, so some of that growth—as the DFE statisticians themselves say—will be because of that effect. It had been rising even before covid, and then there was a distinct covid effect, which we can see in the numbers. There are multiple reasons why children might be out of school and being educated at home—because of their special needs, perhaps because they have been bullied badly at school, or for various mental health reasons.

Some parents make the most enormous sacrifices in their lives to provide a suitable education for their child. I was reminded by someone who came to my surgery the other day that they are not all in terrible circumstances. This mother said to me, "There's nothing wrong with our life at all. We do this because we think it's the right thing for our family." It is her right, too.

As a society, we have a moral imperative to know that children are safe. That is where exceptions to rights kick in. There is a really important distinction to be made here. Sometimes, people talk about a growth in elective home education as being a safeguarding concern. It is not. There is nothing about educating a child at home that is intrinsically a safeguarding concern, but it is also the case that if a neglective parent had the opportunity to take a child out of school, they might abuse that. That does in no way besmirch or call into question the overall concept of elective home education or the parents doing it.

Like those colleagues who have just spoken, I am worried about condition A in subsection (3)—that a child attending a special school would need the same permission as a family under investigation. From our surgeries, when we meet parents who are educating at home, it quite often concerns a child who was at a

[Damian Hinds]

special school. It strikes me as very peculiar to say that we should group together a child, because they have special educational needs or a disability, with those families that are a subject of concern.

I hope the Minister can help with me this, because I might have just missed it, or might be being thick, but I am a bit confused about the terminology in the Bill, which refers in multiple places to education "otherwise than at school". Ordinarily, that has a different meaning from elective home education. Education otherwise than at school, commonly known by its acronym of EOTAS, is different. Elective home education is parent-led; it is a voluntary choice that can be made by any parent for their child, and then it is left to them. They will then have, at least today, minimal support from the local authority.

EOTAS is different. It is something legally mandated but available for children with special educational needs or disabilities. It is agreed with the local authority. The local authority is then responsible for providing support. One often talks about an EOTAS package that is put around the child, which may involve some tutoring, some online stuff and various other things. Often, the child has an education, health and care plan in place. Again, I ask forgiveness if I have just misread this, but when we talk about applying to take a child into education otherwise than at school, I just do not understand how that works. Perhaps the Minister can help me.

For further clarification, subsection (8)(b) talks about notifying

"any other parent of the child…unless exceptional circumstances apply".

I wonder if it might be helpful to define a little more what those exceptional circumstances are, because one can imagine difficulties where there is an abusive relationship, and the nature of that abusive relationship may not be known to the authorities at the time. There may be an incarcerated parent or various other conditions.

Finally, for clarification, subsection (10)(b) says that, by way of an appeal mechanism,

"the parent may refer the question to the Secretary of State"

That is quite a thing for a regular parent to take on. No doubt the intent is some sort of mechanism to appeal, not personally to the Secretary of State, but to a representative of the Department for Education. Will the Minister say a word about what that mechanism is and how it will be accessed?

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): I, too, pay tribute to my hon. Friend the Member for Bournemouth East for his thoughtful contribution, speaking from the heart on why the measures in this landmark Bill are so important.

Amendments 33 and 46 seek to amend the clause to remove the requirement for parents to obtain local authority consent to home educate should the child attend a special school arranged by the local authority. It is necessary to have that requirement. It provides a check to ensure that home education is in the best interests of the child, and that there are no education suitability issues resulting from no longer attending a special school.

A similar requirement has existed in secondary legislation for many years. I consider it appropriate for such a requirement to be in primary legislation to ensure consistency as part of the new package of consent requirements. I do not consider that children in those circumstances are necessarily at greater risk, but they will have a higher level of need when it comes to ensuring a suitable education. Therefore, no longer attending a special school may impact educational provision and is vital to ensure that it is in the best interests of the child to be home educated, and that suitable arrangements have been made for their education before the child comes off roll. Therefore, for the reasons I have outlined, I ask the hon. Members kindly to withdraw their amendments.

Munira Wilson: Does the Minister recognise—as Dr Homden said in her oral evidence, when I questioned her on this matter—that given such a fundamental lack of provision in the state sector, which I think is recognised in all parts of the House, in particular for special school provision, for some children, whatever provision is prescribed in the EHCP is just not available? Therefore, it sometimes is in the best interest of the child to withdraw them to home educate. The fact that parents may be penalised or stopped from doing that could be much more detrimental to a child.

Stephen Morgan: I thank the hon. Member for raising those issues. She is a real champion, certainly on SEND issues and the challenges that parents face. I will say a bit more about the points that she made shortly. My hon. Friend the Minister for School Standards is also a real champion of these issues and will set out our reform plans later this year.

Neil O'Brien: Will the Minister give way?

Stephen Morgan: I will just make some progress.

Amendment 35 seeks to expand the eligibility of the home education consent process to include those children and families receiving support and services under section 17 of the Children Act 1989. The Government are investing £500 million to support the national roll-out of family help and multi-agency child protection reforms from April 2025, and our ambition is that families can access the right support from the right person as soon as they need it.

The family hub model combines targeted early help and section 17 support into a seamless, non-stigmatising approach focused on the whole family through a single plan and consistent worker, even as a family's needs change. Bringing children in need into scope of the home education consent process is likely to prevent families from seeking support when they need it, the opposite of what we want. Parents and families might well be reluctant to accept support from the local authority under section 17 if it meant that their ability to home educate was called into question and, potentially, permission to home educate was refused.

Furthermore, not all children will receive support and services, because of safeguarding concerns or because they have particular educational needs. For example, all disabled children, including those with disabilities that would not necessarily require special educational needs provision, are automatically eligible. Given that, we believe that including this group of children in the consent measure would be disproportionate.

Neil O'Brien: I wonder whether there is some tension between the Minister saying that one reason we should not include section 17 children is that some of them are disabled, and then rejecting amendment 33 because it is right that all pupils in special schools should have to go through this consent mechanism because a lot of them will be disabled. Those two arguments seem to be very much in tension there.

To press him a little bit on this point about not excluding those in special schools, can the Minister say roughly how long a timeline we are talking about? What sort of information will special school parents have to provide in order to win the right, as it were, to home educate? What is he going to do to stop this from being a long process in which parents of special school pupils do not have their children where they want them, with them at home, even when ultimately that is going to be the decision?

3 pm

Stephen Morgan: I thank the shadow Minister for his response. He makes a number of points with regard to section 17 support and services for children and families. I want to reassure him that we have already strengthened and clarified multi-agency guidance around early help and section 17 through the working together legislation and through the families first for children pathfinder. We are testing new ways to reform every part of the children's social care system. The Government have already nearly doubled direct investment in preventive services for children and families, including the roll out of the family help and multi-agency child protection reforms from April this year. Taken together, we believe these reforms will drive fundamental shifts in the way we help, support and protect children and families in every part of the system.

There are a number of questions and contributions I will now specifically respond to in the debate on this group. On the tragic case of Sara Sharif, of course we cannot say for sure what might have made a difference, but we will learn lessons from the future conclusion of the local child safeguarding practice review. The Government are taking action to reform every part of the children's social care system through the Bill and investing over £500 million in national roll-out of the family hub and multi-agency child protection reforms from April.

The shadow Minister raised a number of points made by the Children's Commissioner; I can confirm that I regularly meet and engage with the Children's Commissioner on a range of issues. I note with interest that she has previously advocated for extending the consent mechanism more widely, but that that was not reflected in her written evidence to the Bill Committee.

With regard to the consent for home education, if someone has ever been subject to a safeguarding concern, we believe that this is a proportionate response that focuses on the most vulnerable. The Government are taking action to reform every part of the children's social care system through the Bill, with the investment in family help.

On the question of what might make a local authority refuse permission for SEND children, I would like to make a number of points. We do not consider that children in those circumstances are necessarily at risk of harm. However, the loss of their support entitlement would clearly be a major upheaval in the child's life, and it is prudent to retain a check before the child comes off roll and their place is filled by another pupil.

On penalising home-educating families, many parents work hard to give their children a good education in the child's best interests, as a number of hon. Members have mentioned today. These measures are about not penalising families, but supporting children and keeping them safe. These measures are part of our concerted Government action to keep children safe and help them to thrive. We are reforming every part of the children's social care system to make that happen.

With regards to the justification for not allowing a parent to remove their child from a special school to home educate without local authority consent, parents will often only do this because they think that their child's needs are not being met. It is helpful to have a requirement for local authority consent before a parent can withdraw their child from special school to home educate; this provides a check that there are no educational suitability issues resulting from the loss of the support that the child is receiving in a special school and that home education would be in the child's best interest. That builds on the similar requirement that has existed in secondary legislation for many years.

On the matter of only requiring local authority consent for children in special schools to be removed for home education, parents of children in special schools have for many years needed local authority consent to withdraw them from the roll. This long-standing policy is in place to support continuity of the child's education, balancing parents' wishes and each individual child's special educational needs. I assure the Committee that we will continue to engage with stakeholders before considering changes to the category of children currently in scope of proposals.

Neil O'Brien: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 46, in clause 24, page 46, line 4, leave out subsection (3).—*(Munira Wilson.)*

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 10]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Foody, Emma	Morgan, Stephen
Foxcroft, Vicky	Paffey, Darren

Question accordingly negatived.

Neil O'Brien: I beg to move amendment 34, in clause 24, page 47, line 6, at end insert—

"(8A) Where a local authority refuses consent in respect of a child who meets the criteria for Condition A, the local authority must provide the parents or carers of the relevant child with a statement of reasons for the decision.

(8B) A statement of reasons provided under subsection (8A) must include an assessment of the costs and benefits to the child."

This amendment would require a local authority to submit a statement of reasons when they do not agree for a child who meets Condition A to be home educated.

The Chair: With this it will be convenient to discuss clause stand part.

Neil O'Brien: This is a very straightforward amendment. It adds that where a local authority refuses consent, it must provide the parents or carers of the relevant child with a statement of the reasons for the decision, including an assessment of the costs and benefits to the child. Of course, we hope that would happen anyway, but we are just making good practice part of the legislation.

Stephen Morgan: The amendment, tabled in the name of the shadow Minister and the hon. Member for Central Suffolk and North Ipswich, seeks to establish that, when local authorities refuse a parent's request for consent for a child who attends a special school under local authority arrangements to be home educated, they must provide a statement of reasons for that refusal to the parent. The statement must include an assessment of the potential costs and benefits to the child.

As part of their existing public law duties, local authorities need to provide reasons as to why they have decided to grant or refuse consent for home education when notifying the parent of their decision. We will make that clear in the relevant statutory guidance, which will need to be updated so that relevant professionals know what is required of them. We are also committed to engaging with local authorities, home educators and other stakeholders following Royal Assent to inform guidance and implementation. Therefore, for the reasons I have outlined, I kindly ask the shadow Minister to withdraw the amendment.

Turning to clause 24 stand part, every child has the right to a suitable education in a safe environment, which will meet their needs, nurture and stimulate them, and open doors to future opportunities. For most children, that will be achieved by regular attendance in a school setting, but I recognise that for a small number of children and families, home education is in the best interests of the child. Sadly, there is evidence from local authorities and the Department's own data collection that some children who have been withdrawn from school to be home educated are not receiving a suitable education. The child safeguarding practice review panel has found that some children have suffered significant harm, and even death, due to abuse or neglect while not in education.

We saw this in the recent appalling case of Sara Sharif, whose father and stepmother withdrew her from school, ostensibly to be to home educated, in order to help to mask their continued violence and abuse until her tragic death. While we cannot say for certain that this tragedy would have been prevented if Sara had not been withdrawn from school, we must ensure that purported home education can never be used to conceal the abuse of a child. Clause 24 is an important safeguarding mechanism in that respect.

Our priority is to protect all children, an aim supported by other measures in the Bill. However, clause 24 places a particular focus on protecting the most vulnerable children. We have set out clearly those instances where children will fall within the scope of clause 24, and we have said that it will apply to pupils in England who are of compulsory school age and for whom at least one of the following applies: the child attends a special school and becomes a pupil at that school through arrangements made by the local authority, the child is subject to a child protection inquiry under section 47 of the Children Act 1989, or there is a child protection plan in place.

The children who are subject to child protection inquiries and plans are among our most vulnerable children in society, and the children who attend special schools have a high level of need when it comes to ensuring a suitable education. It is right that we take additional steps to protect them. Clause 24 does not mean that such families will not be able to home educate their children; it means that we are asking the local authority to take a closer look. We want to ensure that the authority knows which children in its area may be home educated, and makes an informed decision, based on the facts and information available, to determine what will be in the best interests of the child.

We have ensured that clause 24 is underpinned by a review process so that a local authority's decision on whether to consent to home education can be put before the Secretary of State for review. Statutory guidance will also be published to help schools and local authorities to carry out their new duties consistently from authority to authority, and in a proportionate way.

Neil O'Brien: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 24 ordered to stand part of the Bill.

Clause 25

Registration

Neil O'Brien: I beg to move amendment 62, in clause 25, page 49, leave out lines 20 to 21.

This amendment would remove a requirement for the register of children not in school to include details of how much time a child spends being educated by parents.

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

Amendment 63, in clause 25, page 49, line 23, after "parent" insert

"in respect of each individual or organisation which provides such education for more than six hours a week".

This amendment would ensure that information relating to short activities such as those operated by museums, libraries, companies and charities, as well as individual private tutoring activities, would only need to be recorded on the register of children not in school if they are provided for more than six hours a week.

Amendment 64, in clause 25, page 49, line 36, at end insert—

"(1A) The requirements of subsection (1)(e) do not apply to provision provided on weekends or during school holidays."

Amendment 86, in clause 25, page 49, line 36, at end insert—

"(1A) The requirement to provide information under subsection (1)(b) does not apply where a safeguarding concern in respect of either parent has been identified."

Amendment 65, in clause 25, page 50, line 41, at end insert—

"(2A) The Secretary of State may only require further information about children to be included on the register by introducing regulations subject to the affirmative procedure."

This amendment would require the Secretary of State to introduce regulations, subject to agreement in Parliament, when seeking to require additional information to be included in the register of children not in school.

Amendment 67, in clause 25, page 52, line 33, after "436B)" insert

"but does not include any person or provider that is providing out-of-school education to home-educated children on weekends or during school holidays."

This amendment would mean that providers of out-of-school education would not be required to provide information to local authorities in respect of education they provide on weekends or during school holidays to home-schooled children.

Amendment 66, in clause 25, page 52, line 40, after "way" insert ",

but may not refer to an amount of time that is less than or equal to six hours a week."

This amendment would mean that providers of out-of-school education would not be required to provide information to local authorities where they provide education for fewer than six hours a week.

Amendment 68, in clause 25, page 54, line 43, at end insert—

"(9) The Secretary of State shall publish annually the GCSE results of children listed on the register.

(10) The Secretary of State shall ensure that the GCSE results of children on the register are included for each set of outcome data published by the Government."

This amendment would require the Secretary of State to record outcome data for children on the register as a subsection of each set of performance data published by the Department for Education.

Clause stand part.

Neil O'Brien: The principle of having a register for children not in school has long-held cross-party support. However, as I outlined in the debate on clause 24, there are very different groups of children who may be educated at home. In our eagerness to safeguard vulnerable children, we must also make every effort not to stigmatise or treat as suspicious parents who make a positive choice to home educate their children.

In clause 25, subsections (c) to (e) of proposed new section 436C of the Education Act 1996 require a lot of very specific details from parents, such as the amount of time they spend providing education for their child. In the Bill that we brought forward when in Government, we used a rather broader approach, citing such details as the means by which the child is being educated. The drafting of the proposed the new section seeks to make all home schoolers provide a pretty extraordinary level of detail, on pain of breaking the law. We understand the intent, but our amendments seek to make that a bit more proportionate and a bit less intensely onerous for legitimate home-schooling parents.

Amendment 62 would take out the requirement on parents to specify how much time a child spends being educated by each parent—something that would likely vary from week to week in many cases, and would also be slightly invasive into people's home lives if the parents are not living at the same place. Amendment 63 would add a de minimis floor of six hours a week, so not every single tiny appointment or 30-minute piano lesson has to be recorded, but only the substantive bits of education outside the home, which is more to the original intent.

3.15 pm

Amendment 64 would mean that activities on the weekends or in school holidays do not have to be included in the register; we do not ask what schoolchildren are doing on the weekend and they cannot be said to be "out of school" when school is not open. Amendment 65 would make the power to add even more detail in future subject to the affirmative procedure. Amendments 66 and 67 would do the same things, in mirror image, for the requirements that are also being put on to education providers, rather than parents, again applying a six-hour minimum and excluding school holidays. That is because otherwise a lot of museums, galleries, music teachers, swimming teachers and the like are suddenly going to find a new and unnecessary reporting requirement forced on them, which is not proportionate to our objective here: to stop fake home education, not real home education.

Amendment 68 would require that the Government shall annually publish the GCSE results of children listed on the register. Regarding the proposed new section 436C and the very high level of detail that is being asked for, what assessment has been made of the usefulness of such detailed information? Has it been tested anywhere and worked through as an exercise? Finally, a question that many real, fantastic and loving home-educating parents will ask: what do the Government deem to be an appropriate number of hours from each parent? We are asking about how many hours are spent educating the child, which almost implies there is a wrong answer to that question. What does the Minister think the wrong answer to that question will look like?

Munira Wilson: I rise to speak in support of clause 25 and to amendment 86 in my name. As I said on Second Reading, the Liberal Democrats strongly support the introduction of a register of children not in school; it is an overdue measure which is supported by all parties, and I am very glad to see this Government introducing it.

I know from my own inbox, as well as from the many pieces of written evidence the Committee has received, that many parents of home-educated children feel that the register is an attack on them, so I want to reiterate—it is certainly my own party's position—that we fundamentally support parents' right to choose to home educate. This is about keeping children safe. We have had so many reports, not least from the Children's Commissioner about children just disappearing from the system, and about how important this register is. The National Society for the Prevention of Cruelty to Children and other children's organisations also support it.

I share the concerns of the hon. Member for Harborough, Oadby and Wigston around how much information is being asked of families to provide for this register, as stated on the face of the Bill. As I sat during Christmas recess reading it, I was quite shocked; I questioned why this information was needed and what it was going to be used for. I thought it was very instructive that I thought, "Look, Munira, you're not the expert here," and asked the experts, but when I asked Andy Smith from the Association of Directors of

Children's Services at the oral evidence session last week if he thought this level of detail was needed, his words were

"there may be some reflection on whether there needs to be such a level of detail captured."—[*Official Report*, 21 January 2025; Vol. 760, c. 15.]

Neil O'Brien: I worry that local authorities are going to drown in a sea of information; rather than having simple information they can use to make a decision; they will have so much that they will be wading through it and everything will be slowed down.

Munira Wilson: Absolutely—I agree completely. I was talking to the director of children's services in my own borough earlier this week about it, and read the provisions to him. I think he was shocked as well, and wondered how they would be implemented. I say this very much in the spirit of making the measure workable, but I urge Ministers to think again about the amount of information being collected. We think that a number of the amendments tabled by His Majesty's Opposition are sensible and proportionate, and would mean that the measure is less intrusive.

Amendment 86, which stands in my name and that of my hon. Friend the Member for St Neots and Mid Cambridgeshire, is a simple safeguarding provision. Where both parents are required to give their details, if there is a safeguarding reason that it would be bad for one parent's address to be revealed to the other, for example because it would make the child or the other parent unsafe in a case of domestic abuse, the amendment would mean that that requirement did not apply. It would make sure that everybody is kept safe.

I have a couple of other comments on the level of detail required. Have Ministers thought about whether the measure will have a disproportionate impact on the families of SEND children? We have received written evidence, and I have received emails, from those who have made the difficult decision to home educate because of SEND needs that are not being met in the state sector. They are often home educating because their children cannot cope with regular school schedules. At home, they can educate and work with the ebb and flow; how they educate will be much more fluid. Parents are asking, "How on earth am I to meet these requirements? Will I be breaking the law if I cannot exactly quantify how many hours I have spent each week doing a certain task, given the way I need to educate my child in order that they can thrive?" For instance, if a child is being taught about nutrition and food technology while cooking dinner with their parents, will that count as part of the education time? I am not sure. I hope that the Minister will address those concerns.

I am slightly alarmed by proposed new section 436C(2)(a), which provides that information about a child's protected characteristics will be collected. Some faith groups are worried about how that data might be used in judging the success of their education. Can the Minister allay those fears?

Proposed new section 436C(5) refers to information about data being published. I would hope that very little data is being published at all. I know that the measures contain safeguards, but other than a headline-level understanding of how many children are being educated not in school, we do not need to publish too much. I look forward to the Minister's response.

Damian Hinds: I join colleagues in finding troubling the level of detail to be required of home-educating parents. The amendment tabled by my hon. Friend the Member for Harborough, Oadby and Wigston would make sensible adjustments to that, for example by deleting the requirement to show the split between how many hours are done by parent 1 and how many by parent 2. The Government could also amend the frequency of reporting to something more reasonable—or, handily, there is a piece of text ready and waiting, because a private Member's Bill last year from my then hon. Friend the Member for Meon Valley contained the text for a proposed new section 436C.

Proposed new section 436E concerns providers. Did Ministers consider approaching this measure in a completely different way? They could have said that the onus should be on the provider to say who they are and to demonstrate their bona fides, with Disclosure and Barring Service checks and so on, as part of a light-touch registration regime. I am not necessarily advocating such a scheme, but what other models were thought about?

On proposed new section 436G, Ministers will know that a gripe of home-educating parents is that a lot is asked of them but little is offered back. Might it be sensible to change the wording? Instead of the support being

"whatever the local authority considers fit",

it could be something like "whatever the local authority considers fit, having regard to guidance that it may receive from the Department for Education," or from Ofsted or whoever it might be.

Neil O'Brien: I will just register this point again for Ministers to consider. A lot of people are surprised to learn that although a school will pay for a child to enter GCSEs and the like, home educators do not enjoy that benefit. If we want to make it easier for people to home school their children properly, rather than their children just being out of school, we need to address that long-standing issue. I wonder whether Ministers will consider that point?

Damian Hinds: My hon. Friend's intervention brings me to my final point. Apart from the cost issue, there is the simple question of access and of children being able to sit the GCSE. As there is a vast amount of detail involved, it would be helpful to say that local authorities should ensure that entry to examination centres is possible for those children.

Stephen Morgan: Amendments 62, 63 and 64, in the names of the shadow Minister and the hon. Member for Central Suffolk and North Ipswich, and amendment 86, which was tabled by the hon. Members for Twickenham and for St Neots and Mid Cambridgeshire, would remove requirements for parents to provide certain information for children not in school registers.

Section 7 of the Education Act 1996 makes it clear that it is the responsibility of parents to ensure that their children

"receive efficient full-time education suitable"

for them. We know that many parents work hard to do so, including parents who home educate. However, some children not in school are not receiving a full-time

education that allows them to achieve and thrive. Where that is the case, it is essential that local authorities can identify and support them. This is a fundamental objective of the children not in school register.

Information on the amount of time that a child receives education from their parents, combined with information on where the child receives education other than with their parent, is a crucial part of building the picture of home-educated children's circumstances. Amendment 62 would mean that that picture could not be built.

Often, the circumstances will differ greatly from child to child; for example, home-educated children do not have set hours in the same way as children at school. Amendments 63 and 64 would potentially create loopholes in the registration system through their attempts to set a time threshold or to exempt weekends and holidays from the parental duty to provide information about out-of-school education providers.

Six hours per week at a provider could represent a large proportion of a child's learning, especially for children with additional needs that limit their ability to engage with teaching for prolonged periods. Equally, children who could spend five hours per week or the whole weekend in an unsafe setting and home-educated children would not have the protective factor of attending a properly registered school for the other five days of the week.

The amendments would mean that parents are not required to inform their local authority that their child was receiving education in such settings, by virtue of the provision falling below an arbitrary time threshold or taking place on the wrong day of the week, such as at the weekend. There is too much potential for unregistered independent schools to exploit this to avoid detection.

Amendment 86 seeks to remove the requirement that the names and addresses of a child's parents are provided for registers when a safeguarding concern is identified by either parent. To build a full picture of the circumstances of a child's home education, it is necessary to include the name and address of each parent.

We know that there will be safeguarding concerns around some parents that mean that they are not or should not be allowed to be involved in the child's education or have contact with the child, such as where there have been instances of domestic violence. The duty requires only that parents provide information that they know. Parents would not be required to seek out an estranged partner to provide their address if they do not know it, and the data held on the registers will be subject to data protection law, with the requisite restrictions on access and disclosure of personal and identifying information. For the reasons I have outlined, I kindly ask hon. Members not to press their amendments.

Amendment 65, tabled by the shadow Minister and the hon. Member for Central Suffolk and North Ipswich, would require that where the Secretary of State wants further information about children to be included in children not in school registers, regulations subject to the affirmative procedure have to be made. The Bill already provides for the affirmative procedure in proposed new section 436C, within clause 25, so I ask the hon. Members not to press the amendment.

3.30 pm

Amendments 66 and 67 concern the information that providers of out-of-school education will be required to supply for a local authority's children not in school register. I agree with the sentiment of the amendments that a threshold to the duty should apply, which is why the Bill provides for regulations to set the threshold at a suitable level. It is more appropriate to set the threshold in regulations because changes may be needed in time, as local authority and Department data improves and as we develop a clearer picture of the use of out-of-school education providers.

Additionally, there is huge variation in how out-of-school education providers operate and in how they are used by home-educating families. Setting the threshold at an arbitrary level or calendar period without careful consultation with the sector and home educators risks the provider duty being unworkable in practice. To ensure that the threshold is set at a level that works for providers, parents and local authorities, we intend to consult on the regulations, and they will be subject to the affirmative procedure. For those reasons, I ask the hon. Members not to press their amendments.

Amendment 68, in the names of the hon. Member for Central Suffolk and North Ipswich and the shadow Minister, seeks to ensure that the Department publishes the GCSE results of those on the children not in school register, and that those results are included in each set of departmental published outcome data. I highlight that the Department does not publish any results data at an individual student level. Instead, results are published at an aggregate level across England. It would be inappropriate and potentially unlawful to publish the GCSE results of specific, individual children.

Neil O'Brien: I would have thought it was pretty clear that our intent was to provide information on the aggregate rather than the individual. Of course we do not publish individuals' GCSE results anywhere, but does the Minister have a disagreement in principle with the idea of publishing aggregate data on the achievement of this group of young people?

Stephen Morgan: That is not something that we are currently considering, but the shadow Minister's point will be recorded in *Hansard*.

The Department for Education is responsible for driving high and rising standards in state schools across the country. DFE headline data is therefore focused on pupils at the end of key stage 4 attending state-funded schools in England. To hold state-funded schools to account, the Department publishes performance data for schools and colleges. The purpose of that performance data is not to provide information about the attainment or achievement of individual pupils. The Department publishes performance data at a regional and national level, so that it can track the performance of the state-funded sector.

Including children not educated in the state school system would distort these figures and make it more difficult to monitor the performance of state schools. In choosing to home educate, parents are opting out of this system and assuming responsibility and accountability for the education of their child, whether they choose GCSEs or any other type of qualification. I also recognise

that some home-educating children choose not to take any public examinations. This data would therefore offer an incomplete picture of the outcomes of this cohort.

A comprehensive view of outcomes for home-educated children cannot be based on a single measure. That is why clause 25 includes powers to require additional information to be held on the children not in school register and for this information to be provided to the Department so that it can be analysed and actions can be taken at a national level to support these children.

It is also true that, on results day, the Joint Council for Qualifications already publishes results by qualification and subject. This is data for all students taking that GCSE, including home-educated children, adults and independent and state school pupils. It would therefore not be appropriate for the Department to publish the results of this cohort or include them in performance data. I therefore kindly ask the hon. Member not to press the amendment.

I turn to clause 25. The number of children who are not in school because they are being home educated has drastically increased since the covid-19 pandemic. The numbers have more than doubled since 2019: the latest Department data shows that 111,000 children were home educated as of October 2024. As I have highlighted, all parents have a legal responsibility to ensure that their child receives a suitable, efficient full-time education. Some parents choose to fulfil that responsibility by home educating their children. I reassure the Committee again that we recognise that parents have the right to do so, and that many work hard to ensure that their child receives a suitable education. But as we know, this is not the case for all.

Local authorities have a legal duty to identify all children not in school in their areas who are not receiving a suitable education. However, as parents do not need to notify the local authority that they are home educating, it is difficult for authorities to fulfil that duty and to take action to support and protect children where necessary. It is vital that we introduce an effective system of registration for children not in school. Clause 25 will introduce compulsory registers in every local authority in England and a duty on parents of eligible children to provide information for them. This will help authorities to identify all children not in school, including those who are not receiving a safe, suitable education and, where that is the case, support them to take action.

Parents of eligible children will be required to provide the local authority with the information necessary for operation of the registers, including the child's name, address and date of birth, the names and addresses of each parent, and details of how, where and from whom the child is receiving their education. A local authority can require a provider of out-of-school education to give information on children attending their setting, if the authority believes the provider to be supplying education to an eligible child for a period above the prescribed threshold. Having these duties on parents and certain providers of out-of-school education to provide information will ensure that as many eligible children as possible are on local authority registers.

Amanda Martin: I know that parents who are home educators have faced a tough decision on this. Looking at the information provided, I think it is clear from the Government that we are not lambasting or judging those parents for taking their children out of school. Does the Minister agree that we must ensure that we know who and where every single adult is who comes into a child's education? The listing that we are providing will enable us to do that, to ensure that children aresafe whether they are being home educated by a parent or using another provider within their home education setting.

Stephen Morgan: I thank my hon. Friend for her intervention. These measures are proportionate and are to ensure that every child is kept safe. I welcomed the comments from the shadow Minister earlier; we seek cross-party support on these measures to keep all children safe.

Where a child is eligible for inclusion on the children not in school register, the local authority will have a duty to provide support to the parents of that child if the parent requests it. By focusing support on advice and information, we can ensure that local authorities give a consistent baseline level of support to those who request it. We know that some authorities are already offering carefully considered support packages that go beyond the baseline to meet the needs of families in their local areas. Authorities will continue to have the discretion to offer that additional support.

The measures set out how local authorities in England may share information from their registers with other relevant local authorities and specified bodies, and how they are required to share information with the Secretary of State on request. Appropriate information sharing will create a more complete picture of individual children, and where necessary, support multi-agency safeguarding arrangements. We will also ensure that the data collected is protected. Local authorities, as data controllers, must process data in accordance with the principles of UK GDPR legislation, and ensure that any data that they process is kept safe and secure. This applies to data collection, storage and sharing, as well as respecting the rights of individuals to access, rectification and erasure.

Picking up on the points that colleagues have raised, more broadly, these measures provide local authorities with a proportionate power to ensure that children receive a suitable education and are kept safe. These measures would take us to a level that the vast majority of western countries are already at, and many other countries go much further, even banning home education completely or putting many more restrictions or requirements in place. We are not doing that—these measures are about keeping children safe.

The shadow Minister asked what appropriate amount of time should be spent on home education. Parents are required by law to ensure that their child has a full-time suitable education; the number of hours required to fulfil that duty will depend on the individual child, and is not stipulated in law. On whether our measures will be burdensome to parents, parents must only provide details of their child's name, their date of birth, their address, the parents' names and addresses, and details of where their child is receiving education, who is providing it and the time spent receiving education from different people. All other information will be optional, and parents will only be expected to notify their local authority of that information when they first begin home educating or when their circumstances change, such as a move to a new area or a new education provision.

Many measures, of course, will be of benefit to parents. The information provided by parents for the registers will support local authorities to gain a fuller picture of the child's educational needs and circumstances, which will enable parents to access tailored advice and information from local authorities via the new duty on local authorities to provide support should parents request it.

Amanda Martin: On that point, we know that at the moment, not all local authorities provide support to our home-educating parents. Will these measures allow for some best practice to be shared, and place a duty on local authorities to provide help and support if requested?

Stephen Morgan: I know that my hon. Friend has been meeting home educators in her own local authority area who have had a difficult relationship with Portsmouth city council. I know that she will take those concerns to that local authority and feed back to home-educating parents.

To address a point that was raised earlier, local authorities may also be able to analyse information from the registers and take action, should that be deemed necessary—should families feel forced into home education due to dissatisfaction with schools or mental health concerns, for example. The hon. Member for Twickenham also raised a number of points about the disproportionate impact on SEND families. We have undertaken a thorough equality impact assessment, and this information will allow local authorities to provide more tailored support to those children.

Neil O'Brien: We will withdraw our amendment today, but overall, we are still not persuaded that the objectives that we all share for this Bill could not be met in a more proportionate and less bureaucratic way. I hope that their lordships will have further thoughts on that. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: I think the hon. Member for Twickenham gave notice that she wished to move amendment 86.

Munira Wilson: No, I do not wish to move it. I just wanted to make one comment on the last sentence from the Minister.

The Chair: Sorry, but we have debated it now. It would be time to move amendment 86. Sorry, I misunderstood the hon. Lady.

Munira Wilson: I would like to speak on the impact assessment.

Catherine McKinnell: Imminently.

Munira Wilson: Imminently? Okay.

Clause 25 ordered to stand part of the Bill.

Clause 26

School attendance orders

3.45 pm

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move amendment 69, in clause 26, page 63, line 18, at end insert—

"(7) A school may submit an appeal against a school nomination notice to the School Admissions Adjudicator for the reasons given in this part and for any other reason.

(8) During the appeal period, the school will be responsible for the education of the child."

This amendment allows schools to appeal nomination notices.

The Chair: With this it will be convenient to discuss clause stand part.

Neil O'Brien: The amendment would set up a right of appeal. A lot of other measures in the Bill have rights of appeal—we have discussed some of them in earlier sittings—and such an appeal would not hold up an order because the amendment specifies that

"During the appeal period, the school will be responsible for the education of the child."

However, the amendment would give the school the right to an appeal where a completely inappropriate child is ordered to attend it.

Although we support the principle of the clause, we have a number of concerns. First, subsection (2) of the proposed new section 436I of the Education Act 1996 sets out points that the local authority must consider when deciding if a school attendance order is appropriate. Those points include considering

"how the child is being educated and what the child is learning, so far as is relevant in the particular case".

I hope the Minister agrees that this needs careful thought, in consultation with families. There is a slightly Orwellian ring to the idea of a local authority deciding what it is appropriate for a parent to teach their child. In practice—as Members have said—many parents of children with special needs do not home educate as a positive choice but because their child was not thriving in the local school. Those parents might find it overbearing to have this kind of scrutiny of their efforts. What does the Government plan to do to allow them to have input into this approach?

Will the Minister confirm the maximum prison sentence for failure to comply with a school attendance order? Proposed new subsection 436P(8) of the 1996 Act states "level 4" and my understanding is that could be as much as 51 weeks. Given everything we know about the impact on a child of imprisoning their parents, will the Government reconsider the potential sentence, since, in many cases, it would result in a child or children being taken into care?

Stephen Morgan: The amendment seeks to provide a route of appeal to the adjudicator for a school named in a nomination notice for a school attendance order. It is unnecessary because there is an existing route of appeal in proposed new section 436M of the Education Act 1996. That new section provides that a school can request a direction from the Secretary of State within 10 days of being told of the local authority's intention to name them in a nomination notice. That reflects the existing legislation, as the same right is contained in section 439 of the 1996 Act.

Neil O'Brien: To be clear, instead of having an appeal to, say, the adjudicator, the only appeal would be to the Secretary of State, who would be acting in a judicial capacity in that respect.

Stephen Morgan: Yes, that is my understanding. The provision proposed by the Bill strikes the right balance between giving schools a say and protecting a child's right to a safe and suitable education. The amendment is therefore not only unnecessary but would disadvantage children. By placing no time limit on when an appeal may be brought, it means that a school could appeal at any time after being named in a notice. That could result in a child's education being disrupted unexpectedly and impact the child's sense of security and belonging in the school. I therefore kindly ask that the hon. Gentleman withdraw the amendment.

I will now speak to the clause. Parents of every child of compulsory school age must secure efficient and full-time education that is suitable to that child's age, ability, aptitude and special educational needs. When children are not receiving a suitable education, the school attendance order process addresses that through requiring regular attendance at a named school.

The clause amends the school attendance order process in England to extend and strengthen it. In addition to addressing instances when a child is not in receipt of suitable education, as school attendance orders do now, the orders will also act as, first, a consequence for parents not providing information for a local authority's children not in school register and, secondly, will provide a route for a home-educated child to attend school if that child is subject to a child protection inquiry or a child protection plan and the local authority decides that it would be in the child's best interest to do so.

When a local authority has concluded that it is necessary to begin the school attendance order process, the first step is for the authority to issue the parent with a preliminary notice. That notice will require parents to evidence that their child is receiving a suitable education and, in the case of a child subject to a child protection process, that it is in the child's best interest to receive education otherwise than at school. When a local authority is deciding whether to serve a school attendance order, it is important that it considers the child's full circumstances. That is why the clause will place a new requirement on local authorities to consider all the settings where the child is being educated and their home environment when deciding whether to serve an order.

To help authorities make that assessment, they will have a new power to request to visit the child inside their home. For children who are not educated at school, the home environment is typically central to their ability to learn, so it is important that authorities can take it into account. Parents retain the right to refuse access to the family home, but, if access is not given, this will be a relevant factor for the authority to consider when deciding whether to serve an order. If a local authority identifies that a child is not receiving a suitable education or is in an unsafe environment, it is important that the authority can take action as quickly as possible to support and protect the child. For this reason, additional timeframes across the school attendance order process are being introduced.

To make school attendance orders more consistent for local authorities and parents when involving different types of schools, the process for and effect of orders for academy schools and alternative provision academies will be brought into line with that of maintained schools. All state-funded schools will have a duty to accept the child to their school once the order is issued. The clause also ensures that parents can be prosecuted for ongoing failure to comply with the school attendance order, and the penalty for failure to comply has been increased from level 3 to level 4 of the standard scale, which brings this into line with knowingly allowing a child to be absent from school.

However, it is not our intention to criminalise parents, and we expect that only a minority will be prosecuted for failure to comply. During the process, parents will have ample opportunity to provide evidence that home education is suitable or in their child's best interests. If an order is already in place, it must be revoked by a local authority if the parent demonstrates that their child will receive a suitable education and, where relevant, that it is in the best interests of the child to be educated outside of the school setting. I commend the clause to the Committee.

Neil O'Brien: Although we still think it would be better to have an appeal to an independent adjudicator rather than the Secretary of State, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 26 ordered to stand part of the Bill.

Clause 27

DATA PROTECTION

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

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

Clause 28 stand part.

Clause 29 stand part.

Schedule 1.

Stephen Morgan: Clause 27 ensures that the processing of personal information, as required or enabled by this Bill, does not contravene the Data Protection Act 2018. I recognise that many parents want reassurance that the data held on local authority children not in school registers will be protected and shared in accordance with data protection legislation and the UK GDPR principles. This clause helps ensure that high standards of information security, privacy and transparency are adhered to when personal information is processed as part of the new duties and powers connected to children not in school registers, as well as when parents of some children are required to receive local authority consent to home educate. I commend the clause to the Committee.

Clause 28 provides for statutory guidance to be issued to local authorities on how they should carry out their duties in relation to keeping the children who are not in school registered, and the associated school attendance order process. That guidance will be crucial in supporting local authorities to exercise their new duties in a clear and consistent manner. For example, we expect it to include further advice on how local authorities should discharge their new support duty, in order to avoid significant variation for home-educating families depending on where they live in England. As part of the implementation of the Bill and in order to engage with and listen to local authorities, we will consult with

home-education representatives and other key stakeholders on the content of the guidance. I hope the Committee agrees that the clause should stand part of the Bill.

Finally, clause 29 introduces schedule 1. The schedule makes consequential amendments to existing legislation so that the new school attendance order process for local authorities in England is reflected in relevant legislation, such as the Children Act 1989 and the Education Act 1996. Although the Bill amends the school attendance order process for local authorities in England, as set out in clause 26, the school attendance order process for authorities in Wales will remain unchanged. Clause 29 therefore makes the consequential amendments necessary to separate the process in England and Wales. I hope the Committee agrees that the clause and schedule should stand part of the Bill.

Question put and agreed to.

Clause 27 accordingly ordered to stand part of the Bill.

Clauses 28 and 29 ordered to stand part of the Bill.

Schedule 1 agreed to.

Ordered, That further consideration be now adjourned. *—(Vicky Foxcroft.)*

3.56 pm

Adjourned till Tuesday 4 February at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CWSB143 British Rabbinical Union (further submission)

CWSB144 Shared Health Foundation and Justlife

CWSB145 Institute of Recovery from Childhood Trauma (IRCT)

CWSB146 National Youth Advocacy Service (NYAS)

CWSB147 Association of School and College Leaders (supplementary)

CWSB148 Nahamu

CWSB149 Association of Educational Psychologists (AEP)

CWSB150 IPSEA (Independent Provider of Special Education Advice)

CWSB151 Ambitious about Autism

CWSB152 Local Government Association (LGA)

CWSB153 National Leaving Care Benchmarking Forum

CWSB154 British Rabbinical Union (2nd further submission)

CWSB155 Baker Dearing Educational Trust

CWSB156 Frontline

CWSB157 The Food Foundation

CWSB158 Nationwide Association of Fostering Providers (NAFP)

CWSB159 Ofsted (Supplementary)

CWSB160 Yeshiva Liaison Committee

CWSB161 Dr Anja Heilmann

CWSB162 Sir Alan Steer

CWSB163 Dr Sarah Ralph-Lane and Dr Amanda McBride

CWSB164 Professor Gordon Lynch, University of Edinburgh and Dr Sarah Harvey, INFORM on behalf of the AHRC-funded Abuse in Religious Contexts research project

CWSB165 Citizens Advice South Warwickshire (CASW), Bedworth Rugby and Nuneaton Citizens Advice (Brancab), and North Warwickshire Citizens Advice (NWCA)

CWSB166 Catholic Education Service (supplementary)

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Ninth Sitting

Tuesday 4 February 2025

(Morning)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 8 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, † Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 4 February 2025

(Morning)

[Sir Edward Leigh *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 30

Expanding the scope of regulation

9.25 am

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

The Chair: With this it will be convenient to debate clause 37 stand part.

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): Clauses 30 and 37 concern the regulation of independent educational institutions. I will turn first to clause 30. All children should receive the best chances in life and an education that helps them to achieve and thrive. To support that, it is already a legal requirement for private schools to register with the Secretary of State. Registered schools are regularly inspected and action is taken against schools that potentially put children at risk of harm by providing an unsafe or poor-quality education. The clause will bring more settings that provide a full-time education into that well-established and effective regime. That will lead to more children learning in a regulated and safe setting that is subject to regular inspection.

At present, private schools are regulated mainly by chapter 1 of part 4 of the Education and Skills Act 2008. The Act allows private schools to be subject to regular inspection, regulates the changes that they may make to their operation, and provides mechanisms to allow the Government to intervene in cases of severe safeguarding risk. The clause redefines the settings that are to be regulated under the 2008 Act and extends those protections to more children who attend full-time educational settings that are not schools. It will also provide clarity to those running educational settings about whether the regulatory regime applies to them.

In broad terms, settings will be required to register with the Secretary of State if five or more children of compulsory school age, or one or more such child with an EHCP—education, health and care plan—who is looked after by the local authority, could be expected to receive all or a majority of their education at the institution. When determining whether the new test of "full-time" is met, the factors found in proposed new section 92(4) in the clause will be considered.

Finally, in the interest of clarity, the clause provides a list of excepted institutions. Excepted institutions are not being brought into scope of the 2008 Act, even though they otherwise may meet our new definition. Generally speaking, that is because they are already captured by a suitable regulatory regime.

I will turn to clause 37. Clause 30 is intended to ensure that more settings that provide full-time education to children are subject to regulation. In addition, other legislation already applies in England to independent schools, but will not automatically apply to other independent educational institutions. Further legislation will be required if that is to apply to all the settings regulated under the 2008 Act. Clause 37 provides a regulation-making power to do that, and to apply other legislation that applies to independent schools—over and above the 2008 Act—to other full-time educational institutions.

That approach is proposed for two reasons. First, it will permit Parliament to debate the principle of bringing independent educational institutions into the existing regulatory regime in the 2008 Act for independent schools. Secondly, it will allow Parliament to debate separately the practical impacts of that with regard to the other individual pieces of legislation. That is because any regulations made under this proposed power will be subject to the affirmative resolution procedure. Parliament will have the opportunity to scrutinise and approve any regulations made under clause 37. The clause is a mechanism to allow the changes, which might be regarded as downstream from clause 30, to be made.

To turn back to clause 30, this reasonable and proportionate step is built on a clear principle. Settings that provide education on a full-time basis and, as a result, are more responsible for children's educational wellbeing, should be regulated and subject to Government oversight. The measure closes and identifies weakness in our existing regime. No more will settings be able to avoid registration and regulation by offering a narrow education, meaning that some children are not equipped to thrive in the modern world.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I could pick this concern up in our next debate, on clause 31, but a related issue is linked to my concerns about this clause, so I will give the Minister a moment to reply. He mentioned the list of excepted institutions, which we find at clause 30, page 70, from line 17, and various types of institution are exempted: local authority schools, special schools, 16-to-19 academies and further education colleges, but not academies and free schools. Why? I want to check that that is a conscious choice by the Government and to get an explanation of why that is the case.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): With your permission, Sir Edward, my remarks apply to clauses 30 to 36, because I thought it was more convenient to speak to them all together. Clauses 30 to 36 are extremely welcome to tackle illegal schools. Such schools are mostly, but not always, faith-based—

The Chair: Order. We are debating clauses 30 and 37, so as long as you stick to that, that is fine.

Lizzi Collinge: I believe my remarks apply fully to clauses 30 and 37, Sir Edward, if you are happy with that—please let me know if not.

The Chair: I am very easy-going—within limits.

Lizzi Collinge: Thank you, Sir Edward. The measures to tackle illegal schools, which are often but not always faith-based, are very welcome, and they will protect children from severe harm. The reasons for the need for the measures contained in clauses 30 and 37 are often

hidden, and they are often clustered in certain local authorities. The so-called education that takes place in some of those unregistered settings is often deeply intolerant, not aligned with British values, and not of good quality for young children.

I have a question for the Minister about the definition of "full-time" in clause 30. I have a slight concern that we might be creating loopholes. Although clause 36 allows for multiple inspections where there are suspicions of links to part-time settings, I worry that we might create a situation in which illegal schools could get around the legislation by going part-time. Will the Minister consider that and perhaps whether, once this legislation has settled in, there may be need for action on part-time settings? Obviously, we do not want to capture Sunday schools, or a bit of prayer study or some study of the Koran after prayers, but I think we might need to look at this in future.

Stephen Morgan: I thank the shadow Minister, the hon. Member for Harborough, Oadby and Wigston, for his constructive response. He made a number of points and asked whether the clause applies to academies. It will not change the way in which academies, as state-funded independent schools run by not-for-profit charitable status trusts, are regulated. Academy trusts are accountable to the Secretary of State for Education through their contractual funding agreement, the terms of which already require them to comply with the regulatory regime established by the 2008 Act. All academy schools are subject to regular inspection by Ofsted under the education inspection framework.

Neil O'Brien: Is that not also the case for 16-to-19 academies already? I do not understand why they have to be exempted in the Bill, but non-16-to-19 academies are not. Surely they also have the same kind of funding agreement.

Stephen Morgan: I am happy to take the shadow Minister's points away and get him a response in due course.

Question put and agreed to.

Clause 30 accordingly ordered to stand part of the Bill.

Clause 31

Independent educational institution standards

Neil O'Brien: I beg to move amendment 70, in clause 31, page 72, line 31, at end insert—

"(1A) Powers under subsection (1) may not be exercised in relation to an academy."

This amendment specifies that the Secretary of State should rely on the provisions in Funding Agreements as regards to academies.

The Chair: With this it will be convenient to discuss clause stand part.

Neil O'Brien: This will be relatively short and sweet. Amendment 70 aims to prevent a large and, I hope, unintentional expansion of the Secretary of State's powers. Academies and free schools are, of course, independent state-funded schools. I think that under clause 30, an academy school, but not a 16-to-19 academy, is an independent educational institution for the purposes of the 2008 Act. This amendment to clause 31 would ensure that the powers under proposed new section 118A(1) may not be exercised in relation to an academy; instead, the Secretary of State should rely on the provisions in funding agreements with the academies and free schools.

Our amendment is grouped with clause stand part, so I also want to ask the Minister about something I read in the regulatory impact assessment. Page 56 states:

"We have identified one possible adverse distributional impact. Based on our current understanding, the Independent Schools Standards: Registration Requirements measure is expected to disproportionately impact some religious or faith-based schools. Where in scope of the new regulation, these schools may have to meet the Independent School Standards, which may entail costs."

Will the Minister say how large those costs are, or explain why faith schools are disproportionately impacted? It may be unrelated but I also noted various references in the impact assessments to the Haredim; will the Minister speak to why that group is particularly affected by some of these measures?

Stephen Morgan: Amendment 70 seeks to disapply for academies the new power to suspend registration given by clause 31. It would not be appropriate if children in academies were not protected by the additional powers within a regulatory regime that already applies to them. I hope that that gives the assurance sought by the shadow Minister, and that he agrees to withdraw the amendment.

Clause 31 will make several changes to the regulatory regime for private schools found in the 2008 Act. The clause has a number of distinct parts, including a new power of suspension. It may help hon. Members if I quickly summarise the most significant changes.

First, the clause will allow the Government to set out, in regulations, standards requiring individual proprietors, or individuals with the general control and management of the proprietor, to be fit and proper persons in the Secretary of State's opinion. Secondly, the clause will allow the Secretary of State to direct the chief inspector to carry out an inspection of an institution that has lodged an appeal against a decision not to register it, so that up-to-date information can be given to the tribunal.

Thirdly, as discussed, the clause makes a power for the Secretary of State to temporarily suspend the registration and, where applicable, the boarding of an independent educational institution, such as a private school. That power would be used when the Secretary of State is satisfied that there are breaches of the relevant standards and she has reasonable cause to believe that, because of the breaches, there is a risk of harm to children at the institution. During the period of suspension, the proprietor would commit a criminal offence if the institution remains open, providing education or other supervised activity, or if it were to provide boarding accommodation in breach of a stop boarding requirement.

In addition, rights of appeal to the first-tier tribunal against a decision to suspend registration or to impose a stop boarding requirement are conferred by subsection 31(6). We acknowledge that a suspension of registration would be a serious step that would inevitably disrupt children's education; the new powers are therefore likely to be used only in the most serious cases. It is, however, essential that we have appropriate tools to provide the flexibility to act appropriately in cases where students are at risk of harm.

[Stephen Morgan]

Finally, the clause will, by amending section 124 of the 2008 Act, change how appeals against enforcement action to deregister private schools are determined by the first-tier tribunal. That will ensure that more effective action can be taken against private schools with long-term or serious failings. In some cases, private schools can avoid deregistration by making improvements to meet the standards at the time of the appeal hearing. These changes will ensure that the first-tier tribunal carefully considers future compliance. The clause reverses the burden of proof so that the appealing proprietor must demonstrate that it has capacity to sustain compliance with the standards. These measures make many improvements to the existing system of private school registration and regulation, and I therefore commend the clause to the Committee.

Neil O'Brien: We thought that it was unintentional that academies are being brought into this new system of regulation. From the Minister's comments, it is clearly intentional. This is triple dipping: the Minister already has controls over these schools; clause 43 takes that further, and this is another thing. I therefore will push the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 12.

Division No. 11]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Foxcroft, Vicky
Baines, David	Hayes, Tom
Bishop, Matt	McKinnell, Catherine
Chowns, Ellie	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

Clause 31 ordered to stand part of the Bill.

Clause 32

UNREGISTERED INDEPENDENT EDUCATIONAL INSTITUTIONS: PREVENTION ORDERS

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

The Chair: With this it will be convenient to discuss clause 36 stand part.

Stephen Morgan: This group of clauses concerns actions that can be taken against those who operate an education institution in breach of the existing regulatory regime. I will discuss clause 36 first. The existing regulatory regime for private schools is found mainly in the 2008 Act. The regime requires, among other things, that settings providing full-time education are registered and subject to regular inspection. That allows the Government to intervene in cases where children's wellbeing is at risk. Those not complying with the regulatory regime may be committing a criminal offence and may knowingly be putting children at risk of harm. Ofsted may already investigate and gather evidence of the offences to support criminal prosecution.

I am sure the Committee will agree that it is vital that Ofsted has the powers it needs to investigate those crimes, and clause 36 grants Ofsted those powers. Let me be clear: the additional powers apply only in limited and specific circumstances. Ofsted's routine activity determining school performance is not impacted by this measure. Instead, the additional powers will be available only when Ofsted is gathering evidence about the commission of the specified relevant offences. That will most commonly be in relation to investigations regarding the running of illegal unregistered schools, which is an offence under the 2008 Act.

It might help Members if I quickly run through each part of the new sections. Proposed new section 127A contains the list of relevant offences. It is only during an investigation into whether offences are being or have been committed, or when evidence of offences may be found, that the strengthened powers may be used. Proposed new section 127B broadens and strengthens Ofsted's existing powers of entry. It sets out that Ofsted may enter any premises without a warrant for the purpose of an inspection. Proposed new section 127C provides a mechanism and sets out the process whereby Ofsted may apply to a justice of the peace for a warrant to enter premises, if it is necessary for the inspection to take place. Proposed new section 127D contains a list of strengthened investigation powers that may be used by Ofsted under a warrant issued by the justice of the peace. Proposed new section 127E provides even stronger powers and introduces a mechanism for a police constable to assist with entering and investigating premises using reasonable force if necessary. Finally, proposed new section 127F contains a list of new criminal offences being introduced to discourage those present during an inspection from preventing inspectors from fulfilling their duties in this area.

The measures strike the correct balance of ensuring that Ofsted can fulfil its statutory function of identifying criminal behaviour in connection with illegal, unregistered schools and so better protect children who may be attending unsafe settings, while providing oversight and scrutiny of the use of the most intrusive powers.

Clause 32 contains the criminal sentences available against those who are found to be running an unregistered school. Clause 36 will make it easier to identify such people and build a prosecution against them. Those who have conducted an unregistered school have demonstrated their unsuitability for future roles overseeing children's education. Clause 32 provides the court with a power to prevent such people from holding that responsibility in future.

9.45 am

There are two requirements that must be satisfied before one of the new orders may be issued. First, someone must have been convicted of the offence of running an unregistered private school. Secondly, the court must consider it appropriate to make an order to protect children from the risk of harm arising from the recipient either running an unregistered school again or otherwise providing children with education, childcare,

instruction or supervision. Provided that those requirements are met, the court has the power to make an order and it is open to the court to require the recipient to do or not to do anything if that is appropriate to protect children from the risk of harm.

The orders are needed to prevent and remove dangerous individuals from holding any role overseeing a child's educational wellbeing. Clauses 36 and 32 work together in support of a common goal to better target those who act unlawfully and put children's wellbeing at risk. These are strong measures, but the need for them is clear, and correct safeguards have been built into their use. I hope the Committee agrees that the clauses should stand part of the Bill.

Munira Wilson (Twickenham) (LD): It is a pleasure to serve under your chairmanship, Sir Edward. I have a couple of brief questions for the Minister.

Sir Martyn Oliver, His Majesty's chief inspector, raised the question of additional resources for Ofsted because of the administrative burden of applying for warrants. I think he would like the powers to go further so that he would not have to apply for a warrant; I can see merit in needing to do so. Will the Minister confirm whether that additional resource will be provided to Ofsted?

We are considering two clauses in this group, but with regard to the whole section on unregistered provision, why has alternative provision been exempted from the powers? Again, Sir Martyn Oliver raised concerns that he does not have the powers to go in and inspect. Ofsted regularly finds unsafe provision. The Government should take action in this area, because some of our most vulnerable children who are excluded from schools are being put in unregistered alternative provision, where they are not necessarily provided with a broad education and attendance records are not always taken. Real questions and concerns have been raised about alternative provision.

Lizzi Collinge: I very much welcome the clauses. The strengthened powers of entry for Ofsted are important. As I have said, a lot of the problems in illegal schools are hidden, and they are often clustered geographically. In one local authority, we may never see this problem, but in some local authorities we see it repeatedly. Illegal settings have been the scene of widespread neglect and abuse—sometimes serious sexual abuse—and the powers of entry and for a court to prevent someone who has been convicted of running an illegal school from ever doing it again are very important. I urge the Committee to support the clauses.

Stephen Morgan: On the hon. Member for Twickenham's points about Ofsted, the powers are available only to investigate the commission of specified relevant offences. Our experience is that the majority of inspections of unregistered schools are conducted under Ofsted's existing powers process and on the basis of consent and co-operation. We anticipate that that will continue even after Ofsted has been granted the enhanced powers in the measure. The powers will not be available to Ofsted when inspecting private schools against the independent school standards. The hon. Member asked about resources for Ofsted; we are working closely with Ofsted on what the powers will mean, as Sir Martyn set out in the evidence session.

I will take away the comments made by my hon. Friend the Member for Morecambe and Lunesdale and write to her on those matters.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Clause 33

MATERIAL CHANGES

Neil O'Brien: I beg to move amendment 71, in clause 33, page 86, line 12, leave out lines 12 and 13.

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

Amendment 72, in clause 33, page 86, line 38, at end insert—

"(2D) The Secretary of State must issue guidance for relevant institutions on how subsection (2)(g) is to be understood."

This amendment to allow independent schools not to have to notify the Secretary of State about change of use for buildings.

Clause stand part.

Clause 35 stand part.

Neil O'Brien: Section 102 of the 2008 Act requires the proprietor of an academy to make an application to the Secretary of State for the approval of a material change, as defined in section 101 of that Act. Clause 33 introduces a new definition of material change, which adds to the list of material changes in the 2008 Act.

Proposed new subsection (2)(g) will require the notification of the Secretary of State when there is

"a change of the buildings occupied by the institution and made available for student use".

Some of the things in the proposed list are reasonable things for the school to have to apply to the Secretary of State for—if it is a complete change of the proprietor or a change to the age range, or if it stops being a special school or moves to a completely different location, that is fine—but the idea that schools should have to apply to the Secretary of State if there is a change of the buildings occupied by the institution is too vaguely defined.

If I build a new building or get some new bits stuck on the end of one of the wings of my school, do I have to apply to the Secretary of State? It is not clear from a natural reading of proposed new subsection (2)(g). We worry that this will end up with even minor changes requiring approval from the Secretary of State, which is not necessary. Given that a breach of the provision can lead to an academy being deregistered as an independent educational institution, or the imposition of restrictions on the academy, it seems excessive.

Amendment 71 seeks to delete paragraph (g), which would be the best outcome, while amendment 72 seeks at least for the Secretary of State to provide guidance. Will the Minister provide some reassurance that we are not going to end up with schools feeling like they have to apply to the Secretary of State every time they build a new building, move out of one wing or add an extension to another? It seems like a recipe for unnecessary bureaucracy, creating legal risks for academies that really should not be there.

Stephen Morgan: Amendment 71 would make changes to clause 33, which, among other things, requires private schools to seek prior approval from the Secretary of State before they occupy a building and make it available

[Stephen Morgan]

for student use. The amendment is intended to remove this new requirement. I appreciate that there may be concerns regarding new burdens on private schools, but let me explain why the change is necessary.

Currently, a change of buildings occupied for student use, either at or away from the registered address, is not a material change. This means that there is no prior assurance that new buildings are safe for student use. Unfortunately, we see examples in which private schools are inspected and children are found in buildings that are unsuitable for their education and, in some cases, unsafe.

Neil O'Brien: The Minister keeps talking about private schools, but am I right in thinking that this also applies to academies?

Stephen Morgan: I answered the shadow Minister's point earlier. We are referring specifically to private schools in this legislation. This is an important and necessary change that I trust Members will support.

Amendment 72 would place on the Secretary of State a legal obligation to publish guidance regarding how a change of buildings for student use will work. I reassure Members that the Department already publishes non-statutory guidance for private schools in relation to applications to make a material change. I can confirm for Members that we intend to update the guidance ahead of introduction, to explain how provisions are intended to operate. For the reasons I have outlined, I kindly ask the shadow Minister not to press his amendments to a vote.

On clause 33, if a private school wishes to amend its registered details, prior approval must be sought through a material change application. This process provides assurance that the school will still meet the independent school standards after the change is made. The current regime is too restrictive in the case of schools that admit students with special educational needs. An application for a material change is required to start or cease to admit one student. The Bill will redefine this material change to require an application to be submitted when a school wants to become, or ceases to be, a special school. It will also become a material change when a special school wants to change the type of special educational needs for which it caters. That will provide greater clarity and transparency to parents, commissioners and inspectorates.

In addition, as already discussed, there will be an entirely new category of material change. It will become a material change for a school to make a change to the buildings it occupies and makes available for students' use for more than six months. The clause also allows for an appropriate degree of discretion in deciding whether a material change can be approved.

Munira Wilson: The National Association of Special Schools is concerned that schools seeking to make material changes sometimes face undue bureaucratic delays that mean some students end up losing out on suitable provision. Will the Minister assure the association that service level agreements will be put in place so that requests can be expedited?

Stephen Morgan: We are consulting and engaging widely on the Bill. The hon. Lady's point is well made, and the Department will respond to it in due course.

Finally, clause 35 allows more proportionate action to be taken if a private school makes an unapproved material change. Currently, deregistration is the only option available, but forcing a school to close is often not a proportionate action to take. The new proposals will allow for relevant restrictions to be imposed on a private school by the Secretary of State when an unapproved material change is made. This will often be a more proportionate response, providing parents with confidence that suitable action can be taken to ensure that private schools are safe and suitable.

Neil O'Brien: The Minister keeps saying "private schools", but we are talking about independent educational institutions. As I understand it, that includes academy schools, which are state schools.

The Minister also keeps talking about proportionality. Proposed new subsection (2B) states that, for the purposes of proposed new subsection (2)(g), the Secretary of State would have to be notified of any change to either "part of a building" or a "permanent outdoor structure". If a school wanted to build a bike shed, it would potentially have to go to the Secretary of State. That does not seem proportionate at all. Perhaps the Minister can answer that point.

Stephen Morgan: I assure the shadow Minister that the provision does apply to academies, so I thank him for raising that point. Clauses 33 and 35 make important changes to our material change regime, so I hope the Committee agrees that they should stand part of the Bill.

Neil O'Brien: I wish to press the amendment to a vote. The Minister has confirmed that the provision applies to academy schools. It is not proportionate—to use the Minister's term—to require the Secretary of State to be informed of a state school changing part of a building, or building a permanent outdoor structure. A school that put up a gazebo would have to go to the Secretary of State. That is not proportionate; it is an error. The rest of the clause is totally reasonable, but on this point it is unreasonable, so I want to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 11.

Division No. 12]

AYES

Chowns, Ellie	Sollom, Ian
Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren
Foxcroft, Vicky	

Question accordingly negatived.

Clause 33 ordered to stand part of the Bill.

Clause 34

DEREGISTRATION BY AGREEMENT

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

10 am

Stephen Morgan: The clause removes an ambiguity in the Education and Skills Act 2008 as to when a private school or other independent educational institution may be permanently removed from the register. It amends section 100 of that Act, which currently allows for removal in certain circumstances but is silent as to whether an institution can be removed with the proprietor's consent only.

The new power expressly allows the Secretary of State to remove a private school from the register immediately if a proprietor requests this or agrees it in writing. It will provide not only for administrative convenience but for public benefit, by allowing for the register to be quickly updated and kept accurate when the proprietor consents to removal in writing. I therefore hope the Committee agrees that the clause should stand part of the Bill.

Question put and agreed to.

Clause 34 accordingly ordered to stand part of the Bill.

Clauses 35 to 37 ordered to stand part of the Bill.

Clause 38

INSPECTORS AND INSPECTORATES: REPORTS AND INFORMATION SHARING

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

Stephen Morgan: Private schools are subject to inspection to ensure that the education they offer is safe and helps children to achieve and thrive. In addition, where a school provides accommodation, it is also subject to welfare inspections to ensure that it complies with its duty to safeguard and promote the welfare of its boarding children.

Around half of all private schools are inspected by the Independent Schools Inspectorate, with the remainder inspected by Ofsted. The clause is intended to strengthen the relationship between the two inspectorates to facilitate high-quality inspections and the identification of safeguarding risks. It will also ensure smooth working between Ofsted and any other person who may be appointed to inspect a registered setting under the Education and Skills Act 2008 or appointed to inspect accommodation provided to children by a school or college under the Children Act 1989.

There is a clear interest in inspectorates working closely together, willingly collaborating on best practice and ensuring that known safeguarding risks are shared and acted on. The clause makes two types of changes to support those goals. The first type of change amends existing statutory obligation on the chief inspector to report at least annually on the quality of other inspectorates. This obligation will be replaced with a more flexible obligation on the chief inspector to report as and when required, and on all aspects of an inspectorate performance or only some.

The second change confers on the chief inspector two new express powers to share information with the other inspectorates for the purpose of enabling or facilitating their inspections. This change removes any ambiguity about whether the chief inspector may share information directly with other inspectorates for those purposes. This information can already be shared via the Department. The change will allow a freer flow of information between the inspectorates and facilitate closer and joint working for the purpose of keeping children safe.

Although minor, the changes will support even closer working between the inspectorates, leading to better outcomes for children. For that reason, I hope the Committee agrees that the clause should stand part of the Bill.

Question put and agreed to.

Clause 38 accordingly ordered to stand part of the Bill.

Clause 39

TEACHER MISCONDUCT

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

Stephen Morgan: The Government take very seriously the protection of children and young people, particularly when they are receiving their education. We know that teachers are the single most important in-school factor in a child's education. We also know that the overwhelming majority of those teachers are highly competent and never engage in any form of serious misconduct, but the reality is that some teachers do commit serious misconduct and it is vital that, when this occurs, it is dealt with fairly and transparently. That is why we have robust arrangements in place for regulating the teaching profession.

The overriding aims of the teacher misconduct regime are to protect children and young people, to help to maintain public confidence in the teaching profession and to uphold proper standards of conduct. This reflects the expectations placed on teachers throughout their career, both inside and outside school, as set out in the published teacher standards.

The current teacher misconduct regime was established in 2012. Since then, we have made a number of changes to the processes and procedures to take account of relevant case law and High Court judgments, including changes to the publicly available teacher misconduct advice, which sets out the factors to be considered by professional conduct panels when dealing with cases of teacher misconduct. We have also amended the funding agreements of further education colleges, special post-16 institutions and independent training providers, so that, like schools and sixth-form colleges, they do not employ prohibited teachers.

There is, however, more that we need to do to ensure that children and young people are protected, and the only way we can do this is by making the amendments proposed in the clause. The clause allows the Secretary of State to consider whether it is appropriate to investigate serious misconduct that occurred when the person was not employed in teaching work, but we will ensure that cases are taken forward only when there is a clear rationale for doing so and when a range of factors, including public interest, the seriousness of the misconduct

[Stephen Morgan]

and any mitigation presented by the individual, have been considered. The clause will also extend the teacher misconduct regime beyond schools and sixth-form colleges to cover further education colleges, special post-16 institutions, independent training providers, online education providers and independent educational institutions. This will ensure that children under the age of 19 are protected when accessing their education.

Finally, the clause enables the Secretary of State to consider referrals of serious misconduct irrespective of where they come from. Existing legislation does not allow the Teaching Regulation Agency to consider referrals from departmental officials when serious misconduct comes to their attention during the performance of their day-to-day duties. The clause ensures that cases may be referred to the Teaching Regulation Agency promptly, without the need to wait for a third party to make a referral or where it is unclear whether someone else has made or will make the referral. We are also clear that this should be a fair and transparent process, and we will provide training for staff to help them to understand more about the types of circumstances in which they should consider making a referral. Collectively, and most importantly, the clause will ensure the protection and safeguarding of more children and young people. I therefore commend the clause to the Committee.

Damian Hinds (East Hampshire) (Con): First, I will ask the Minister a bit about process. The questions we ask in Parliament are often rhetorical; we do not expect answers to them from Ministers, and nor do we get them, but this is the Committee stage of a Bill's passage, known as line-by-line scrutiny, where quite often he questions we put are questions about facts or the intent of the legislation. I have asked a number of questions at different points in this Committee stage that have not been answered, but nor has the Minister necessarily been saying, "I will write to the hon. Member in response." Does he intend to do that, or, if any questions have been left hanging, are we required to put down a written parliamentary question to which the Minister will respond?

For the avoidance of doubt, what I am about to say is not in the category of question that requires a factual response or note of intent. The misconduct regime covered in the clause is clearly exceptionally important for the protection of children, public confidence and maintaining the very highest reputation of the profession. I welcome what is new in the clause, because it is right and proportionate that we should be able to take action regardless of when the incident took place and whether the individual was a teacher in the profession at that time. I also welcome online education and independent educational settings being brought into scope, as well as the ability to investigate a suspicion or an incident regardless of how it came to light.

I want to ask the Minister about something related to the regulatory regime. It would not technically require primary legislation, but there are quite a lot of things in the Bill that do not require primary legislation to be effected. I am referring to the matter of vexatious complaints. In the world we live in, particularly with the influence and prevalence of social media, we have heard teachers express the feeling that sometimes, in a small minority of cases, complaints may be made against a teacher neither for the right reasons, nor because of a genuine safeguarding concern. Of course there should not be barriers blocking people from any background raising concerns; the ability to do so should be available to everybody. Equally, however, there is a concern sometimes that when seeking to remove barriers, we risk going too far the other way.

We must ensure that there is a process to go through so that all genuine concerns and complaints do come through, but that we do not end up with an excessive volume of vexatious complaints. These are, I am afraid, sometimes fuelled by social media.

Patrick Spencer (Central Suffolk and North Ipswich) (Con): Let me state on the record that I have not met a single teacher who has not received some form of vexatious complaint at one point in their career. I hope, therefore, that the Minister will speak to this issue when he responds.

The Bill expands the scope for potential dismissal. Dismissal processes are incredibly cumbersome and costly for schools, so will the Minister speak to what provision he will make for schools to be reimbursed for what they are going through? The Bill also expands the capacity to look back into the previous career of someone who has started up a school. Would bankruptcy, for instance, prevent someone from being considered worthy of running a school? Will the Minister therefore also speak to whether a perfectly reasonable business experience might cause the Secretary of State to intervene?

Stephen Morgan: I appreciate the questions and contributions from the Opposition on this important clause. The right hon. Member for East Hampshire is right to ensure that he gets responses to all the questions that he raises, and I know from my own postbag that he does not shy from submitting written parliamentary questions, so I am sure he will find that route or any other appropriate route. He has asked a number of detailed questions and I am very keen that we are scrutinised in the way that we are taking this Bill forward, so if there is anything we have not responded to, obviously I shall be delighted to do so.

Damian Hinds: To give a few examples, I have asked about the distinction between elective home education and education otherwise than at school, what happens with optional uniform items, and what happens in schools that already have a breakfast club that lasts longer than 30 minutes. None of these were meant to be difficult or rhetorical questions, designed to catch the Minister out; they are genuine questions, and I do not think any were answered on the floor of the Committee. My question is, therefore, will Ministers write in general, or do we need to put down further questions if we want to get answers?

Stephen Morgan: I thank the hon. Member for that intervention —his questions are on the public record, and we will do our best to respond to each of the points. My colleague may also wish to respond.

The Minister for School Standards (Catherine McKinnell): I rise to seek clarity on how the Committee is conducting itself. The right hon. Gentleman and his colleague, the hon. Member for Harborough, Oadby and Wigston, have said a number of times that they realise that they

are asking a large number of questions and do not expect answers to all of them—

Damian Hinds: Not now.

Catherine McKinnell: Excuse me. I am speaking. We would be more than happy to answer all of the questions that are being asked, but it may be helpful if the right hon. Gentleman and his colleague were more clear about what questions that do require specific answers have not been answered while we are discussing the specific clause. We would be more than happy to furnish them with responses.

The Chair: Order. The general practice is that people put questions, and the Minister attempts to reply to every question. If an Opposition member feels that the Minister has not replied to the question, they can object—you can speak as often as you like—or indeed, you can request that the Minister writes to you, and the Minister can agree to that or not. But the whole purpose of the Committee is for people to ask questions and for Ministers to do their level best, with the help of their excellent officials, to answer every question—which these excellent Ministers will of course do.

Stephen Morgan: That is very kind, Sir Edward. I absolutely agree with you.

The right hon. Member for East Hampshire made a number of points with regard to the Teaching Regulation Agency. He will know from his time as Education Secretary that the TRA does not deal with complaints; it considers only allegations of the most serious misconduct. Any complaint that has been incorrectly referred to the agency will now undergo an initial triage process, which ought to determine whether a referral should be progressed by the Teaching Regulation Agency or whether it is more appropriate to redirect the complainant to another service.

10.15 am

The hon. Member for Central Suffolk and North Ipswich kindly asked a question about reimbursement, to which the simple answer is no. More broadly, on the new burdens placed on these settings, there will be a requirement to understand the regime and a duty to consider making a referral to the Teaching Regulation Agency where a teacher is dismissed for serious misconduct, or would have been dismissed if the teacher had not resigned first. We will engage with stakeholders to ensure that they understand what they are trying to achieve. Once the Bill receives Royal Assent, we will explain the changes to the settings affected and how they can manage them.

Patrick Spencer: Does the Minister expect the number of misconduct hearings and cases brought where teachers are subject to potential dismissal to increase considerably? I am concerned that the consequences of the Bill will be huge for many schools and that they will be burdened with a huge cost. Does he expect the numbers to go up?

Stephen Morgan: We will consider these matters extremely closely as we progress the Bill further. I will take that point away to officials. With regard to the hon. Gentleman's question about bankruptcy, the Teaching Regulation Agency considers only cases involving allegations of the most serious misconduct. Cases of misconduct that are not serious enough to warrant a lifetime prohibition from teaching and all cases of incompetence are more appropriately dealt with by employers at the local level. I commend the clause to the Committee.

Question put and agreed to.

Clause 39 accordingly ordered to stand part of the Bill.

Clause 40

School teachers' qualifications and induction

Neil O'Brien: I beg to move amendment 73, in clause 40, page 99, line 23, at end insert—

"(1A) In section 133 (requirement to be qualified), after subsection (1) insert—

'(1A) The requirement in subsection (1)(a) only applies after a person has been carrying out such work in a school for five years.'"

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

Amendment 74, in clause 40, page 99, line 23, at end insert—

"(1A) In section 133 (requirement to be qualified), after subsection (1) insert—

'(1A) Where a person was carrying out such work at the time of the passing of the Children's Wellbeing and Schools Act 2025, the requirement in subsection (1)(a) does not apply.'"

Amendment 75, in clause 40, page 99, line 23, at end insert—

"(1A) In section 133 (requirement to be qualified), after subsection (1) insert—

'(1A) Where a person is carrying out such work for the purposes of teaching a shortage subject, the requirement in subsection (1)(a) does not apply.

(1B) For the purposes of this section, "shortage subject" means any subject in relation to which the Department for Education's recruitment targets for initial teacher training have been missed in the most recent year for which such statistics exist.'"

Amendment 76, in clause 40, page 99, line 23, at end insert—

"(1A) In section 133 (requirement to be qualified), after subsection (1) insert—

'(1A) Where a person is carrying out such work in an academy school, the requirement in subsection (1)(a) does not apply where the condition in subsection (1B) is met.

(1B) The condition is that—

(a) the individual is employed by the proprietor of an academy;

(b) the proprietor of the academy is satisfied that the individual has sufficient expertise to enable them to undertake such work appropriately; and

(c) the proprietor will provide the individual with appropriate training, support and guidance to ensure that they are able to undertake such work appropriately.'"

This amendment allows academies to maintain discretion about whether to employ teachers without QTS if they are subject matter experts and have received training from the academy.

Amendment 94, in clause 40, page 99, line 23, at end insert—

"(1A) In section 133 (requirement to be qualified), after subsection (5) insert—

'(5A) Regulations made by the Secretary of State under this section must have regard to—

(a) the availability of qualified teachers in each school subject, and

(b) the necessity or desirability of specific sectoral expertise for teachers in each school subject'".

This amendment would require the Secretary of State to take account of the availability of qualified teachers in each subject, and the desirability of specific sectoral expertise when making regulations under Clause 40.

Clause stand part.

Neil O'Brien: Sir Martyn Oliver gave us a good example of how the current freedoms are used on our first day of evidence. He said:

"In the past, I have brought in professional sportspeople to teach alongside PE teachers, and they have run sessions. Because I was in Wakefield, it was rugby league: I had rugby league professionals working with about a quarter of the schools in Wakefield at one point." —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 49, Q108.]

When he said that, I thought about when I was being taught rugby league not far away in Huddersfield, and how much we would have loved it if the professionals had come from Fartown to teach us. We were never told what the rules of rugby league were, nor was it revealed to us that there was a different type of rugby. It would have been amazing to have the professionals with us. That is just one example of how schools use non-qualified teacher status teachers in a brilliant way to bring in people who would otherwise never be in state schools.

Former headteacher David Thomas told us on the same day:

"I have concerns about limiting the number of people with unqualified teacher status who are not working towards qualified teacher status."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 92, Q199.]

He also said:

"I have worked with some fantastic people—generally late-career people in shortage subjects who want to go and give back in the last five to 10 years of their career—who would not go through some of the bureaucracy associated with getting qualified teacher status but are absolutely fantastic and have brought wonderful things to a school and to a sector. I have seen them change children's lives."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 14 January 2025; c. 92, Q200.]

Rebecca Leek from the Suffolk Primary Headteachers Association gave another good example, telling us:

"I had to step in as an interim headteacher in Ipswich just prior to covid. I did not have an early years lead… There was someone who was not a qualified teacher, but who had been running an outstanding nursery… I took her on, and although she was not qualified, she was really excellent. I was able to do that because it was an academy school, and it was not an issue. In a maintained school, there is a specific need for a qualified teacher to teach in early years, so I would not have been able to take her on."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 83, Q174.]

Likewise, when I asked Julie McCulloch from the Association of School and College Leaders whether it was better to have a non-QTS teacher than no teacher, she noted that

"sometimes that is the case, particularly when we are looking at vocational subjects at the top end of secondary school and into colleges."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 22, Q44.]

When the Secretary of State was asked about this on "The News Agents" last night, she made exactly the same point. Indeed, the Government's own impact assessment for the Bill says that

"some schools may struggle to find the teachers that they need"

as a result of the measure. It adds:

"From September 2026, we estimate this could affect around 700-1,250 potential entrants to the teaching profession per annum…This represents around 1-2% of all entrants to the teaching workforce in…2022."

The only phrase I take issue with in that is "to the teaching profession", because it is not the teaching profession as a whole but state schools that those potentially brilliant teachers will be locked out of. Private schools will not have the same burden put on them.

In attempting to construct an argument for that restriction, the impact assessment also says:

"Evidence suggests that being taught by a high-quality teacher can add almost half a GCSE grade per subject to a given pupil's results".

Obviously, we all know that high-quality teachers are key in education, but amazingly, the Department for Education does not go on to produce a single shred of evidence—it does not even attempt to give a tiny particle of evidence—that teachers without QTS are of low quality. When Ministers have been pressed on that, they do not demur; a policy is being adopted without any evidence at all.

There is also no estimate of what impact the creation of a new barrier to entry might have, particularly in the sorts of subject area that non-QTS teachers are employed in, which are often those that are more difficult to recruit for. Even the Government sort of acknowledge that the measure is not needed, as we find out by reading a footnote at the bottom of page 24 of the impact assessment, which was published halfway through the Bill Committee process. It is like "The Hitchhiker's Guide to the Galaxy"; the plans are available if we go to a locked toilet in an abandoned room on the bottom floor of a building that is open twice a year. The footnote reveals that:

"Unqualified teachers will not require QTS to work in further education, 14–19 and 16-19 academies, university technical colleges, studio schools and non-maintained school early years settings."

My first question to the Minister is, if it is so desperately important to ban non-QTS teachers from our schools that we have to make primary legislation to do it, why are all those other types of school not included? How many non-QTS teachers are in those settings and will therefore be exempt?

Last month, data came out showing that the Government had recruited only 62% of their target number of students into initial teacher training for secondary schools, with particularly dramatic shortfalls in subjects such as physics, where only 30% of the target number had been recruited, business studies, design and technology, music, computing and chemistry. The National Education Union rightly talks about a

"global teacher recruitment and retention crisis".

Most school systems across the world are battling to recruit teachers; if anyone googles "teacher shortage Ireland" or "teacher shortage Australia"—or "teacher shortage" pretty much anywhere—they will see what I mean.

Between 2011 and 2022, the last Government added 29,454 extra teachers to schools in England and grew the total school workforce by 96,555, or 11%. yet we still have a shortage of teachers in key subjects. About 3% of teachers are non-QTS, so this might seem like an odd time to make things harder for schools to recruit good teachers, especially in the specialist subjects where they tend to be used. To that end, our amendments seek to at least limit those counterproductive new restrictions, which have received a wide variety of criticisms from the sector. Amendment 73 proposes in a five-year grace period, because not requiring QTS can get teachers through the door into state education.

What message does the Government measure send to people who are mid-career, who might want to become teachers and give back but who cannot actually afford to do a PGCE or an apprenticeship? The Government's plan will grandfather non-QTS teachers, but if they move school, they will have to get QTS. Amendment 74 would allow mobility and fix that. Amendment 75 would retain the freedom at least for shortage subjects; amendment 94, in the name of the hon. Member for Twickenham, also looks at that issue. Amendment 76 would allow academies to maintain discretion about whether to employ teachers without QTS if they are subject matter experts and have received training from the academy in question.

The bottom line is: where is the evidence—any evidence—that this is a problem in our education system, never mind one of the most important problems that we need to make primary legislation to resolve? Where is the evidence that DFE Ministers know better who to employ than school leaders themselves? They have not produced a single shred of evidence in the impact assessment.

I am afraid that this measure is another example of Ministers believing that they know best, but it will make recruitment challenges harder, create a barrier to entry into state schools, and prevent some great sports people, IT people and other people who want to give back from doing so. The unions may want this—they have for years—but it remains a mistake.

Catherine Atkinson (Derby North) (Lab): The hon. Member has twice referred to professional sportspeople, and the quote he read out at the beginning of his speech mentioned their contributing "alongside" teachers. Does he acknowledge that there is no prohibition on professional sportspeople or other experienced, inspiring professionals contributing alongside teachers? The issue is when they do so without that input. I kindly invite the hon. Member to correct that point.

Neil O'Brien: The hon. Lady has completely missed the point. This clause means that academy schools will no longer be able to employ people without QTS to do exactly the kind of inspiring things that Sir Martyn, at the start of our first evidence session, said he had used them so brilliantly to do.

Catherine Atkinson: The quote was "alongside" teachers. Having people there alongside teachers is not prohibited. I am sure that the Minister will clarify that matter if I am mistaken.

Neil O'Brien: To be clear, it will be illegal to employ them if they do not have QTS. People can turn up, but they cannot be employed. I do not know whether the hon. Lady is deliberately trying to muddy the water, or whether she has just missed the point. I notice that the Minister has not chosen to intervene. To be clear, the clause will stop Sir Martyn and people like him doing exactly what he said he had found it useful to do: employing non-QTS teachers, alongside teachers, to come and give back to their community.

During the course of my remarks, nobody has offered me a single shred of evidence that non-QTS teachers are bad teachers, are somehow a big problem in our schools, or are one of the top problems that we need to address. The clause will make things harder for schools, and it will mean that fewer pupils get a good lesson. Our amendments aim to stop this piece of vandalism, which is something that the unions wanted, that Ministers have given them, and that will be bad for our schools and our children.

Amanda Martin (Portsmouth North) (Lab): The hon. Member for Harborough, Oadby and Wigston talked about bottom lines and evidence. At the moment, the attainment gap between those who achieve and those who do not is widening across our country. For a number of years, and since the previous Government—the right hon. Member for East Hampshire was in fact—

Damian Hinds: Will the hon. Lady give way, on a point of fact?

Amanda Martin: Not at the moment, no. The gap is widening.

Damian Hinds: No, it is not.

Amanda Martin: The attainment gap has widened.

Damian Hinds: Does the hon. Lady know what the attainment gap was at key stage 2 and key stage 4 in 2010, and how it compares with right now?

Amanda Martin: The right hon. Member was a Secretary of State, and under his leadership the teachers' recruitment crisis was worse than it had ever been. Recruitment targets for core subjects such as maths, physics and modern languages were missed, and retention rates were poor. That was when we were allowing people with qualified teachers status and without it. It is not a bottom line for what we want our children to have: it should be a right for every single child, wherever they are in the country, to be taught by a qualified teacher, or somebody on the route to qualified teacher status. Just because we had not achieved it under the last Government, that does not mean we should not have ambition for our children to achieve it under this Government.

Munira Wilson: I note your comment about speaking specifically to the clauses and amendments under consideration, Sir Edward; I wanted to start with some comments that relate both to this group and to several clauses that follow, so that I do not try the Committee's patience by repeating myself.

My comments relate in general to the various academy freedoms with which these clauses are concerned. I want to take a step back and ask this question: where have these proposals come from? The entire sector and indeed the Children's Commissioner seem to have been blindsided. When I speak to teachers and school leaders, at the top

[Munira Wilson]

of their priority list is sorting out SEND, the recruitment and retention crisis, children missing from school and children's mental health. Parents tell me that they just want their schools funded properly so that they are not being asked to buy glue sticks and tissue boxes.

Not once have I heard a maintained or academy school leader or parent say to me that the biggest problem in our schools that we need to sort out is the academy freedoms. This was reflected in the oral evidence that we heard. To quote Sir Dan Moynihan,

"It is not clear what problem this is solving. I have seen no evidence to suggest that academy freedoms are creating an issue anywhere. Why are we doing this?" —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 75, Q160.]

I ask Ministers that very question. What is the problem that the Government were seeking to fix when they drew up this clause, and several subsequent clauses, in relation to the academy freedoms they are trying to diminish?

10.30 am

On qualified teacher status, which we are considering in clause 40, of course, we all want to see qualified teachers educating our children. We know that excellent teachers are a key factor in good educational outcomes for children, but looking at the Department for Education's data cited in the House of Commons Library report on this Bill, in November 2023, academies employed marginally fewer qualified teachers compared to maintained schools. The DFE's own stats tell us that 97.4% of full-time equivalent teachers in primary academies had QTS, compared to 98.4% in maintained primary schools, and 96.5% of FTE teachers in secondary academies had QTS, compared to 97.3% in maintained secondary schools. I am reassured by those figures that so many teachers in front of our children are qualified. Obviously, we would love it to be 100%, but there are good reasons for why we cannot necessarily reach that number.

I say gently to Conservative colleagues on the Committee that let us not forget it was their party that repeatedly failed, year after year, to meet their teacher training targets when they were in government, not least in maths and science, where we see some of the biggest shortages. I do not really feel they are in a position to preach on this subject, given how little they did to address the teacher recruitment and retention crisis.

We heard from the Association of School and College Leaders that a number of schools rely on experts in their field, particularly for technical and vocational subjects, at the top end of secondary school and into colleges. In her evidence, Julie McCulloch said to us,

"There are some excellent teachers and lecturers in further education colleges and secondary schools on vocational subjects, who do not necessarily have qualified teacher status". —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 22, Q44.]

We are talking about a small number of unqualified teachers, and some of those experts may not want to train as teachers.

Are Ministers really saying they would rather that pupils go without a teacher? I know from talking to local schools in my constituency that they have really struggled to fill vacancies in design and technology and in computer science. It is ironic. I have a brilliant, outstanding secondary school in my constituency called Turing House, and for a while it had to take A-level computer science off the curriculum because it could not find a computer science teacher. Are we saying that if some design expert wanted to come and teach DT in a school, or an IT guru wanted to offer their services, we should turn them down, and allow children to miss out on studying those subjects?

Amendment 94 in my name would require the Secretary of State to take account of the availability of qualified teachers in each subject and the desirability of specific sectoral expertise when making regulations under clause 40. We agree that, ideally, we want every child taught by a qualified teacher, but we have to recognise that in the world we are living in, and given the shortages, there will be times when the best thing for the school, children and other staff is to see experts coming in who do not have a teacher qualification. I hope that Ministers will support this modest amendment in order to prevent unintended consequences.

Darren Paffey (Southampton Itchen) (Lab): It is a pleasure to serve under your chairship, Sir Edward. I rise to support clause 40 and to argue that the amendments under discussion are unnecessary. I very much welcome this measure. It underpins the ambition that the Government have to ensure that every child gets the best quality of education. Although this will not necessarily be a shared view, the top quality of education comes not through obsessing about structures, but about getting the right people in place. This is simply a common-sense proposal to ensure that, across the board, no matter the structure of the school, parents can be reassured, and as children set foot in that school they can be reassured, that they are getting the best quality education.

Patrick Spencer: Will the hon. Gentleman give way?

Darren Paffey: I will make some progress and then will be happy to give way.

I ask Opposition Members to reflect on the logical fallacy of applying this laissez-faire approach in a way that they probably would not do—or at least I hope they would not do—for other professions. I think it is uncontroversial to ask for assurance that, when I take my car in for repair, I am not just giving it over to someone who is enthusiastic about car repairs, but is actually qualified. The stakes of that going wrong are high; someone who does not know how to fix brakes will cause significant risk. When I visit the GP, I want reassurance that I have not just got someone who has done health tech, had a great 20-year-long career in that, and has decided to swap over and offer their expertise there. I want someone who is absolutely qualified in that practice.

I reiterate what my hon. Friend the Member for Derby North said: no one doubts the quality of subject experts. No one doubts that those with significant top-quality experience can come in and be absolutely inspirational, but by saying that that is enough, Opposition Members suggest that qualified teacher status adds no value to that subject expertise. What about the skills in effective student development, pedagogy, collaboration, class management, assessment, feedback and differentiation? Those are not things that come naturally with subject expertise.

Several hon. Members *rose—*

Darren Paffey: Who is diving in first? I will give way.

Patrick Spencer: If the hon. Member takes a moment later today to listen to the Secretary of State's interview on "The News Agents" podcast, Emily Maitlis said, "You can have a terrible teacher with qualified status, but a fantastic teacher who is not qualified…can't you?" The Secretary of State's response was, "Absolutely". Does the hon. Member agree with her?

Darren Paffey: What I agree is, that if someone is not performing up to scratch, the response should not be to remove the qualification for everyone else, but to deal with that individual teacher and drive up standards within the school. That is once again, completely common sense.

Catherine Atkinson: Does my hon. Friend agree that we train our teachers for a reason? Would he agree that parents expect their children to be taught by qualified teachers for a reason? Would he agree that some of the dismissive attitudes that we have heard from Opposition Members are insulting to the professionalism of our qualified teachers?

Darren Paffey: I fully agree that it is deeply concerning that qualified teacher status is so unimportant to them. However, it is unsurprising that the profession is in the state it is and feeling utterly undervalued after the last 14 years. I simply do not understand why qualified teacher status in all schools is such a low priority for some.

The hon. Member for Harborough, Oadby and Wigston mentioned that is the prerogative of good headteachers to have that freedom. Would he therefore logically suggest that it is the freedom of every hospital director to decide whether someone is suitably qualified to carry out surgery, or would they ask for an independent agreed common framework of training and qualification for surgeons? I suspect, and hope, it would be that. The response, as I have said, to the recruitment and the shortage issue is not to lower our ambitions.

I think back to the evidence session in which we heard from Sir Martyn Oliver—His Majesty's chief inspector at Ofsted—who actually said that appointing a non-qualified teacher to role was a "deficit decision". Those were his words, not mine. He said that it would not be his first choice, no matter how well it worked, and that non-QTS staff should supplement fully qualified staff, not replace them. I ask the Opposition to reflect on that.

This proportionate, reassuring measure is restoring common sense. It is once again restoring the value of teaching as a profession, alongside the other measures that have been taken on teacher pay, teacher prestige and investment in schools, although those were certainly not taken in recent years.

Damian Hinds: It is a pleasure to follow the hon. Member for Southampton Itchen. I enjoyed his speech and I think he made several very good points, a number of which the Opposition would agree with. We certainly agree with the importance of the foundation of qualified teacher status, and a lot of work rightly went into reforming the core content and framework of initial teacher training, as well as the early career framework. Those are incredibly important foundations for a successful career in teaching.

With the present Government's plan to recruit just 6,500 teachers over the next five years, which is a material slow-down compared with the Parliament just ended, it should be more straightforward to hit those recruitment targets, but I do not think this discussion is really about the numbers that we can recruit into the teaching profession. It is about getting the right people, which the hon. Member for Southampton Itchen also said. It is not about obsessing over having the structures but getting the right people, and this is about getting the right people in front of children in school settings. By the way, presuming we are not just talking about academics, that also applies to sport, music and art.

Patrick Spencer: Can my right hon. Friend answer me this question? Which is better, an English graduate, with QTS, teaching maths in a primary or secondary school, or a maths graduate, without QTS, teaching maths in a primary or secondary school?

Damian Hinds: I think this is where the whole House comes together. The best of all worlds is to have someone who is both a subject specialist, with their own excellent academic record, and QTS, and who is also a really inspirational practitioner. Of course, those three things come together on many occasions, but sometimes there are choices that have to be made.

Darren Paffey: Very briefly, does the right hon. Gentleman not agree therefore that the right people we are talking about are not just those who quite rightly often have a stellar career in another area of subject expertise? Would they not be right for children and for schools if they wanted not only to bring that expertise but to do everything they can to be best prepared to direct the curriculum, outcome and chances of those children by being qualified?

Damian Hinds: Of course, and for many people that is the right thing to do. There are mid-career and later-career programmes for coming into teaching and I want people to do those more and more. Sometimes, however, people come from abroad, and it could be from a country with which we do not necessarily have mutual recognition, or they might come from the independent sector, so they might have taught for many years and be an outstanding practitioner. The hon. Gentleman also said if he went to the mechanic, he would not want someone who is just fascinated by engines, and I understand that entirely. However, if someone wanted to learn football, and they had the opportunity to learn from a professional footballer, although not as the only PE teacher—

Ellie Chowns (North Herefordshire) (Green) *rose—*

Lizzi Collinge *rose—*

Amanda Martin *rose—*

Damian Hinds: Look at this! How do I choose? I will go to the hon. Member for Portsmouth North.

Amanda Martin: And a cracking football team, I will add. Absolutely, those sportsmen and sportswomen can inspire, but actually many of those at the elite of their game would not understand the difficulties for those children who may not be as good at that sport, so therefore it is about their learning of pedagogy and differentiation. They could absolutely enhance learning, but actually becoming a teacher would need a qualified teacher status. If someone is really committed and wants to give something back, they can spend a year of their time on a PGCE to get that on-the-job training. We should not be racing to the bottom with our kids.

Damian Hinds: I am very happy to let that comment sit there. Of course, the hon. Lady is right: there are many things that come from a PGCE, but being a top-five footballer may not be one of them. For that kid, having in their school, with other PE teachers, someone with personal experience playing at a high or high-ish level might really bring something. That does not negate the hon. Lady's point, but I think it stands on its own.

10.45 am

Ellie Chowns: As the parent of a former footballer, I know that the Football Association does not let people coach football, even Saturday league, without being a qualified coach, so the right hon. Member's analogy falls down.

Damian Hinds: She makes my point for me.

Ellie Chowns: No, I am making my point, which is that it is entirely reasonable to require that people who are in an educational role are either qualified to take that role or undergoing the process of qualification. If somebody wants to be a teacher and wants to contribute to educating our young people, I see no reason why they would not want to make sure that they have the skills to do that. *[Interruption.]* I let the right hon. Gentleman finish his sentences.

Damian Hinds: I think the hon. Lady makes my point for me: it is possible to train children to play football without a PGCE.

Ellie Chowns: When coaching young people playing football at Saturday clubs, the Football Association is the relevant regulatory body. When teaching in a school, the relevant regulatory body is that which gives qualified teacher status.

Damian Hinds: Yes, but that does not change the fact that individuals, perhaps including the hon. Lady's son—I do not know her son; I do not know his circumstances or his school career—may be perfectly capable of helping kids learn how to play football without having a PGCE, and it happens—

Ellie Chowns *rose—*

Lizzi Collinge *rose—*

Damian Hinds: Colleagues and friends, forgive me; it happens all the time in clubs and in schools. It happens in after-school football clubs and before-school football clubs. If the club starts five minutes after half-past 3 or finishes five minutes before half-past 3, I am not quite sure I understand how that individual's ability to help kids to learn how to play football is materially affected.

Lizzi Collinge *rose—*

Catherine McKinnell *rose—*

Damian Hinds: I did not realise we were going to spend today talking about football.

Catherine McKinnell: I think it might be helpful to clarify—although I am surprised it needs to be clarified for a former Secretary of State for Education—that the current exemptions for qualified teacher status, which he will be well aware of, already apply to maintained schools and they will continue to apply as part of the extension of the same requirements to the academy system. He will be well aware of the exemptions, and he will be well aware that what he is saying is not correct.

Damian Hinds: No, no, no; he may be well aware of many things, but he is certainly not well aware that what he is saying is not correct. He is totally aware that what he just said is correct: that people who do not have a PGCE or QTS may still form a valuable and useful part of the staff at a school to help kids to learn in a variety of disciplines, including non-academic ones such as sport and art.

Lizzi Collinge: Will the right hon. Gentleman give way?

Damian Hinds: I am starting to attract a little bit too much attention from Sir Edward, who I think may be becoming impatient with me for the length of my speech, but I will give way one last time.

Lizzi Collinge: I thank the right hon. Gentleman for his patience with our multiple interventions. However, I believe they are very necessary. Does he agree that the experiences of hundreds of thousands of parents during covid lockdowns, when schools were closed, show very clearly that having professional knowledge and experience in the workplace is no substitution for being a teacher? As someone who home-schooled a two-year-old and a six-year-old, trust me when I say that that experience gave me even more respect for the qualified teachers of this world. Does the right hon. Gentleman agree that there is a fundamental difference between subject-matter expertise and the ability to teach?

Damian Hinds: I agree with the hon. Lady 100%, just as I agreed with what the hon. Member for Southampton Itchen said entirely. Of course, there is not just a material difference between not being a qualified teacher and being a qualified teacher. It is like night and day, and what teachers learn about pedagogy and the experience they get during that time cannot be replicated on an online course or by reading books. She is right, too, that during covid millions of people up and down the country quite rightly developed, renewed or enhanced their respect for the teaching profession and for what teaching is capable of doing.

Neil O'Brien *rose—*

Damian Hinds: I did say, "One last time," but I cannot refuse my hon. Friend.

Neil O'Brien: I thank my right hon. Friend, and I completely agree with him about the respect due to teachers. The hon. Member for Portsmouth North mentioned a "race to the bottom", yet that is not what the Secretary of State is saying, and there is no evidence in any of what the Government are doing that there is a problem with the quality of non-QTS teachers. Indeed, we heard from Rebecca Leek at the start of our proceedings that it was a race to the top. She was getting one of the best people—she happened to be running a nursery and had not gone into teaching; but she knew all about the early years and was one of the best people one could possibly get, even though she was non-QTS. Another hon. Member on this Committee has said that there was "no reason" not to get QTS, but in many cases, there are reasons. Perhaps someone is at the very end of their career and is not going to go through all the bureaucracy to do that, in order to do the last two years of—*[Interruption.]* It was said—

The Chair: Order. Committee Members may speak as often as they like, so interventions need to be very short.

Neil O'Brien: To finish the point, sometimes there are reasons. Sometimes people want to give back; but by making it harder for them to go to state schools, it is state schools that will miss out—not independent schools or others.

Damian Hinds: The points that the hon. Members for Southampton Itchen and for Morecambe and Lunesdale made lead me to—you will be pleased to know, Sir Edward—the concluding section of my remarks, which is to pose the same question that all Opposition Members have posed: why? What is driving this? As with so many other aspects of the Bill—we heard about in the evidence sessions on day one—what is the problem we are trying to solve?

So I did a little research. I wondered—after 14 dark years of Conservatives in government, people being able to recruit teachers willy-nilly, a race to the bottom, blah, blah, blah—how huge the proportion had become of the teaching workforce without qualified status, which is something that Government Members, I and all of us know has such huge value, but which can also be complemented by people with other types of expertise and experience, who may help to augment those brilliant teachers with their qualified teacher status. What do you suppose the proportion was, Sir Edward?

The Chair: I don't know, you tell me.

Damian Hinds: I am at liberty to reveal that, after those 14 years, the proportion of the teaching workforce without qualified teacher status was 3.1%. *[Interruption.]* Then I thought—like the hon. Member for Lewisham North, the Whip—that it might have been from a low base and that there must have been huge growth in those 14 years. So I looked back to see what the proportion was in 2010. Last year, it was 3.1%. Can you guess what it was in 2010, Sir Edward?

The Chair: I've no idea.

Damian Hinds: It was 3.2%—so the proportion in fact shrank slightly over those 14 years. I therefore wonder what verdict Government Members, in their bid to avoid a race to the bottom, give on the Labour Government from 1997 to 2010, which left us with 3.2% of the teaching workforce not being qualified.

Catherine McKinnell: Does the right hon. Member have a breakdown of how many of that percentage are teachers in training?

Damian Hinds: I do—I am so glad the hon. Lady asked that, because I asked the same question that she rightly did. Presumably, most of the 3.2% were on a journey towards qualified teacher status. I have the spreadsheet on front of me: the proportion of full-time equivalent teachers without qualified teacher status who were not on a QTS route in 2010-11 was 85.6%.

Amanda Martin: Will the right hon. Gentleman take a question?

Damian Hinds: I thought I was doing the questions. My question is: what is the thing that has changed and got worse over this period, which the Government think they are going to address? What is driving the inclusion of these provisions in primary legislation? What problem are Ministers trying to solve?

Amanda Martin: I would like to understand whether the classes that are covered by teaching assistants and cover supervisors are included in the ratio of qualified or unqualified teachers, because things happen on a daily basis in our classrooms, and teachers are not always registered as the registered teacher—they might be covering a class or they might be a teaching assistant who has been asked to step up. I was asked why, and I was not able to answer at the beginning, but the Government still believe that the answer to the "Why?" question is that we need to ensure that all our children are taught by qualified teachers to get the best education. During the early 2010s, the gap across all school stages began to gradually close, but the attainment gap has since widened, with 10 years of progress wiped out—that is from a February 2024 Sutton Trust report.

Neil O'Brien: The hon. Lady says that all of our pupils deserve a QTS teacher, so why are the Government exempting those in further education, 14 to 19 and 16 to 19, academies, university technical colleges, studio schools, non-maintained schools and early years settings? If it is so desperately important, why are they exempting the settings that have more non-QTS teachers? The hon. Lady thinks that is a mistake, presumably.

The Chair: Is the hon. Lady going to respond?

Amanda Martin: No, I had finished—I do not know why the hon. Member intervened.

Patrick Spencer: I will not bore everyone with another rendition of the credit of non-QTS teachers. I will just say that I spent Friday at Debenham high school. When I spoke to the headteacher, he sighed in frustration at suddenly having to look down the barrel and find qualified status for his language teachers. He has a Spanish teacher who works at the high school who he will now to need to train. I know we are having an argument about immigration policy in this country, but

[Patrick Spencer]

trying to stop foreign teachers coming to this country and teaching in schools in Suffolk is not how the problem will be solved.

My point is about costs. A Policy Exchange report suggested that getting all non-QTS teachers trained was going to cost in excess of £120 million—six times the budget that the Government have allocated to solving stuck schools, and six times the budget we are going to spend on getting teachers to jump over regulatory barriers. So can the Minister confirm the estimated cost of getting teachers qualified status and whether the Department will cover that cost, or will the Government just end up burdening schools with the cost of getting over this regulatory hurdle?

David Baines (St Helens North) (Lab): It is a pleasure to serve under your chairmanship, Sir Edward.

I was not going to speak in this debate, but I have sat here in increasing bafflement—a bit like the debate we had in a previous sitting on branded school uniform items. I think most ordinary families watching or listening to this debate will share my confusion. We have heard time and again from Opposition Members about whether the measure is needed. I have QTS—I was a teacher in a previous life 10 years ago—but I am speaking as a parent. I have one child at a maintained primary school, and my eldest child is at an academy secondary school. I do not care what kind of school they go to, as long as it is a good school and they get a good education with good outcomes. For me, this is about expectations and high standards. As a parent, I am entitled to expect that both my children are taught by qualified teachers.

Patrick Spencer: The hon. Gentleman has just made two completely different statements. He said, "I will send my children to a school that will deliver an outstanding education that is right for them," while simultaneously saying, "Ah, but this is about making sure that teachers have qualified status, and my expectation that they have qualified status, whether my children get a good education or not." Failing schools that academise are three times more likely to improve an Ofsted rating than—

David Baines: Will he give way? *[Laughter.]*

Patrick Spencer: I did not hear that, but I am sure it was one of the hon. Gentleman's funnier comments.

Vicky Foxcroft (Lewisham North) (Lab): He asked you to give way.

Patrick Spencer: The hon. Gentleman just made two different statements, so can he clarify what he means?

11 am

David Baines: I do not believe they are contradictory, because expecting an outstanding education involves expecting teachers to be qualified. The hon. Member's colleagues have said that, and witnesses in oral sessions said the same. Of course qualified teachers are the ideal. I do not believe it is contradictory to say that I expect teachers to be qualified and that I want my children to have an outstanding education—those things go hand in hand.

Neil O'Brien: If the hon. Gentleman were a parent at an FE college, would he have the same expectation, and does he understand why all these other schools are exempt?

David Baines: In an ideal situation, of course I want whoever is teaching my children to be qualified, and I do not think that is an unfair expectation.

Going back to a point that has been made, we have heard that that is already the situation in maintained schools. To bring what may be the conclusion of the debate back to its start by mentioning the rugby league—which I am very happy to talk about for many hours, if anyone will indulge me—in my constituency of St Helens North, our rugby league club does outstanding work across the community including in both maintained and academy schools, with children across the borough getting access to high-quality sports coaching. That will not change. At maintained schools across the country, pupils have access to specialist adults coming in and teaching them all sorts of things in the presence of qualified teachers as well. That will not change. This is about high expectations. Like the debate we had about branded items, most parents and families listening to this will be absolutely baffled at the Opposition and at how much time we are spending talking about something that, to most parents, should be a standard expectation—that the people teaching their children are qualified.

The Chair: Well, Minister, we have had a lively debate.

Catherine McKinnell: Thank you, Sir Edward. I rise to speak to amendments in the names of the hon. Member for Harborough, Oadby and Wigston and the hon. Member for Twickenham, and to clause 40 stand part.

Turning first to amendment 73, I do appreciate that the hon. Member for Harborough, Oadby and Wigston has some concerns about clause 40. However, this amendment could deny new teachers high-quality training and induction, which is based on the evidence of what makes good teaching during the critical early years of their careers. Moreover, the amendment would apply to schools maintained by local authorities and special schools, which are already required to employ teachers who have or are working towards QTS—a system, I might add, that is working quite effectively. As well as ensuring subject knowledge, QTS ensures that teachers understand how children learn, can adapt their teaching to the needs of children in their class—particularly and including those with special educational needs—and can develop effective behaviour management techniques. It is remarkable that we are having to justify the importance of teacher training.

Damian Hinds: You're not.

Neil O'Brien: Straw man.

Catherine McKinnell: It has been referred to as a bureaucratic hurdle a number of times during this debate, which I think those in the teaching profession will find remarkable, as well as parents, as my hon. Friend the Member for St Helens North said.

Amendment 73 could also lead to some unqualified teachers either leaving the profession or moving to another school before the five-year deadline that the hon. Member for Harborough, Oadby and Wigston

suggests, rather than gaining the training and support to which all teachers should be entitled. That would risk having a negative impact on both the quality of teaching and the retention of teachers. We recognise that schools will still need some flexibility, so we are updating regulations to clarify that schools will still be able to recruit an unqualified teacher. Those teachers will have three terms to secure a place on an appropriate route to qualified teacher status, which will ensure that schools' recruitment processes for teachers are not held up in any way.

Damian Hinds: Just to ask a factual question that I should know the answer to, are those regulations published?

Catherine McKinnell: Those are the regulations that are already in place for the maintained sector.

Damian Hinds: The Minister said she had updated them.

Catherine McKinnell: They will be updated to apply to the academies sector.

Turning to amendment 74, I appreciate the intention of the hon. Member for Harborough, Oadby and Wigston to ensure that the clause does not impact the working arrangements of unqualified teachers already working in academies. We agree that the requirement should not impact existing employment arrangements in academies, but we need to do that in a way that does not inadvertently affect the way that legislation already applies to local authority maintained schools and special schools.

We will, subject to the passage of the Bill, provide an exemption in regulations for any teacher who commences their employment with an academy school or trust prior to September 2026. Those teachers who move to another employer after that date will need to obtain qualified teacher status. We will set out an exemption in regulations for teachers who are employed to teach in a primary or secondary academy setting. That will mean that we are able to provide schools with reasonable time to prepare for any necessary changes to their recruitment procedures following changes to primary legislation.

On amendments 75 and 94, I recognise the challenges around teacher recruitment that we have inherited. However, the solution should not be to embed lower standards for shortage subjects in primary legislation. The amendments would create uncertainty for schools and teachers, as the teachers that schools employ could move in and out of the requirement to hold qualified teacher status depending on each year's initial teacher training recruitment data. They would also change the requirements for qualified teacher status in local authority maintained schools and special schools, which are already required to employ teachers with qualified teacher status.

Under clause 40, schools will continue to be able to recruit teachers without qualified teacher status for any subject and then support those teachers to gain qualified teacher status through an appropriate route.

Neil O'Brien: It seems to me that the Government recognise the importance of pragmatism and that that is why they have chosen to exempt FE, 14-to-19 academies, 16-to-19 academies, university technical colleges, studio schools and non-maintained early years settings, and I would be grateful if the Minister would confirm that. I put it to her that the same argument that has caused Ministers to pragmatically exclude those types of schools is perhaps also an argument for excluding shortage subjects.

Catherine McKinnell: As the hon. Member is aware, qualified teacher status is the professional qualification for teachers in primary and secondary schools. Currently, it applies to local authority maintained schools and special schools. Under these proposals, it will apply to all primary and secondary state-funded schools in England. As he is aware, there are currently some exceptions to that in legislation. Those exceptions will continue to apply as the requirement is applied to the academy sector.

On the second part of the hon. Member's question—

Neil O'Brien: The second part of my question was about the settings the Minister has chosen to exclude—let us be clear that this is a new exclusion from a new rule. They are settings where the share of non-QTS teachers is typically higher. We are still looking for the explanation of why some schools are different from others. These are schools with kids of the same age—schools with 14-year-olds—but some will have the new requirement and others will not. I am just trying to get Ministers to explain the logic of that. It seems to be pragmatic: there are not enough QTS teachers in those schools and Ministers do not want to create a problem by applying their new rules to those types of settings, of which there are many. I am just trying to make the same point about shortage subjects. I do not know if the Minister can see the connection.

Catherine McKinnell: I wonder if it would be helpful if I finished my comments, and then I will be more than happy to come back to the hon. Gentleman's question if I have not answered it. I am currently responding to the amendments tabled by various Members, and then I will set out the rationale for clause 40. I would be more than happy to answer specific questions at the end if I have not anticipated them, which I hope to do.

Under clause 40, schools will continue to be able to recruit teachers without qualified teacher status for any subject and then support those teachers to gain qualified teacher status through an appropriate route. We are updating the regulations to clarify that they will have three terms to secure a place on an appropriate route to QTS. We believe that will give schools adequate flexibility for circumstances in which they need to recruit a subject expert who does not have qualified teacher status, but can be on a route to gaining it under these requirements.

We are focused on ensuring that we have enough qualified teachers available for schools. Obviously, the best recruitment strategy is retention, and that starts with making sure that teachers who are currently teaching have access to high-quality training and induction support. We have a range of measures beyond the Bill to address the recruitment and retention of teachers in shortage subjects, including a targeted retention incentive, worth up to £6,000 after tax, for mathematics, physics, chemistry and computing teachers in the first five years of their careers who choose to work in disadvantaged schools.

I have considered amendment 76, in the name of the hon. Member for Harborough, Oadby and Wigston, but amending clause 40 in that way would build a loophole into the changes that the clause seeks to make,

[Catherine McKinnell]

so the amendment effectively seeks to remove the clause. Clause 40 demonstrates our commitment to qualified teacher status and the professional status of teaching. High-quality teaching is the most important in-school factor for improving outcomes for all children. Great teachers need subject expertise, but they also need to understand how children learn, how to adapt age-specific approaches, and how to adapt their teaching to children in their class with a range of different needs.

This Bill will continue to raise standards. It builds on reforms made by previous Governments, who ensured that the essential knowledge associated with great teaching is incorporated into all primary and teacher training. We want to ensure that new teachers have the benefit of that knowledge, whichever type of school they work in. For the reasons I have outlined, I kindly ask hon. Members not to press their amendments.

Clause 40 will help us break down barriers to opportunity by making sure that new teachers are prepared for a successful teaching career through high-quality, regulated initial teacher training, followed by statutory induction to support their professional development. It will reaffirm the professional status of teaching and emphasise the importance of high-quality teaching for children's outcomes.

Academies will need to ensure that new teachers entering the classroom have or are working towards qualified teacher status, followed by the completion of statutory induction. The qualified teacher status requirement will ensure that new teachers and experienced educators moving from other settings are supported to have long-term, successful teaching careers and are in the best possible position to have an impact on children's life chances. It will not apply to any teacher who was recruited and employed before the implementation date, unless they move to a different employer. That will minimise any disruption to current academy employment arrangements.

The clause will ensure that teachers who gain qualified teacher status after the implementation date complete statutory induction so that they receive a programme of support that ensures that they meet standards and are well trained at the start of their careers. It will bring academies in line with maintained schools and will standardise the approach across state-funded schools for new teachers to the classroom to have or be working towards qualified teacher status, and to complete statutory induction.

I hope that answers the question about why we are doing this. To allay the concerns that have been raised, let me say that the exemptions that are currently in place for maintained schools will remain and will be extended to academies. I hope that answers that question.

Neil O'Brien: Will the Minister give way?

Catherine McKinnell: I was going to answer some more specific questions, but perhaps the hon. Gentleman wants to put his question again so that I appreciate what it is.

Neil O'Brien: The Minister talks about maintaining or continuing with various things but, to be clear, the clause will introduce a new exemption. This is not just about later phases of education; it is about children in normal secondary schools. The Government have chosen to exempt further education, 14-to-19 academies, 16-to-19 academies, UTCs, studio schools and non-maintained school early years settings. There are a heck of a lot of state schools that are being exempted from the things that the Ministers say are so desperately important. I still have not heard the reason why, if they are so important, they do not apply to them, too.

Catherine McKinnell: I have been pretty clear that we are basically bringing to the state school academy sector the same requirements that currently apply to the local authority maintained school sector and to special schools.

11.15 am

Neil O'Brien: The Minister says " to the…academy sector", but she is not doing it to 14-to-19 academies, to 16-to-19 academies, or to UTCs and studio schools, which are both types of academy. It is not, as she says, all academies; it is only some, and I do not know why.

Catherine McKinnell: High-quality teaching is available for those who want to teach in further education settings or early years settings. Early years teacher status is available for those wishing to specialise in teaching babies and young children. There is an optional professional status, qualified teacher learning and skills status, available to further education teachers. None of those things are the subject of this Bill, which deals specifically with primary and secondary schools in the state sector, including local authority maintained schools, special schools and academies.

There is a range of city technology colleges, studio schools and university technical colleges that offer a particular curriculum or focus in some respect on a particular artistic, technical or vocational education. We want to ensure that they have the flexibility that they require to employ specialist teachers with a range of expertise, knowledge and experience to deliver that education effectively.

The intention of the clause is to extend the already well-functioning qualified teacher status in the maintained sector to all primary and secondary schools so that parents know that their child has a core offer—it is not just about qualified teacher status; it is about the national curriculum, which we will get on to, and I am sure we will have additional debate on the teacher pay floor and conditions—and teachers who work in state primary and secondary schools, whether they are a maintained schools or academy schools, know that there is a core offer for them to work in that environment. The purpose of the clause is to provide clarity about what both a teacher and a parent can expect from a school.

I can go into more detail on specific points that hon. Members have made, but I believe I have covered most outstanding queries. I will leave it there, unless hon. Members have specific issues that they feel I have not addressed.

Neil O'Brien: I wish to press our amendment 75. To explain that briefly, across the public sector, be it in the civil service, the police or social work, we are trying to make it easier for talented people to come in from the outside, yet in this field we are moving in exactly the opposite direction. The Government are offering pragmatism in some fields, but not in the case of shortage subjects. I beg to ask leave to withdraw amendment 73, but I am keen to press our amendment 75.

Amendment, by leave, withdrawn.

Amendment proposed: 75, in clause 40, page 99, line 23, at end insert—

"(1A) In section 133 (requirement to be qualified), after subsection (1) insert—

'(1A) Where a person is carrying out such work for the purposes of teaching a shortage subject, the requirement in subsection (1)(a) does not apply.

(1B) For the purposes of this section, "shortage subject" means any subject in relation to which the Department for Education's recruitment targets for initial teacher training have been missed in the most recent year for which such statistics exist.'"—*(Neil O'Brien.)*

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 12.

Division No. 13]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Foxcroft, Vicky
Baines, David	Hayes, Tom
Bishop, Matt	McKinnell, Catherine
Chowns, Ellie	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

The Chair: Do you wish to move your amendment, Ms Wilson?

Munira Wilson: My amendment 94 largely seeks to do the same as the amendment on which we have just voted, so I do not propose to press it to a vote, but if I may, Sir Edward, I will just say one sentence about it.

Given some of the comments by Government Members, I want to clarify on the record that we on the Liberal Democrat Benches believe that qualified teachers are crucial. The purpose of my amendment 94 was to prevent unintended consequences. When a specialist teacher is not available, I would rather children had somebody in front of them with the knowledge to teach them than went without—that is why we tabled amendment 94—but we absolutely agree with the Government's intentions. I was troubled by the suggestion that we wanted to lower standards in schools, or anything like that. Qualified teachers—excellent teachers—are critical to children's outcomes.

The Chair: Amendment 94 is not moved.

Clause 40 ordered to stand part of the Bill.

Clause 41

ACADEMY SCHOOLS: DUTY TO FOLLOW NATIONAL CURRICULUM

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

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

New clause 44—*Flexibility to not follow the National Curriculum—*

"(1) The Education Act 2002 is amended as follows.

(2) In section 79(4), omit from 'include' to the end of paragraph (a).

(3) In section 80—

(a) in subsection (1)(b), omit 'known as' and insert 'which may be, or include,';

(b) after subsection (1), insert—

'(1A) Any curriculum taught under subsection (1)(b) which is not the National Curriculum for England must not be of a lower standard than the National Curriculum for England.

(1B) All curriculums must be assessed by the Chief Inspector to be of high quality.'.

(4) In section 88—

(a) in subsection (1), omit from 'that the' to 'is implemented' and insert 'a balanced and broadly based curriculum';

(b) in subsection (1A), omit from 'that the' to 'are implemented' and insert 'appropriate assessment arrangements'."

This new clause would allow local authority maintained schools to offer a curriculum that is different from the national curriculum but that is broad and balanced. It extends academy freedoms over the curriculum to maintained schools.

New clause 53—*Exemption from requirement to follow National Curriculum in the interests of improving standards—*

"In the Education Act 2002, after section 95 (Appeals against directions under section 93 etc) insert—

'95A Exception in the interests of improving standards

Where the proprietor of an Academy school or a local authority maintained school believes that the raising of standards in the school would be better served by the school's curriculum not including the National Curriculum, any provisions of this Act or any other Act do not apply so far as they require the school's curriculum to include or follow the National Curriculum.'"

New clause 54—*Exemption from requirement to follow National Curriculum where Ofsted approves curriculum—*

"In the Education Act 2002, after section 95 (Appeals against directions under section 93 etc) insert—

'95A Exemption where Ofsted certifies curriculum as broad and balanced

Where—

(a) the proprietor of an Academy school or a local authority maintained school believes that the raising of standards in the school would be better served by the school's curriculum not including the National Curriculum, and

(b) His Majesty's Chief Inspector has, within the previous ten years, certified that the school provides its pupils with a broad and balanced curriculum,

any provisions of this Act or any other Act do not apply so far as they require the school's curriculum to include or follow the National Curriculum.'"

New clause 65—*Flexibility to take into account local circumstances when following the National Curriculum—*

"In section 87 of the Education Act 2002 (establishment of the National Curriculum for England by order), after subsection (1) insert—

'(1A) In any revision to the National Curriculum for England, the Secretary of State must ensure that the National Curriculum shall consist of—

(a) a core framework; and

(b) subjects or areas of learning outside the core framework that allow flexibility for each school to take account of their specific circumstances.'"

This new clause would clarify that, when revised, the National Curriculum for England will provide a core framework as well as flexibility for schools to take account of their own specific circumstances.

New clause 66—*Parliamentary approval of revisions of the National Curriculum*—

"In section 87 of the Education Act 2002 (establishment of the National Curriculum for England by order), after subsection (3) insert—

'(3A) An order made under this section revising the National Curriculum for England shall be subject to the affirmative procedure.'"

This new clause would make revisions to the National Curriculum subject to parliamentary approval by the affirmative procedure.

Catherine McKinnell: Parents and children have a right to expect that every child will receive a core education that builds the knowledge, skills and attributes they need to thrive, regardless of the school they attend. Our reforms will create a richer, broader curriculum that will ensure that children are prepared for life, work and the future. We want all children to benefit from the reformed curriculum, so the clause will introduce a requirement for academies to follow the national curriculum in the same way as maintained schools.

That does not mean prescribing every last detail of what is taught and how. The reformed curriculum will allow all schools plenty of scope for innovation. It will be designed to empower, not restrict, academies and other schools, and will ensure that teachers have the flexibility to adapt to the needs of their pupils. The measures will be commenced only after the independent curriculum and assessment review has concluded and we have responded to its recommendations and developed a reformed curriculum. The clause will give every child guaranteed access to a cutting-edge curriculum that will provide an excellent foundation in reading, writing and maths, and ensure that they leave compulsory education ready for life and ready for work. I hope the Committee agrees that the clause should stand part of the Bill.

New clause 44 was tabled by the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich. G. K. Chesterton famously said, "You should never take down a fence until you know why it was put up." The national curriculum was established in the late 1980s to ensure that children receive a broad, high-quality education. It provides a strong foundation, regardless of background or the school attended. It is not about meeting an abstract standard; it is about making sure that all children have access to the knowledge and skills necessary to thrive in society and the economy of the future. The national curriculum also enables credible national qualifications, facilitates smoother school transitions and supports accountability.

However, it is not, and was never intended to be, prescriptive. Kenneth Baker—now Lord Baker—said when introducing the national curriculum:

"We want to build upon…the professionalism of the many fine and dedicated teachers throughout our education system… The national curriculum will provide scope for imaginative approaches developed by our teachers."

Much has changed since then, but that principle still very much applies. By taking away that curriculum fence, the new clause could undermine the consistency and equity of education across state-funded schools at a time when we are trying to assure it. Allowing maintained schools to deviate from the national curriculum could lead to a more fragmented system, in which the quality and content of education varies widely. It was that problem, and the lack of transparency in and accountability for what our children were being taught, that led to the curriculum fence being erected in the first place. We must not return to curriculum decisions being taken in what James Callaghan famously called a "secret garden".

As drafted, the new clause could also place an unimaginable burden on Ofsted to assess the curriculum of any school deviating from the national curriculum to ensure high quality. Intentionally or otherwise, the new clause would also remove the requirement to deliver national curriculum assessments, including the phonics screening check and SATs. That would undermine key quality measures, making it harder for parents to compare how well schools teach pupils and harder for schools to be held to account. On that basis, I invite the hon. Members not to press the new clause to a vote.

New clause 53, also tabled by the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich—

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Tenth Sitting

Tuesday 4 February 2025

(Afternoon)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 8 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, † Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 4 February 2025

(Afternoon)

[Sir Christopher Chope *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 41

Academy schools: duty to follow National Curriculum

2 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Chair: I remind the Committee that with this it will be convenient to discuss:

New clause 44—*Flexibility to not follow the National Curriculum—*

"(1) The Education Act 2002 is amended as follows.

(2) In section 79(4), omit from 'include' to the end of paragraph (a).

(3) In section 80—

(a) in subsection (1)(b), omit 'known as' and insert 'which may be, or include,';

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"In the Education Act 2002, after section 95 (Appeals against directions under section 93 etc) insert—

'95A Exemption where Ofsted certifies curriculum as broad and balanced

Where—

(a) the proprietor of an Academy school or a local authority maintained school believes that the raising of standards in the school would be better served by the school's curriculum not including the National Curriculum, and

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'(1A) In any revision to the National Curriculum for England, the Secretary of State must ensure that the National Curriculum shall consist of—

(a) a core framework; and

(b) subjects or areas of learning outside the core framework that allow flexibility for each school to take account of their specific circumstances.'".

This new clause would clarify that, when revised, the National Curriculum for England will provide a core framework as well as flexibility for schools to take account of their own specific circumstances.

New clause 66—*Parliamentary approval of revisions of the National Curriculum—*

"In section 87 of the Education Act 2002 (establishment of the National Curriculum for England by order), after subsection (3) insert—

'(3A) An order made under this section revising the National Curriculum for England shall be subject to the affirmative procedure.'".

This new clause would make revisions to the National Curriculum subject to parliamentary approval by the affirmative procedure.

The Minister for School Standards (Catherine McKinnell): We move on to new clause 53, tabled by the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich. Removing the entitlement to a high-quality core curriculum for all children by allowing schools, whether they are maintained or academies, to deviate from the national curriculum, could create an unequal system where the content of a child's core education varies widely.

Let us be clear that what we are talking about: a requirement to teach the national curriculum does not create a ceiling; it does not force schools to teach in a particular way or prevent them from adapting or innovating, and it does not stop them adding extra content that works for their pupils. It simply says that, as a nation, this is the core knowledge and skills that we expect schools to teach their pupils, whatever their background. New clause 53 would allow a school to decide not to teach its pupils some important core content that all other children are being taught. We do not think that parents want their children's school to be able to do that. On that basis, I ask the hon. Members to withdraw the new clause.

The hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich also tabled new clause 54. The national curriculum is the cornerstone of the education system. We are reforming it and extending it to cover academies to ensure that every child, regardless of their background or the school they attend, receives the best possible core education. I have set out already why allowing schools to opt out of the national curriculum creates a risk of an unequal system, where not all children can benefit from a strong foundation of the reformed curriculum and what it will provide, so I will focus on the additional elements in the new clause, particularly the Ofsted certifications.

There are unanswered questions about how this provision would work in practice. We have moved from single headline judgments in Ofsted inspections, but the new clause seeks to create a single judgment that would have a material impact on a school for the next decade. The fact that a school offered a broad and balanced curriculum, as all schools must, at some point in the previous 10 years does not mean that it currently does or will do in the future if it chooses not to follow the national curriculum. If, subsequently, Ofsted found the school's curriculum was not up to scratch, the school would have the disruption and cost of suddenly having to teach the national curriculum again. Allowing more schools to deviate from the national curriculum just as we are reforming it creates a risk that some pupils will not be taught the core knowledge and skills that every young person deserves to be taught. I again invite the hon. Members to withdraw the new clause.

New clause 65 was tabled by the hon. Member for Twickenham. Ensuring that schools can adapt their teaching to unique contexts and circumstances is clearly important, but the current framework already provides the flexibility that schools need and value. The national curriculum subject programmes of study already give schools the flexibility to tailor the content and delivery of the curriculum to meet the needs of their pupils and to take account of new developments, societal changes or topical issues. The reformed national curriculum will help to deliver the Government's commitment to high and rising standards, supporting the innovation and professionalism of teachers while ensuring greater attention to breadth and flexibility. The proposed core framework would add significant extra complexity to the national curriculum, which already has core and foundation subjects, and would risk being confusing for schools. On that basis, I invite the hon. Member to withdraw the new clause.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): New clause 54 would allow academies to continue to exercise freedom in the matter of their curriculum where Ofsted is satisfied that the curriculum is broad and balanced. New clause 53 would allow ongoing curriculum freedom in academies where it is needed in the interests of improving standards. New clause 44 would extend academy freedoms to local authority maintained schools, allowing them to offer a curriculum that is different from the national curriculum, as long as it is broad and balanced and certified by Ofsted.

The imposition on all schools of the—currently being rewritten—national curriculum was raised in our evidence session right at the start of this Bill Committee. As Nigel Genders, the chief education officer of the Church of England noted:

"The complexity is that this legislation is happening at the same time as the curriculum and assessment review, so our schools are being asked to sign up to a general curriculum for everybody without knowing what that curriculum is likely to be." —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 64.]

There is a parallel here in that we are also being asked to sign up to sweeping reforms to the academies order at the same time as the Government are changing the accountability framework, as the hon. Member for Twickenham correctly pointed out in the Chamber yesterday. Several school leaders gave us good examples showing why it is a mistake to take away academy freedoms to vary from the national curriculum. As Sir Dan Moynihan, the leader of the incredibly successful Harris Federation, explained to us:

"We have taken over failing schools in very disadvantaged places in London, and we have found youngsters in the lower years of secondary schools unable to read and write. We varied the curriculum in the short term and narrowed the number of subjects in key stage 3 in order to maximise the amount of time given for literacy and numeracy, because the children were not able to access the other subjects. Of course, that is subject to Ofsted. Ofsted comes in, inspects and sees whether what you are doing is reasonable.

"That flexibility has allowed us to widen the curriculum out again later and take those schools on to 'outstanding' status. We are subject to Ofsted scrutiny. It is not clear to me why we would need to follow the full national curriculum. What advantage does that give? When we have to provide all the nationally-recognised qualifications—GCSEs, A-levels, SATs—and we are subject to external regulation by Ofsted, why take away the flexibility to do what is needed locally?" —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 72.]

Luke Sparkes, from the also very successful Dixons Academies Trust, argued that:

"we…need the ability to enact the curriculum in a responsive and flexible way at a local level. I can see the desire to get that consistency, but there needs to be a consistency without stifling innovation." —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 79.]

Rebecca Leek from the Suffolk Primary Headteachers' Association told us:

"Anything that says, 'Well, we are going to go slightly more with a one-size-fits-all model'—bearing in mind, too, that we do not know what that looks like, because this national curriculum has not even been written yet—is a worry. That is what I mean. If we suddenly all have to comply with something that is more uniform and have to check—'Oh no, we cannot do that', 'Yes, we can do that', 'No, we can't do that', 'Yes, we can do that'—it will impede our ability to be agile". —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 83.]

The Minister talked about Chesterton's fence and gave us some lessons in Conservative history and philosophy, but I point her to the same argument: this is an example of Chesterton's fence. These freedoms and flexibilities are there for a reason. They are there to defend us against the inflexibility of not being able to do what Sir Dan Moynihan needs to do to turn around failing schools. It is no good us saying, "Here is the perfect curriculum. Let's go and study this incredibly advanced subject" if the kids cannot read or add up. This is a very powerful point that school leaders are making to us, one which I hope Ministers will take on board.

Since the Minister referred to a bit of Conversative history and Ken Baker's creation of the national curriculum in the 1980s, she will of course be aware that there was a huge debate about it and a lot of concern, particularly

[Neil O'Brien]

from Mrs Thatcher, about what many described as the "nationalised curriculum". There was concern that it would get out of hand, become too prescriptive, too bureaucratic and too burdensome. That debate will always be there, and the safety valve we have at the moment is that never since its instigation have all schools had to follow the national curriculum. Even though academies did not exist then, city technology colleges did and they did not have the follow the national curriculum. This is the first time in our whole history that every single school will have to follow it.

In relation to previous clauses, I have spoken about getting away from the dead hand of compliance culture and moving toward an achievement and innovation culture—a culture of freedom—in our schools. Pupils at Michaela Community School made the greatest progress in the whole country three years in a row—an incredible achievement—and they did that by having an incredibly distinctive and knowledge-intensive curriculum that was completely their own. Its head, Katharine Birbalsingh, has argued in an open letter to the Secretary of State:

"Clearly there needs to be a broad academic core for all children. But a rigid national curriculum that dictates adherence to a robotic, turgid and monotonous programme of learning that prevents headteachers from giving their children a bespoke offer tailored to the needs of their pupils, is quite frankly, horrifying. Anyone in teaching who has an entrepreneurial spirit, who enjoys thinking creatively about how best to address the needs of their pupils, will be driven out of the profession. Not to mention how standards will drop! High standards depend in part on the dynamism of teachers. Why would you want to kill our creativity?

Then there is the cost. Your curriculum changes will cost schools time and money. Do you have any idea of the work required from teachers and school leaders to change their curriculum? You will force heads to divert precious resources from helping struggling families to fulfil a bureaucratic whim coming from Whitehall. Why are you changing things? What is the problem you are trying to solve?"

That is a good question; perhaps the Minister can tell us the answer.

Nor is it just school leaders who are raising concerns about this clause. The hon. Member for Mitcham and Morden (Dame Siobhain McDonagh) said that the proposal to make it compulsory for academies to teach the national curriculum was "of particular concern" to her. Our three new clauses reflect what school leaders have told us. We think the clause is fundamentally a bad idea, but we are trying to find a compromise.

New clause 53 responds to Sir Dan Moynihan's point that freedom to vary from the national curriculum can be really important in turnaround situations: we cannot succeed in other things if children are unable first to read and write. New clause 54 allows freedom where schools are delivering a broad and balanced curriculum. That worries Ministers, although we heard from the head of Ofsted the other day that schools are delivering a broad and balanced curriculum, so once again it is not clear what problem Ministers are trying to solve. We do not learn the answer from the impact assessment either. If this is just about ensuring that all schools have the same freedoms, new clause 54 would give local authority schools the same freedoms as academies, but that is not what the Government are proposing.

I hope the Minister will tell us at some point what problem she is trying to solve. Where is the evidence of abuse? There is none in the impact assessment, and Ministers have not produced any at any point so far in the process. The Government's impact assessment says that schools

"may need to hire additional or specialist teachers for any subjects not currently delivered or underrepresented in existing curricula",

that they may need to make adjustments in their facilities, resources and materials to meet the national curriculum standards, and that they may need "additional or specialised training" to deliver the new national curriculum. It says:

"some academies may be particularly affected if their current curriculum differs significantly from the new national curriculum".

Unfortunately, the impact assessment does not put any numbers on the impact. Will the Minister commit clearly and unambiguously to meet the costs, including for facilities, for any schools that have to incur costs as a result of this measure?

The Minister talked about Jim Callaghan's famous phrase, his reference to a "secret garden". We will come on to that on a later new clause, when we will advance the case against secret lessons in relationships, health and sex education. I hope the Minister will be as good as her word; I hope she is against the secret garden in that domain. On these new clauses, we hope the Minister will listen to the voices of school leaders, her own colleagues and people who are concerned about clause 41, and tell us what the problem is that the Government are trying to solve. The Government clearly like the idea of everything being the same—they like imposing the same thing on every school in the country—but what is the problem? Where is the evidence that this needs to happen? Why are Ministers not listening to serious school leaders who have turned around a lot of schools, who say that they need this freedom to turn around schools that are currently failing kids? Why do Ministers think they know better than school leaders who have already succeeded in turning around failing schools?

Munira Wilson (Twickenham) (LD): It is a pleasure to serve under your chairmanship, Sir Christopher. In the light of the discussion that we had before lunch, I want to put on the record that those who are questioning these measures—certainly on the Liberal Democrat Benches—are not trying to attack standards. We recognise that, like qualified teachers, the national curriculum is a very good thing for our children. It is important that children and young people have a common core. None the less, I come back to the question that I posed earlier and the hon. Member for Harborough, Oadby and Wigston just posed again: what is the problem that Ministers are trying to fix with clause 41?

In oral evidence, His Majesty's chief inspector of schools, Sir Martyn Oliver, told us that there is very little evidence that academy schools are not teaching a broad and balanced curriculum. He said:

"the education inspection framework that we currently use significantly reduced the deviation of academies because it set out the need to carry out a broad and balanced curriculum…I would always want to give headteachers the flexibility to do what is right for their children". —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 50, Q113.]

Given the Ofsted framework, given that our primary schools are preparing children to sit their standard assessment tests, and given that secondary schools are preparing pupils for a range of public examinations, not

least GCSEs, all of which have common syllabuses, the reality on the ground is that most schools do not deviate very much from the national curriculum.

On the other hand, during the oral evidence sessions we heard that school leaders have sometimes used the freedom to deviate where children have fallen behind as a result of disadvantage, trauma, the covid pandemic or other reasons, to ensure they reach the required level to be able to engage in that broad and balanced curriculum. I ask Ministers: if an 11-year-old is struggling to read and write, does it make sense to expect them to access the full history, geography and modern languages curriculum immediately at the start of year 7? As much as I would want them to—I say this as a languages graduate who bemoans the death of modern languages in our schools—we cannot expect them to do those things until they have a basic standard of written English.

The Children's Commissioner spoke powerfully of her own experience. She had to turn a school around by ditching the wider curriculum to get the children up to the required standard before opening up the curriculum.

David Baines (St Helens North) (Lab): In schools that follow the national curriculum, there is nothing stopping teachers from differentiating and offering support to children who are not up to the required standard in reading and writing when they go from year 2 to year 3, for example. That happens now in thousands of schools up and down the country without issue. What is the problem with having the national curriculum in schools that would be expected to differentiate anyway?

2.15 pm

Munira Wilson: I defer to the hon. Member's expertise. He said earlier that he is a teacher—

David Baines: Was.

Munira Wilson: He was a teacher before he became an MP. School leaders are raising concerns about their freedom to deviate being taken away. They feel that they need a degree of deviation where children have fallen behind, or for good geographical reasons, or because a particular cohort needs it. I have nothing against the national curriculum—it is a very good thing.

The hon. Gentleman brings me to new clauses 65 and 66. My worry is that imposing the provision on all schools in the middle of a curriculum review means that Members of Parliament are being asked to sign all schools up to something when we do not yet know what it looks like. That is why I ask, in new clause 66, for parliamentary approval and oversight of what the curriculum review brings forward. We have no idea what the review's outcome will be or what the Government will propose. New clause 65 would ensure that we have flexibility.

The Minister says that new clause 65 adds too much complexity to what is already in place, but I come back to my earlier point: what we are not talking about is not yet in place. The provisions will come into force once the new curriculum is implemented as a result of the review. Through my two new clauses, I am proposing a basic core curriculum to which every child is entitled, and sufficient flexibility for school leaders to respond to the needs and issues in their communities. They are the experts. The hon. Member for St Helens North is an expert because he was a teacher, but in general Members of Parliament and Ministers—I say this with all due respect—are not education experts, as far as I am aware.

I do not think it is necessarily for Whitehall to decide every element of the curriculum. My aim in the amendment is to put into legislation a basic core curriculum, with flexibility around the edges and parliamentary approval. We do not know what is coming down the tracks, but we will ask schools to implement it, so I do not think it unreasonable to expect Parliament to give approval to what comes out of the review.

I have a specific question for Ministers—one that I put to Leora Cruddas from the Confederation of School Trusts. I asked her how she thought the curriculum provisions would apply to university technical colleges, which by their nature stray quite a lot from the curriculum. I visited a great UTC in Durham in the north-east—the Minister may have visited herself—and was interested to see how much it narrows the curriculum. People might think that that is a good or a bad thing, but young people with very specific skillsets and interests have flourished in some UTCs. Will this provision apply to UTCs?

Nigel Genders, who has been quoted already, raised the same point I did—that we are being asked to make these provisions when we do not know what the curriculum will be. I respectfully ask that Ministers seriously consider new clauses 65 and 66, particularly the parliamentary oversight aspect.

Damian Hinds (East Hampshire) (Con): The national curriculum is a vital part of our school system, but its centrality does not mean there is never space for deviation from it. A couple of hours ago I was saying that initial teacher training and qualified teacher status is a fundamental foundation of our school system, with 97% of teachers in the state education system having qualified teacher status. It was 97% in 2024, and as it happens it was also 97% in 2010. Similarly, we know that the great majority of schools follow the national curriculum the great majority of the time.

Tom Hayes (Bournemouth East) (Lab): Will the right hon. Member give way?

Damian Hinds: I will if the hon. Member wants to correct what I said.

Tom Hayes: Can the right hon. Gentleman provide statistics on the extent to which the national curriculum is followed by academies? That feels to me to be more of a contested space.

Damian Hinds: That is a question for the hon. Gentleman's colleagues on the Government Front Bench. He is at liberty to table a written parliamentary question, but I think he will find that it is not possible to get a numerical answer to that question. We did, though, discuss the matter with Ofsted in the evidence sessions—I think the hon. Gentleman was there—and it is a broadly known fact, as any educationalist will tell him, that the vast majority of schools follow the national curriculum for all sorts of good reasons, some of which I will come to.

[Damian Hinds]

It is not widely understood that the national curriculum has always been a relatively loose framework, including for maintained schools. That is the British tradition. There are other school systems in the world that are very much more centrally directed. Even for local authority and maintained schools it has always been, relatively speaking, quite a devolved system with relative autonomy. It is not possible, sitting in Sanctuary Buildings, to decide suddenly what children are going to learn. Occasionally we will hear a press story about how the Department or its Ministers have banned Steinbeck from schools in England, but that just is not possible to do. We had a row a couple of years ago about so-called decolonising the curriculum. We had people writing to us saying that our national curriculum glorifies the British empire and instils all these negative attitudes, and I said, "Where? Show me where in this document it does that. It doesn't." It does not specify things to study in nearly that much detail.

That brings me on to the Semmelweis question. I first posed the Semmelweis question more than 10 years ago when I was on the Education Committee, because I was curious to know who decides what children learn in schools. For anyone who wants to know what the Semmelweis question is, it is: "Who was Semmelweis?" From visiting schools I realised that everybody under the age of 18 was very familiar with Semmelweis, and young adults and anybody under the age of 25 or 30 knew who Semmelweis was, but nobody over the age of 40 had the first clue who he was.

Would colleagues like to know who Semmelweis was? He worked a hospital in Austria where there were two maternity wards, one of which was staffed by midwives and the other by surgeons. The midwives were women and the surgeons were men. Semmelweis detected, through statistical analysis, that the mortality rates in the two maternity wards were markedly different: the safety rate in the midwife-led ward was much better. This was relevant at the time I looked into it because of the hospital superbug. It is quite difficult to find out who, but somebody had decided that every child in Britain, or in England, should learn this story about Semmelweis, because that would promote hygiene in hospital settings.

Semmelweis is not on the national curriculum. Nowhere does it say in a document produced by the Department for Education that every child will learn that. So who does decide? For most subjects in key stages 1 to 3, it is a mix of what schools themselves decide and individual teachers decide. Historically, it would have been a lot about what was in the textbook, so textbook publishers play a role. In more modern times it is educational technology and platforms like Oak National Academy. Then for English and maths it is very much about what is in the year 6 assessments.

At key stage 4 and sixth form, as the hon. Member for Twickenham set out correctly, it is really the exam boards that decide what a pupil needs to know to get the GCSE or A-level, and it is the same for other qualifications. That in turn determines what children have to learn. That is not the national curriculum but what is called the specification. The specification for a GCSE is about as close as we can get to a definition of who decides what children will learn at school. Although that refers specifically to key stage 4 and above, it also affects what children learn in preparation in lower school and junior schools. The Minister quoted Jim Callaghan and said that things should not be decided in a "secret garden". Well, that is the secret garden: the specification that determines what is studied at GCSE. It is not, currently, a detailed national curriculum.

Why is the looseness of the national curriculum important? Because the national curriculum is driven by politicians, and keeping the national curriculum loose has helped to keep politics at bay. That can sometimes be frustrating. There will be times when the Minister, like Ministers before her, will say, "My God, I am the Schools Minister—I should be able to determine what happens in schools." That can be frustrating, but it is also helpful that Ministers cannot affect that directly. I would meet Education Ministers from other countries who said, "We've just changed the textbook," and I would think, "God, I wish we could do that." But we are a million miles away from saying that we have changed the textbook and every child in England is going to learn the same thing.

By the way, Ministers will still get a procession of people asking for this or that to be put on the curriculum. Spoiler alert: climate change and financial education are both already on the national curriculum, disguised in different subjects, but that will not stop people coming to lobby Ministers to do it for the first time. Ministers will get a lot more of those visits in future.

During the passage of the Education Reform Act 1988—Gerbil, as it was known—the national curriculum could have been made more prescriptive, but self-restraint on the part of the Government of the day, and of Governments since, has meant it has not been. The key point is that we cannot guarantee that self-restraint into the future.

In case colleagues think I am just talking about what children will learn in geography or science, I point out that there are sensitive subjects that a lot of people have an interest in. When we took evidence, I asked the Church of England and Catholic Education Service representatives about someone changing the definition of religious education. Colleagues will know that only one event in history is specified in the national curriculum, which is the holocaust, and no other. English literature is another sensitive subject. Boy, I can tell Ministers that relationships, sex and health education has its controversies—they will not be short of people banging down their door looking for changes there.

Tom Hayes: I am listening carefully to the right hon. Gentleman; as a former Secretary of State, he has a lot of insight and experience, so I am enjoying and learning from what he is saying, but could he say a little about alignment with or deviation from the national curriculum, which is the point we are trying to address? I would appreciate hearing more about his point of view on that.

Damian Hinds: I do not know whether the hon. Member has a copy of my notes, but that is what I was just about to say.

I argued on Second Reading that the ability of academies—which are now the majority of secondary schools and a large number of primary schools in this country—even if most of the time hardly any use it, to deviate somewhat from the national curriculum is a

safety valve against politicisation. I remind colleagues on the Labour Benches that their party is currently in government with a whacking great majority, but it is possible that it might not be forever. We all have an interest in guarding against over-politicisation.

As we have heard, and as my hon. Friend the shadow Minister rightly said, it can be an instrument of school improvement to ease off from some aspects of the national curriculum while refocussing on core subjects.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): Does the right hon. Gentleman agree that freedoms in respect of the curriculum have also been used to hide information from children—for example, to avoid giving a broad curriculum on personal, social, health and economic education and so avoid giving full sex education to children? Does he accept that freedoms have been used in ways that could negatively impact children?

2.30 pm

Damian Hinds: I am not sure that the hon. Lady's Front-Bench colleagues will necessarily thank her for making that intervention. That view is held by some. Sir Christopher would rightly admonish me were we to get into a whole debate about PSHE or RSHE, but it is true that the RSHE curriculum covers a range of things that, rightly, children must learn about as they prepare for the adult world, develop their sense of self and their place in society and, crucially, learn respect and kindness towards others, along with valuing all individuals. There is also a degree of flexibility within the curriculum, because at the end of the day there are 21,500 schools in the country, and there are schools with different character and different intakes. I am sure the hon. Lady is not trying to make my point for me, but if we make the national curriculum more rigid, we actually run into more problems, rather than solve them.

Ellie Chowns (North Herefordshire) (Green): You said that the more rigid you make the national curriculum, the more problems we will have, but we are not debating making the national curriculum more rigid. We are debating whether the national curriculum should apply to all schools. A minute ago, you said that the ability not to use the national curriculum is a safety valve against politicisation, but that goes against everything you said in the previous 10 minutes, which was all about the flexibilities that are inherent in the national curriculum, of which you gave some excellent examples.

The Chair: Order. Please try to avoid using the word "you".

Ellie Chowns: I am so sorry.

Damian Hinds: I do not think those things are in conflict. My point was that the national curriculum, as it was set up, is quite loose. It did not have to be, it does not have to be now and it does not have to be in five or 10 years. It can be written exactly as Ministers at the time wish to write it. Although the hon. Lady says we are not debating whether to make the national curriculum more rigid, actually we might be—we do not know. I will come to that in a moment.

I was saying—you will be pleased to know, Sir Christopher, that I do want to accelerate—that the flexibility can be an instrument for school improvement, either for entire year groups, for the entire school or, indeed, on a longer basis, for a nurture group or a group or individual who, for whatever reason, needs additional support. It also means that schools might specialise somewhat, and that they might innovate without having, as my hon. Friend the Member for Harborough, Oadby and Wigston rightly said, to overthink about whether they are complying exactly with this or that specification.

At a time when we are rightly concerned about attendance numbers, it has been suggested to me that making adherence to the national curriculum more specified, and possibly the curriculum itself being made more rigid, could be injurious to school attendance or inclusion in mainstream schooling if it makes more children feel rejected, uncomfortable or unhappy at school and so seek education either at home or in alternative settings.

The crucial point is that, whether schools have innovated with an academy trust curriculum, decided to deviate to support individual groups for a period of time, or specialised somewhat, they will all be judged by Ofsted on the simple requirement of having a broad and balanced curriculum. For most schools the easiest way to comply with having a broad and balanced curriculum is to follow the national curriculum—but there can be other ways. Again, like my hon. Friend the Member for Harborough, Oadby and Wigston, I am left wondering what the problem the Government are trying to solve is.

Darren Paffey (Southampton Itchen) (Lab): We keep coming back to "What is the problem?" That is the wrong question to ask. We are partly here to solve problems, but we are also here to reach further and be more ambitious, so the right hon. Gentleman should be asking, "What is the objective we are aiming for?" That would be a far more engaging question for him to ask.

Damian Hinds: If the hon. Gentleman is going to pose a great rhetorical question like that, he should have an answer ready. What is it? What is this thing that we are reaching for? I do not think any of us in this room is well qualified or well placed to say, "Where can we take this school?" The person best placed to decide that is the school leader. We would like to give some leeway and flexibility, within a system of all sorts of measurements, constraints and so on, for people to be able to innovate and do what is right for children.

David Baines: The right hon. Gentleman would have made a good teacher, because he has a very engaging style—although I would have been grateful for a curriculum so I knew what he was covering in the classroom.

Is the right hon. Gentleman in favour of a national curriculum? If he is not—I am really not sure—why did he not repeal it? If schools need greater flexibility, why did he not get rid of it when he was Education Secretary?

Damian Hinds: Bless the hon. Gentleman for saying I am engaging, but I am obviously not that engaging, because I spent the first three minutes explaining why the national curriculum is the core standard and why it is central to our school system. That does not mean, though, that we cannot have some deviation from it,

[Damian Hinds]

just like—if I recall this, I might bring it back to mind—qualified teacher status, which is, of course, a central part of our teaching profession, but that does not mean there cannot be a little bit of deviation—it is about 3% and has been for the last decade and a half—from it.

David Baines *rose—*

Tom Hayes *rose—*

Damian Hinds: I will give way to the hon. Member for St Helens North as he was the nicest to me.

David Baines: The right hon. Gentleman just said that the national curriculum is a set of core standards; why should that not apply for all schools?

Damian Hinds: For all the reasons that I gave, it does apply. Ofsted requires a broad and balanced curriculum from every school, and the vast majority of the time the vast majority of schools say that that is the national curriculum, but some of them may innovate and deviate. They may need to do something different to support children or they may be in a school improvement phase. All those are good reasons. In a system where we trust school leaders and teachers to do what is right for the kids in front of them, those are all reasons to have some flexibility.

Ellie Chowns: Does the right hon. Gentleman not agree that the national curriculum is a floor, not a ceiling?

Damian Hinds: Sort of. It is not really a floor or a ceiling at the moment; it is a very loose framework that says, "These are the things at key stages 1 to 4 that one should cover." It is not really a floor because it does not say, "You must learn these things. You may learn others." It says, "These are the broad categories of things that you must learn."

Ellie Chowns: "Use the scaffolding."

Damian Hinds: Now we are on to modern methods of construction: scaffolding or a floor? I do not know. I will give way to the hon. Member for Bournemouth East, then I promise I will move on.

Tom Hayes: I deeply thank the right hon. Member for taking so many interventions. What is the point of a national curriculum if some schools are not compelled to follow it?

Damian Hinds: As my hon. Friend the Member for Harborough, Oadby and Wigston has mentioned, it has long been the case that some schools have not had to follow the national curriculum. Even under the proposals in the Bill there will be some schools that will not have to follow it. One of the reasons why I have been banging on for so long, Sir Christopher, is because I have been through a lot of these points already and I am being asked to restate them. I have to ask the hon. Gentleman to forgive me but, as I have set out, it is a broad framework, and there is nothing wrong with having a little bit of innovation within that.

I want to come to a close. There are serious people working on the curriculum review and I wish them well in their work. We must of course await the outcome, not prejudge it. So far we have heard only the good stuff—the things we are going to add. In politics, it is always easy to talk about adding things. We are adding more creativity, art and sport, and those are all things that I welcome. It is great to have those opportunities for young people. The difficulty may arrive when we ask, "What does that mean?" Does it mean a longer school day, which is one option? Or does it mean that something else has to go to make way for those things? I do not have the answer, but it is a relevant question.

To come back to the ceiling point—whether the national curriculum is a floor or a ceiling—it depends how much headroom is needed. In a very loose national curriculum, schools can innovate and so on, but in a heavily specified national curriculum, they cannot, because the floor is already close to the ceiling and there is not that much room to play with.

I do not know whether the hon. Member for North Herefordshire is on Professor Francis's working group, or what will be in the review document, but there are three problems with insisting on 100% adherence to the national curriculum. First, we are being asked to agree to it before we have the outcome of the national curriculum review. Secondly, Ministers are not obliged to adopt that independent review; they may decide to do something slightly, or more than slightly, different. Thirdly, they are not obliged to stop there. I say "they", but it is of course not only them. The Bill is going to be an Act of Parliament: we are not legislating for what happens between 2024 and 2029; in the absence of another piece of legislation to replace this one, we are legislating for all time. We cannot know who might come along in the future and decide to do something of which colleagues here might not approve.

We do not have large numbers of schools teaching unscientific facts, creationism and what have you. We do have Ofsted, which evaluates all schools on whether they follow a broad and balanced curriculum. We know that, the great majority of the time, the great majority of schools follow the national curriculum, but some innovate, and that can have some benefits. Like others, I am left asking Ministers, what problem are we trying to solve?

Patrick Spencer (Central Suffolk and North Ipswich) (Con): I had a long speech prepared, but it does not include Keats, Semmelweis or Callaghan, so I will cut it short. Teachers want to be trusted to teach, to read their class and to choose what to teach, when to teach and how to teach it. My concern is that the Government are bringing all schools under the same framework and that that will allow them to fundamentally change what is taught in schools.

We have all read the news about the Becky Francis review trying to broaden the curriculum, dumb it down, dilute it and move it away from a knowledge-rich focus. Will the Minister confirm the Government's intention to retain the national curriculum's focus on knowledge,

and the attainment of knowledge, as opposed to skills? I know she will say that the Francis review has not reported, but the Government have no statutory obligation to accept its recommendations. Will Ministers please confirm that they want to keep the national curriculum focused on knowledge and core knowledge subjects?

It is clear that the intention is for all schools to teach the national curriculum. Can the Minister assure me, and thousands of teachers who want to do the best for their students, that the curriculum will be kept broad to allow them to teach as they see fit, in the best interests of their students? Again, the Government do not have to follow the guidance from the Becky Francis review.

What has been proven over time is that the current framework works for academies. I will keep saying this in the Committee: academies have been proven to produce better results for children who come from a low-performing or failing state school—they have been proven to do much better for children in the long term. [*Interruption.*] They have; that is what the evidence says.

Amanda Martin (Portsmouth North) (Lab): I hope you are enjoying the debate, Sir Christopher. Although national curriculum reform is not mentioned in the Bill, it is going forward.

The previous Government introduced a number of curriculum changes. Those were often implemented quickly and not considerate of the profession. In 2010, one or two years were given to implement the changes, depending on sector. The consultation was top-down and was criticised for not reflecting classroom realities. In 2013, the Government had one year to implement the changes. There was a wider consultation, but despite that the original proposals were unchanged. In 2016, there were almost immediate changes to the curriculum, but, again, no fundamental changes were made to the original proposals after the consultation. In 2019, there was one year for implementation, and in 2020 and 2021 the changes were immediate, albeit that that was linked to the fallout from covid and the attempts to rectify that. Again, some changes involved input from the profession, and some did not.

A national curriculum should do what it says on the tin and be a "national" curriculum. It should have a core basis. We should consult the profession. I found it really difficult to sit here and listen to the ideas that have been put forward, when the previous Government did absolutely none of that.

2.45 pm

Catherine McKinnell: Where to start? I guess I should start by responding to the fundamental question that I think hon. Members are asking: what problem are we trying to solve? Fundamentally, Opposition Members—I do not refer to all of them—do not seem to have a very realistic perspective on the challenges that are very present in the education system. They cite singular examples of schools that are doing a fantastic job and that absolutely should be celebrated, but that is not reflective of the entire system.

Through this Bill and the other reforms we are looking to introduce—I think Opposition Members fundamentally agree with them, but do not wish to say so—we are trying to create a core offer for every child in this country. No matter what type of school they go to, what their background is and where they come from, children will be guaranteed a core, quality educational offer, with qualified teachers and a national curriculum core framework that gives them the basis, yes, of knowledge, but also skills and development as an individual that set them up for life.

It is an absolute myth that maintained schools are unable to innovate while following the national curriculum. The reformed national curriculum will support innovation and professionalism in teachers, and maintain the flexibility that we know is really important if schools are to meet the needs of their children. It is absolutely right that schools can, for example, choose to prioritise English and maths, if that is what their children need. However, that should not be at the expense of curriculum breadth and opportunity for young people who also need extra support.

We want every child in every state school to have a broad range of subjects and to have the opportunity to study a common core of knowledge that has been determined by experts and agreed by Parliament. I absolutely agree that it should be led by experts, which is why we have an independent panel of experts advising on the curriculum and assessment review. I absolutely recognise the strong track record of, for example, Michaela and the good outcomes it delivers for its students. I understand that, as hon. Members have rightly acknowledged, the vast majority of schools do follow the national curriculum.

It is our intention to create a common core framework right across our school system, regardless of the structure of the school. That is all we are trying to achieve with this fairly straightforward measure. To be honest, the attitude that is sometimes displayed and the fears that are being mongered just seem a little hysterical. Every child should have a high-quality education, which is all that we seek to ensure with the measures in the Bill.

Neil O'Brien: I read out the very real concerns of serious educational leaders with strong track records. The Minister says that they are hysterical.

Catherine McKinnell: No, I did not.

Neil O'Brien: Well, she said the concerns are hysterical. They are not my concerns; they are concerns that have been put to this Committee by incredibly respected school leaders. The Minister says that only a few of them are using these freedoms. Well, if it is only a few, why should they not have the freedom to do what they know works? Why do Ministers think they know better? Let me just ask two specific questions. Will UTCs have to follow the curriculum as well, and will all the costs that fall on schools from this measure be met? I ask those questions now, because Ministers may want to get the answers from the Box.

Catherine McKinnell: Let me be clear: I have not referred to any academy leaders or professionals in our education system as expressing views that are hysterical. I have referred to hon. Members, and I was very clear about that in my comments. I have seen far too much of that in this Committee—putting words into Members' mouths. It is not respectful to the people we are here to represent and serve, who are working extremely hard in

[Catherine McKinnell]

our school system and contributing constructively to this debate. We are open to feedback, which is why we have two consultations out on a number of the measures being considered as part of our reforms. We absolutely welcome feedback; we welcome challenge. Actually, the level of challenge reflects how important this is to the people who contribute to the discussion and debate. The hysteria I was talking about referred to hon. Members and their characterisation of some of the changes.

For the sake of a reality check, let me just say that in 2022—Members should note these statistics—of primary schools in multi-academy trusts, 64% were good and 15% were outstanding; in single-academy trusts, 67% were good and 27% were outstanding; and in maintained schools, 76% were good and 16% were outstanding. There is no difference for children's outcomes depending on the school's status. This is not about academies versus maintained schools or anything like it; it is about making sure that we have a framework that serves every child and that every child has a core offer as part of their education. To treat it like some sort of terrible, terrifying prospect is a mischaracterisation of the reality of both the school system and the changes we are looking to make.

Ellie Chowns: I thank the Minister for the statistics she has presented, which echo the point I was about to ask her about. Would like to challenge—as she just has—the assertion from the Conservative Benches that academies are somehow better performing? Would she agree that there is no clear evidence, as suggested by Professor Stephen Gorard, who absolutely knows what he is talking about, that academies as a whole do better than maintained schools? An ideological commitment to academies, based on a set of cherry-picked examples of individual schools, is unhelpful to the tenor of the debate. We should focus on ensuring that every child in every type of school gets an excellent education.

Catherine McKinnell: I thank the hon. Lady for her contribution. She took the words out of my mouth earlier when she challenged the right hon. Member for East Hampshire. The national curriculum offer and everything we are presenting as part of our reforms provide a floor, but not a ceiling on ambition, innovation, flexibility and the ability to give an outstanding and exemplary education to the children in this country. We celebrate and value success for our children, in whatever form it comes, whether that is an academy or a local authority-maintained school. Indeed, success comes in all those forms.

All we wish to see, through this fairly straightforward measure, is a knowledge-rich education—in answer to the hon. Member for Harborough, Oadby and Wigston—and a curriculum that is cutting-edge and that ensures high and rising standards for every child. That is why we launched the curriculum and assessment review to take the advice of experts on bringing the curriculum up to date. It is why we want to see the national curriculum as the experience that every child should have, and the framework that every child should experience throughout their primary and secondary education, regardless of the type of state school that they attend. And it is why we will be asking Members to support clause stand part.

Before the hon. Member for Harborough, Oadby and Wigston asks, I will respond to his question on UTCs because—

Neil O'Brien: And on whether all the costs will be met.

Catherine McKinnell: We recognise the valuable contribution of UTCs in providing a distinctive technical education curriculum. However, we want to ensure that all children have access to a quality core curriculum. The curriculum and assessment review is helping us to make sure we have a broad, enriching curriculum from which every child can benefit. Once it is complete, we will work with UTCs to provide any support they need to implement the changes, because we recognise their particular offer.

Munira Wilson: It was me who asked about UTCs. In her answer, is the Minister suggesting that UTCs will be required to follow the full national curriculum, even if they have a very specific technical specialism?

Catherine McKinnell: The right hon. Member for East Hampshire made a very interesting speech. As far as I could tell, it was not all entirely relevant to the clause, but it was an interesting description of a national curriculum and its purpose and core. Fundamentally, we want every child to have that basic core of rich knowledge and experience. Even if their school has a technical or other specialism, we still want them to have that curriculum. It is incumbent on us as a Government to create a curriculum and assessment framework that can accommodate variations, flexibility and innovation within the system. We will work with UTCs to ensure that the curriculum can be applied in their context.

This brings me to the question from the hon. Member for Harborough, Oadby and Wigston about costs. As we plan the implementation of the curriculum, we will work with trusts and schools to consider what support they might need to implement the changes. That is my response to his question.

Tom Hayes: I am just reflecting on this debate, and I wonder whether the Minister would agree with me on three points. First, we do not have evidence that academies have improved outcomes, and where we do, it is thin and contested. Secondly, we do not really have evidence that academics are using their autonomy; in fact, the only DFE report I could find on this dates back to 2014. Thirdly, where there may be evidence that academics are performing well, it is not necessarily the case that deviation from the national curriculum is the major contributor to that success. Is not the problem that we do not have a significant body of evidence from the last 14 years? The Conservative spokespeople on the Committee could have commissioned one from the Department for Education to back up their arguments.

Catherine McKinnell: My hon. Friend makes some interesting and valuable points.

Neil O'Brien: Will the Minister give way?

Catherine McKinnell: Could I just respond to my hon. Friend's point? I think the fundamental point he is making is that an obsession with the structure of a school is a distraction from the importance of ensuring the quality and outcomes experienced by the children within it. That is why this Government are focused on ensuring that every school has the fundamentals to provide that opportunity for children, whether that is having qualified teachers in the classroom or a curriculum and assessment framework that sets every child up to thrive. We are focused on ensuring that teachers have a fair pay framework, which we will get on to, and that there is consistency across the board, so that every school in every local community can co-operate—we will also get on to that—to ensure that children in that area, regardless of their background and needs, have the opportunity to thrive and achieve as part of their education.

Question put and agreed to.

Clause 41 accordingly ordered to stand part of the Bill.

Clause 42

ACADEMY SCHOOLS: EDUCATIONAL PROVISION FOR IMPROVING BEHAVIOUR

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

3 pm

Catherine McKinnell: Clause 42 will ensure that all mainstream and special state schools are subject to the same regulatory requirements and safeguards when directing pupils off site to improve their behaviour, creating a baseline between academies and maintained schools. Academy schools can already arrange off-site placements through their general powers, and in doing so they already follow the same guidance as maintained schools. However, technically there is inconsistency in the legal framework. Providing academies with the same explicit statutory power and equivalent limits and controls will strengthen the wider efforts to consistently safeguard all pupils and promote educational outcomes. It will also support consistency, scrutiny and transparency against misconduct or malpractice.

In using the power, academies will be required to follow the same statutory requirements as maintained schools, as set out in existing guidance. These include notifying the local authority where a pupil has an education, health and care plan; setting out the objectives of the off-site placement and keeping it under review; and keeping parents fully informed to meet pupils' needs. I therefore recommend that the clause stand part of the Bill.

Question put and agreed to.

Clause 42 accordingly ordered to stand part of the Bill.

Clause 43

ACADEMIES: POWER TO SECURE PERFORMANCE OF PROPRIETOR'S DUTIES ETC

Neil O'Brien: I beg to move amendment 78, in clause 43, page 102, leave out lines 35 and 36.

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

Amendment 79, in clause 43, page 102, line 37, leave out from "may" to the end of line 3 on page 103 and insert

"exercise their powers under the funding agreement to terminate or require performance of the funding agreement in accordance with its terms."

Amendment 88, in clause 43, page 102, line 37, leave out from "directions" to the end of line 39 and insert

"as are necessary to secure compliance with statutory duties, the requirements of the Funding Agreement, or charity law."

This amendment would limit the Secretary of State's power of direction should an Academy breach, or act unreasonably in respect of, the performance of a relevant duty.

Amendment 89, in clause 43, page 103, line 2, leave out from "directions" to the end of line 3 and insert

"as are necessary to secure compliance with statutory duties, the requirements of the Funding Agreement, or charity law."

This amendment would limit the Secretary of State's power of direction should an Academy act unreasonably in respect of the exercise of a relevant power.

Amendment 77, in clause 43, page 103, line 3, at end insert—

"(2A) Where the Secretary of State exercises functions under this section, the Secretary of State must make a statement in the House of Commons which explains the actions taken and the reasons for taking such actions."

This amendment would require the Secretary of State to make a statement to Parliament each time the Secretary of State uses the powers in this clause.

Clause stand part.

Neil O'Brien: This is a very centralising Bill. We have already talked about what PE kit people should be wearing at school; we have talked about whether schools will now have to apply to the Secretary of State to put up a bike rack. *[Laughter.]* Ministers laugh, but it is serious. They agreed to a clause just this morning that has that effect.

Catherine McKinnell: Nonsense.

Neil O'Brien: It is not nonsense. It is your legislation. Sorry, let me correct the record: it is nonsense. This is nonsense legislation that we are being asked to pass.

Now we come on to something really serious that school leaders are warning us about, which is another completely out-of-control piece of centralisation. As drafted, the Bill will create the power for the Secretary of State to direct academy schools to do pretty much anything. Leora Cruddas, of the Confederation of School Trusts, has suggested a way to bring the currently unlimited clause 43 power under some limits:

"We do have concerns about the power to direct. We think it is too wide at the moment. We accept that the policy intention is one of equivalence in relation to maintained schools, but maintained schools are different legal structures from academy trusts, and we do not think that the clauses in the Bill properly reflect that. It is too broad and it is too wide. We would like to work with the Government to restrict it to create greater limits. Those limits should be around statutory duties on academy trusts, statutory guidance, the provisions in the funding agreement and charity law."

That is precisely what Opposition amendments 88 and 89 would do. We are not against Ministers having a new power to intervene to get schools to fulfil their duties, but that is different; it is narrower than the

[Neil O'Brien]

current drafting. It may just be that when officials have gone away and tried to turn Ministers' intentions into legislation, they have gone too far.

David Thomas, a successful headteacher, has made the same point:

"If the purpose is, as it says in the explanatory notes, to issue a direction to academy trusts to comply with their duty, that feels like a perfectly reasonable thing to be able to do. The Bill, as drafted, gives the Secretary of State the ability to 'give the proprietor such directions as the Secretary of State considers appropriate'. I do not think it is appropriate for a Secretary of State to give an operational action plan to a school, but I think it is perfectly reasonable for a Secretary of State to tell a school that it needs to follow its duty. I think there is just a mismatch between the stated intention and the drafting, and I would correct that mismatch."

I am not surprised that school leaders are concerned. The Government's own policy summary notes make it clear that they intend to use the power to reach into schools and intervene on pretty much anything that the Department wants. They give the following example:

"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".

It is crystal clear that the Government are taking a power to direct any academy school, without limit, on any issue they see fit. That is such a big move away from the whole idea of the academies programme—the idea of independent state-funded schools.

There are two ways of fixing the problem. Amendments 78 and 79 would simply delete the bit that is excessive, proposed new section 497C(1)(b); amendment 77 would require a statement to be made when the powers are used. Alternatively, amendments 88 and 89—this is, broadly speaking, the suggestion made by the Confederation of School Trusts—would be more incremental reforms. They would retain the text about direction but, in two relevant places, would limit it to

"compliance with statutory duties, the requirements of the Funding Agreement, or charity law."

The impact assessment for the Bill says that if schools do not comply with the new orders from the Secretary of State, the trustees may be found to be in contempt of court. This charge may come with punishments including fines. It is also possible that, in very extreme cases, individuals found in contempt of court could face a custodial sentence. Helpfully, the assessment says that that should be very rare, but what a long way we have travelled from the whole idea of academies as independent state schools!

That has been the theme as we have gone through the Bill: again and again, we are moving away from a culture of entrepreneurialism, can-do spirit and freedom—going out there and solving problems and making the magic happen for kids—and towards a compliance culture that is all about dealing with what the Secretary of State wants and clicking our heels when they say jump. Since 1988, we have been on a cross-party journey away from micromanagement and towards greater autonomy for schools.

Catherine McKinnell: Is the hon. Gentleman aware that 48% of schools are local authority-maintained schools? He seems to be denigrating their entire modus operandi in his characterisation of the way non-academies work. They are working hard and are delivering fantastic outcomes for children. We do not denigrate academies; I do not understand why the hon. Gentleman wishes to do so to maintained schools.

Neil O'Brien: It is always a bad sign when someone has to misrepresent completely what their opponent is trying to say. Allow me to address that point directly by, once again, reading what Leora Cruddas of the Confederation of School Trusts told the Committee:

"We accept that the policy intention is one of equivalence in relation to maintained schools, but maintained schools are different legal structures from academy trusts, and we do not think that the clauses in the Bill properly reflect that. It is too broad and it is too wide. We would like to work with the Government to restrict it to create greater limits." —[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 81, Q169.]

That is what our amendments seek to do.

To take the temperature out of the discussion, let me say that I do not have a problem with the Government having a new power of intervention to cut across their funding agreements with academies—although that is a big step, by the way. My problem is with the completely unlimited nature of the power. I am thinking about the effect of getting away from micromanagement over time. The sixth-form college I went to had become brilliant because it had managed to use the freedoms in the 1992 reforms to take a huge step away from micromanagement, but some of the older teachers there still remembered the days when they had to ring up the town hall if they wanted the heating turned up. Imagine that absurd degree of micromanagement. Terrifyingly, some schools in Scotland are still experiencing that insane degree of micromanagement; teachers there are currently on strike because their concerns about discipline are not being taken seriously, so we can see that freedom has worked in England.

I do not think that this was the intention of the Ministers, but the drafting of the clause is far too sweeping. It gives an unlimited power. I see no reason why the Ministers should not accept the suggestion from the Confederation of School Trusts, which our amendments seek to implement, that we limit that power in certain reasonable ways. It is fine for Ministers to be able to intervene more, but we need some limits. I am sure that the current Secretary of State wants only good things, but a bad future Secretary of State should not be able to do just anything they want.

The Ministers started from a reasonable point of view, but it has gone too far. I hope that they will work with the CST to turn the unlimited power into a limited one. Perhaps they will even accept our amendments, which would do exactly that.

Munira Wilson: I was going to say largely the same as the hon. Member for Harborough, Oadby and Wigston, although I think he was exaggerating slightly in suggesting that the power will lead to local authorities telling schools whether or not they can switch their heating on and off.

Neil O'Brien: I did not say that.

Munira Wilson: There was that suggestion.

Neil O'Brien: No, I said that that happened in the '80s.

Munira Wilson: All right. I have a lot of sympathy with amendments 88 and 89, and I agree that the drafting of the clause seems at odds with the explanatory notes. There is a potential overreach of the Secretary of State's powers over schools, so I look forward to hearing what the Minister can say to temper what is in the Bill. I have no problem ideologically with what I think are the Ministers' intentions; it is just that the drafting seems to allow a level of overreach and micromanagement from Whitehall, which I think we all wish to avoid.

Damian Hinds: Clause 43 will give the Secretary of State a power to direct specific actions to comply with duties, rather than just specifying what those duties are. That is what brings it into a different category. It is a much wider set of powers than we would find in a funding agreement. In principle, it appears to include the power to dictate how individual schools are run, which is not to say that the present Ministers would ever do so.

I have two questions for the Minister. First, is there a mechanism to challenge or appeal a decision made in that way? Secondly, has the Department assessed how much extra work will be involved for it as a result of handling more complaints?

I want to say a little about academies and maintained schools in general. There is no conflict. Defending academy freedoms and what academies can do does not mean pushing down on maintained schools. I have had children at both, and I have both in my constituency. In fact, East Hampshire is relatively unacademised: particularly at primary level, it has a relatively small number of schools that are academies. I love them all, because they are places where children learn, but none of that takes away from the fact that the freedoms and flexibilities afforded to academies are good things to have.

On the question of academic studies, as with grammar schools or various other debates, I could find an academic who could give us any answer we want. In fairness, causality is really hard to prove with these things. What I can tell the Minister, however, is that I have a graph. He may have seen it; if not, I will be happy to send him a copy. It is a U-shaped graph of the performance of schools in England relative to their peers in other countries; it relates to the PISA study, but there are equivalents for PIRLS and TIMSS.

The graph shows how remarkably school performance in England has improved over the past decade and a half. Nobody should ever claim that a single factor causes these things, but a fundamental vehicle for schools improvement in that time—alongside the hub network and established and proven methods such as maths mastery and phonics—was the ability for schools to convert to academies, and for academy trusts to spread good practice through our system.

3.15 pm

Catherine McKinnell: I will turn first to amendment 77, which was tabled by the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich. We are committed to maintaining transparency in our decisions to intervene in academies and trusts. We already publish notices to improve and termination warning notices when they are issued to trusts. When a direction is issued, the Secretary of State will publish the direction unless there are good reasons not to do so. The direction will make clear the duty or power in relation to which it is made; it will also clearly state what the trust has to do to rectify the issue. We therefore do not consider it necessary to make a statement to the House of Commons about every direction. I therefore respectfully ask the hon. Members not to press amendment 77.

Amendment 78 seeks to limit the legal duty limb of the direction-making power to when the Secretary of State considers that there has been a breach of a legal duty by a trust. As the regulator of academies, the Secretary of State must be able to ensure that trusts are complying with their legal duties; this includes performing those legal duties properly and not bending the rules. That is why it is important that the Secretary of State can intervene when trusts are performing their legal duties in an unreasonable way, just as we can issue a direction to governing bodies of maintained schools under existing powers when there is an unreasonable performance of a duty. I therefore respectfully ask the hon. Member for Harborough, Oadby and Wigston to withdraw amendment 78.

Amendment 79 seeks to limit the scope of the power to secure proper performance of academy trusts to breaches of their legal duties only. It also suggests that the Secretary of State may not be able to issue a direction, but should instead rely on the termination powers in funding agreements to enforce compliance with the duty. The legal duties and powers to maintain schools and academies originate from different sources. The duties and powers for maintained schools are contained primarily in legislation; in contrast, some academy duties and powers are sourced in legislation, but others are sourced in contract. This measure therefore needs to be drafted broadly to encompass a comparable range of powers and duties.

The purpose of the direction-making power is to give the Secretary of State a way of enforcing breaches of legal obligations where threatening to terminate a funding agreement and move an academy to another trust is not proportionate. The amendment would totally undermine that purpose and would leave us with essentially the same powers that we have now. I therefore respectfully ask hon. Members not to press amendment 79.

Amendments 88 and 89 seek to limit the scope of the Secretary of State's power to issue directions. The Secretary of State must be able to hold trusts and their proprietors to account for fulfilling their duties and powers. Limiting the scope of compliance, as is proposed, would undermine that ability and would hinder effective oversight.

As I have said, the legal framework for academies is distinct from the framework for local authority-maintained schools. The duties and powers applicable to academies are not solely enshrined in legislation; they are also embedded in their funding agreements and articles of association. A power with a more broadly drafted scope is necessary to encompass a comparable range of powers and duties. The broader scope will ensure that the Secretary of State can address the unreasonable actions of academy proprietors comprehensively and effectively, without the need to terminate a trust's funding agreement. Narrowing the scope of directions, as amendments 88

[Catherine McKinnell]

and 89 would, risks hindering the Secretary of State's ability to enforce proprietors' compliance with their duties and to exercise their powers as they should.

It is crucial that we maintain a robust and flexible approach to oversight, ensuring that all academies adhere to the highest standards of governance and accountability. Furthermore, it is important to note that any directions issued by the Secretary of State will be made in line with common-law principles of reasonableness and fairness. This will ensure that the directions are fair, balanced and appropriate to the circumstances, providing a safeguard against any potential misuse of power. For those reasons, I respectfully ask hon. Members not to press amendments 88 and 89.

I turn to clause 43. The majority of trusts are doing an excellent job, providing good-quality education to their children and fulfilling their legal obligations while doing so. However, when things go wrong and trusts are not fulfilling their obligations or are stretching the rules unreasonably, it can be hard for Government to intervene. The only intervention that we can currently take is threatening to remove academies from the trust, and that would disrupt the education of children. That is the only option, even when non-compliance is not even connected to education outcomes.

Clause 43 will allow the Secretary of State to issue a direction to a trust when things go wrong, identifying what needs to be done to remedy it. That will provide the trust with clarity about its responsibilities. In almost all cases, before deciding to issue a direction, the Secretary of State will write to the trust to let it know that she is minded to direct it to take action, providing an opportunity for it to make representations. When the trust does not comply with that direction, instead of disrupting the education of pupils for quite discrete matters we will seek an enforcement through a court order. That means that the Secretary of State can ensure that trusts are doing what they should be doing, without unnecessary disruption to pupils.

I shall now respond to some of the questions raised. This is not about micromanaging academies. Existing intervention powers, like termination warning notices, simply are not always suitable for isolated breaches of legal duties or unreasonable behaviour—they are like using a sledgehammer to crack a nut. That is no way to run a system where what is often required is firm but much less drastic action. Terminating funding agreements can be incredibly disruptive for pupils, parents, staff and communities. The new measure offers a much more flexible, direct and commensurate way to ensure compliance. It will minimise disruption and maintain stability for trusts and their pupils.

With regard to the shadow Minister's comments about the Confederation of Schools Trusts' suggestions, I should say that I have absolute admiration for the work that the CST does and full respect for its views on these matters. However, the measure is drafted with the scope to cover a broad range of ways in which an academy trust might breach a legal duty, or exercise a power unreasonably, in a way that warrants intervention. By covering all duties and powers applicable to academy trusts, our drafting achieves that aim and makes the direction-making power as effective an intervention measure as possible.

We will issue guidance in due course detailing the circumstances in which we will issue a direction. We do not think it is necessary to limit the scope of the power to duties and powers in legislation, funding agreements and articles of association, as that would still result in a broad power.

On the question of appeals, we will issue a "minded to" letter first, as is already the case, so that the trust can respond to concerns. But when a trust is fulfilling a legal duty or exercising a legal power in an unreasonable way, the measure gives the Secretary of State the power to issue a direction to the trust, which will make it clear what is required from the trust. In cases of unreasonableness, we will issue a direction only when the behaviour of the trust is such that no reasonable trust could have acted in such a way, not simply when the Secretary of State disagrees with the action of the trust.

If a trust believes that the Secretary State has issued a direction mistakenly or unreasonably, the direction may be challenged by way of judicial review. Without this proposed direction-making power, the Secretary of State's ability to take action in cases of unacceptable behaviour from trusts—for example, issues in relation to off-rolling—will be limited.

I turn to the comments of the right hon. Member for East Hampshire. As he will be aware, we are already regularly engaging with trusts as part of existing intervention processes. The amount of extra work for the Department is certainly a factor to consider, but it is difficult to quantify as it will vary on a case-by-case basis. Considering existing parallel powers for maintained schools has not led to an increase in work for the Department. Indeed, being able to take a more measured and proportionate approach, rather than a "sledgehammer to crack a nut" one, will hopefully be a more proportionate and measured response to any unreasonable behaviour by academy trusts.

Damian Hinds: For clarification, I meant that if a trust or a school had not followed its own complaints procedure and the DFE needed to intervene, that would result in an increase in the volume of parental complaints. The DFE does handle parental complaints, of course. I think that there would be an increase in the volume. My question was about the specific resourcing implications of that, particularly in a changed world with social media: when people get wind of these things, complaints could grow somewhat.

Catherine McKinnell: The right hon. Gentleman asks about a very specific example. I am happy to take it away. The issue of complaints is generally important. The Department is looking at where accountability and responsibility lies and how to make clear for parents where they can best direct their concerns. It is an important issue and one we are taking away.

In terms of the implementation of this power, I cannot see a significant impact, given that the provision is intended to create a much more reasonable approach when it comes to academies that are not fulfilling their legal duties. Currently the only options available are significant and disproportionate in many cases, and action might be required to deal with the case of a trust not complying with its legal obligations.

Neil O'Brien: The Minister mentions a trust that is not complying with its legal duties; I do not think we would have a problem with addressing that, but that is not what is drafted here. As the provision is drafted, the Secretary of State can intervene whenever he or she thinks, in their own eye, that the school is behaving unreasonably. The only appeal the school will have is judicial review. The Minister is saying a lot of sensible stuff, but that is just too much, and I am keen to press amendment 88.

Catherine McKinnell: I have already responded to that point, both in my substantive comments and subsequent responses. I think we will have to agree to disagree. I urge the hon. Member to withdraw the amendment.

Neil O'Brien: For all the reasons we have just rehearsed, I am keen to push amendment 88. Ministers may well vote against it today, but I hope that later on in the process they will listen to what school leaders are saying. There is a group of amendments, but I intend to push only amendment 88 to a vote. I beg to ask leave to withdraw amendment 78.

Amendment, by leave, withdrawn.

Amendment proposed: 88, clause 43, page 102, line 37, leave out from "directions" to the end of line 39 and insert

"as are necessary to secure compliance with statutory duties, the requirements of the Funding Agreement, or charity law."—*(Neil O'Brien.)*

This amendment would limit the Secretary of State's power of direction should an Academy breach, or act unreasonably in respect of, the performance of a relevant duty.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 12.

Division No. 14]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Foxcroft, Vicky
Baines, David	Hayes, Tom
Bishop, Matt	McKinnell, Catherine
Chowns, Ellie	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

Clause 43 ordered to stand part of the Bill.

Clause 44

REPEAL OF DUTY TO MAKE ACADEMY ORDER IN RELATION TO SCHOOL CAUSING CONCERN

Neil O'Brien: I beg to move amendment 80, in clause 44, page 103, leave out from line 25 to line 8 on page 104 and insert—

"(a) in subsection (A1), after 'measures)' insert 'unless the Secretary of State determines that no suitable sponsor is available';

(b) after subsection (A1) insert—

'(A2) Where the Secretary of State determines that no suitable sponsor is available, the Secretary of State must, within 14 days, publish a plan to secure appropriate governance and leadership of the school and to secure its rapid improvement.

(A3) A plan published under subsection (A2) must include—

(a) the parties with responsibility for the school and its improvement;

(b) the parties who will take action to improve provision in the school;

(c) the resources that will be provided to the relevant parties, including who will provide the resources and when the resources will be provided; and

(d) the intended outcomes of the plan, with the relevant timetables for the outcomes.

(A4) The Secretary of State must report annually to Parliament on—

(a) the number of times the Secretary of State has published a plan under subsection (A2);

(b) the resources which have been provided as part of any plans; and

(c) the outcomes of any plans.'"

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

Amendment 81, in clause 44, page 103, line 28, at end insert—

"(c) after subsection (1), insert—

'(1ZA) The Secretary of State must make an Academy order in respect of a maintained school in England if—

(a) Ofsted has judged the school to require significant improvement; or

(b) a Regional Improvement for Standards and Excellence team has judged the school to be significantly underperforming when compared with neighbouring schools with similar demographics.'"

Amendment 82, in clause 44, page 103, line 28, at end insert—

"(c) after subsection (7), insert—

'(7A) No application or petition for judicial review may be made or brought in relation to a decision taken by the Secretary of State to make an Academy order.'"

Amendment 95, in clause 44, page 103, line 28, at end insert—

"(c) after subsection (1A) insert—

'(1B) Before deciding whether to issue an Academy order in respect of a maintained school, the Secretary of State must issue an invitation for expressions of interest for suitable sponsors.

(1C) The Secretary of State must make an assessment of whether or not to issue an Academy order based on the established track record of parties who responded to the invitation issued under subsection (1B) with an expression of interest in raising school standards.'"

Amendment 96, in clause 44, page 104, line 8, at end insert—

[The Chair]

"(10) Before the amendments made by this section come into force, the Secretary of State must lay before Parliament a report detailing—

(a) the mechanisms, including Academy Orders, by which improvement of school standards can be achieved, and

(b) guidance on the appropriate usage of these mechanisms."

Clause stand part.

Neil O'Brien: The Bill ends the automatic conversion of failing schools into academies. That measure was put in place because it became apparent that the most effective way to turn around failing schools at scale was to put them under new management. It also became apparent that when there was a question of discretion and choice, that opened the way for bitterly divisive local campaigns and time-consuming legal action.

The hon. Member for Mitcham and Morden (Dame Siobhain McDonagh) said on Second Reading:

"I know from bitter personal experience that any change to the status of a school can become highly political. The current system, in which failing schools automatically become academies, provides clarity and de-politicisation, and ensures a rapid transition. I fear that making that process discretionary would result in a large increase in judicial reviews, pressure on councils and prolonged uncertainty, which is in nobody's interests."—[*Official Report*, 8 January 2025; Vol. 759, c. 902.]

She also said on the "Today" programme that the end of the academies order will mean that

"the DFE will find itself mired in the high court in judicial review. When we tried to transfer our first failing school to a Harris academy we spent two years in court, and children…don't have that time to waste."

Rob Tarn, the chief executive of the Northern Education Trust, has made the same point:

"If there's no longer a known, blanket reality…There is a risk that, where it's been determined a school needs to join a strong trust, it will take much longer and we will go back to the early days of academisation when people went to court."

3.30 pm

The Children's Commissioner has also made the same point. In her written evidence to this Committee, she says that she is

"deeply concerned that we are legislating against the things we know work in schools, and that we risk children spending longer in failing schools by slowing down the pace of school improvement."

In her oral evidence to this Committee, she noted that

"I cannot let children remain in failing schools, so if those are going, I need to know what is going to happen. Childhood lasts a very short time, so if a child is in a failing school, how will those schools be improved, immediately and effectively?"—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 42, Q90.]

She went on:

"Probably the main reason for academy orders was to try to expedite improvement quickly against a backlash. Would it not be great if we could get everyone on side to be able to act really quickly, together, to improve schools that need improving?"—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 42, Q91.]

She is right.

The Confederation of School Trusts has said that the current system offers struggling schools "clarity" as they

"will join a trust, and that process can begin immediately".

They warn that turning schools around

"can be much tougher with the mixed responsibilities of governing bodies and local authorities. We are not clear on how commissioning part-time support through the RISE arrangements makes that any easier."

The former national schools commissioner, Sir David Carter, has warned that the

"arguments and legal actions that will arise if a school in Cumbria is told to join a trust while a school in Cornwall just gets arm's length support will only add delay to delivering a fairer and better offer to children."

He notes that

"The academy trust movement has been a success story. Not everywhere, admittedly, but in many more locations than we have ever seen before in my 40-year career."

He is right, too.

Academisation works. Even the impact assessment produced by the Government says that recent data shows that

"More than 7 out of 10 sponsored academies which were found to be underperforming as an LA maintained school in their previous inspection now have a good or outstanding rating."

Strangely, though, that impact assessment is silent on the issues that schools leaders are raising about this clause, which are a return to protracted campaigns at the local level and legal action to fight academisation.

Recently, *Schools Week* magazine examined just this question. It went back and looked at some of the cases in which there had been protests against academisation, and found that in all 12 schools that had seen protests but where the school had gone on to become an academy, those schools were improved by the trust that took them over. In fact, 10 were rated good at their next inspection, and one was rated outstanding. One Labour MP quoted in that *Schools Week* piece said that the plan in this clause would lead to

"campaigns outside every school, parents split, the secretary of state will have correspondence everywhere and a judicial review at every school. The lack of clear pathway is a bad idea for children, for parents, and for ministers."

It is somewhat hard to get a handle on the workload that the people in the RISE teams, which are being used as a part-alternative to academisation, will face. The Government say that

"Prior to these new RISE teams being fully operational we will establish an interim support offer to our most vulnerable schools. We plan to use the existing school improvement offer structures to deliver interim support. We estimate interim support will be offered to approximately 80 existing 2RI+ schools, and up to 190 schools identified using the new triggers for intervention."

The last statistics on the size of the RISE teams suggested that there were currently 35 staff, so can the Minister confirm that that is roughly eight schools to be turned around per member of staff?

Various Members, including the hon. Member for Twickenham, made the point yesterday that it was rather strange for the Government to be announcing their new intervention regime halfway through legislating to scrap the old one. I agree: that is obviously very odd and not desirable. The gap between policy and this legislation opens up some real dangers for schools in need of help and for the pupils in those schools. The

consultation makes clear that for many schools—effectively, the old 2RI cohort—the end of the academies order through this clause will delay a much-needed handover to new management. Schools will get 18 months of work with RISE, and then will be "normally" academised if there is no improvement over that period.

That word "normally", which also appears in the consultation document referring to schools in special measures—schools with greater concerns—is what will open up exactly the time-consuming legal challenges and divisive community campaigns that the Children's Commissioner, the former national schools commissioner, school leaders and even Labour MPs have been warning about. If it is optional and discretionary, the decision can—and will, unfortunately—be challenged in court. The consultation document also sets up a particularly messy transition period, in which policy will be unchanged but no longer supported by the law because of this clause. That transition will be a gift to litigious anti-academies campaigners.

It is difficult to avoid the sense that the Government are slightly changing direction in mid air. Last summer, Ministers decided to abolish the academy conversion grant and the grant to grow strong trusts and they tabled this legislation to end the academisation order. But they now say that they are big fans of academisation. That change of rhetoric needs to be followed by another change: dropping this clause. A gap is opening up between policy and rhetoric, and the actual legislation we are debating today, which has not changed.

On page 18 of the accountability consultation, the Government say:

"we expect that mandatory intervention, through both structural intervention and targeted RISE intervention, will cover around twice the number of schools as are currently covered"

over the last two years. I am keen to ask the Minister to give us the numbers behind the claim. How many schools over the next three years does she think will get, first, a structural intervention and, secondly, a targeted RISE intervention? Those two things are very different. In the consultation, the Government refer to figures but did not give a number or specify how many would get the lower-key RISE support and how many would get the structural intervention.

If the Government are going to claim that they are effectively doing twice as much, we need at least to see the numbers so that we can compare them to what happened under the old regime. I am sure that the Minister would agree that that is a reasonable thing to ask for and that she will be able to provide us with statistics on how many schools will go through structural intervention over the next three years and how many will go through the targeted RISE intervention.

Catherine McKinnell: Is the hon. Gentleman suggesting that I should be predicting which schools go into special measures and which have an Ofsted outcome that requires significant improvement?

Neil O'Brien: I am afraid that the Minister is the one making the prediction. It is her consultation document that says that the Government expect that twice as many schools will go through some combination of either RISE or structural intervention. The Government must know, to be able to make the claim—

Catherine McKinnell: Will the hon. Gentleman give way and I will clarify?

Neil O'Brien: Just a second. To make the claim that Ministers want to make for all kinds of reasons, they have to know. It is not me who is making the prediction, but them. I just want them to give us the numbers behind it.

Catherine McKinnell: I think that the hon. Gentleman is conflating the identification of stuck schools that under his Government remained consistently underperforming—about 600 schools, with 312,000 children. The RISE teams will immediately focus on those as the immediate priority for improving outcomes.

Neil O'Brien: I am trying to get the Minister to de-conflate her own statistics. The Government want to present the statistic in a deliberately conflated way and I am trying to get it de-conflated. This is the Government's statistic; I am not offering it. I would like to have some sense from them of how many schools—they must have the figure to make the claim—are going to go through structural interventions so that we can compare the future regime to the previous regime. The Ministers are the ones making the claim that this will intervene on more schools; I am not claiming that. I think it is reasonable to ask for the numbers behind the Government's own claims, which they did not have to make.

There is an irony behind all this. Ministers have said that they worry about having different types of schools and they want things in the system to be generally more consistent. Currently, the school system is a sort of halfway house: about 80% of secondary schools are now academies, but fewer than half of primaries are—so just over half of state schools are now academies; most academies are in a trust and so on.

In the absence of this Bill we were gradually moving over time, in an organic way, to get to a consistent system based on academies and trusts, which would then at some point operate on the same framework. But the Bill effectively freezes that halfway: it is ending the academisation order and enabling local authorities to open more new schools again. I have never been quite clear about why Ministers want a situation where they do not end up with an organic move to a single system but remain with the distinction between academies and local authority maintained schools, particularly given the drive for consistency elsewhere in the Bill.

In the past, there have been people in the Government who have held anti-academies views, or at least been prepared to bandwagon with anti-academies campaigners on the left. When running for leadership of the Labour party, the Prime Minister said:

"The academisation of our schools is centralising at its core and it has fundamentally disempowered parents, pupils and communities."

That was not long ago; there he was, on the bandwagon with the anti-academies people.

Likewise, the Deputy Prime Minister said she wanted to stop academy conversion and

"scrap the inefficient free school programme".

We talked about the evidence that those programmes worked when Labour Members asked for it. The Deputy Prime Minister said that the free schools programme is

[Neil O'Brien]

inefficient, but the average Progress 8 score of a free school is 0.25. That is a fantastic score, getting a quarter of a grade better across all subjects, which is beating the national average. That is what the Deputy Prime Minister thought was so inefficient, but the opposite is the truth. The Prime Minister and Deputy Prime Minister are not the only ones: the Culture Secretary spoke at an anti-academies conference. The Energy Secretary said that free schools were the last thing we need—but actually, for many kids they are the first. When Ministers in this Government say that they just want more options, and that they are still prepared to fight all the usual suspects to put failing schools under new management—even where left-wing local campaigns are against it—we start from a bit of a sceptical position, because of the relatively recent comments made by senior Ministers.

We do not have to imagine the future. The other day, we saw a choice: we saw a straw in the wind. Glebefields primary school in Tipton was issued with an academy order after being rated less than good twice. The DFE previously told Glebefields that the Education Secretary did not believe the case met the criteria to revoke academisation, despite the change of policy before us. The school threatened legal action and the Secretary of State changed her mind. I worry that there will be many such cases, as well as court cases, and that too many children will find themselves in schools that are failing them, and in need of new management that they will not get.

Ultimately, our amendments seek to limit the damage of this clause, but fundamentally we think that it is a mistake. We worry that, in a few years' time, Ministers will realise what some of their Back-Bench colleagues already realise: why this clause is a big mistake.

Munira Wilson: On clause 44, Liberal Democrats have long supported the position that a failing school, or one that Ofsted has identified as requiring intervention, should not automatically be made an academy. That is our long-standing policy position, so when the Bill was published I welcomed that measure.

However, I felt the need to table amendments because, as I stated yesterday in the Chamber, I was concerned that we were being asked to take away the automatic provision of issuing an academy order without knowing what the school inspection regime would be, and were therefore being asked to legislate in a vacuum. I still think that it is wrong that this legislation started to be considered before we had yesterday's announcements, but I recognise that the Government have now made them.

I was quite taken, in the oral evidence session, in which we heard from various witnesses, not least by Sir Jon Coles, who said he would like to see what Government policy is underpinning this particular measure, and what the Government's school improvement policy is. I think the jury is still out on what we heard yesterday, but the fact that we have had a policy announcement negates, to some extent, amendment 95 in my name. It sought to ensure that there was something in place, so that if there were not an automatic academy order, the Secretary of State would invite bids from successful academy trusts that had a track record of turning schools around.

I say to the hon. Member for Harborough, Oadby and Wigston that academisation is not a silver bullet. He has enjoyed quoting many times the hon. Member for Mitcham and Morden, who spoke out against her own Front Bench, but she even said herself on Radio 4 in the interview that he cited—which I listened to very carefully on the day it was broadcast—that academisation is not a silver bullet. I have not seen it in my own constituency, but I note that the hon. Member for Hyndburn (Sarah Smith) pointed out on Second Reading that she worked in areas in the north-west where there were some schools with very vulnerable pupils that had not been improved by being switched from academy trust to academy trust. Clearly, it is not always the correct answer. I therefore think it is important that Ministers set out the whole range of options that are available to ensure that we can turn schools around—and turn them around quickly—because our children deserve the best possible opportunities to flourish and thrive.

Some questions were posed on that yesterday, and I am sure that Ministers will address it over the coming weeks—although I welcome comments today—but, with the RISE teams that are being put in place, the number of advisers is really quite small for the number of schools.

3.45 pm

His Majesty's Opposition have regularly made the point that local authorities do not have the capacity, or the resources, to do school turnarounds. I gently point out to them that it was Conservative Ministers who cut the school improvement grants to local authorities in the last Parliament. I know that because I wrote to Ministers at the time, because in Richmond upon Thames I had representations from our lead for education and children's services that these important school improvement grants were being cut. We know that school improvement partners in local authorities do important work, particularly with our maintained schools. That capacity was cut away by the previous Government, and will need to be looked at in the new regime.

Neil O'Brien: The hon. Lady, in her speech, is talking a lot of sense. I would just point out to her that in the last Parliament, according to the Institute for Fiscal Studies, per-pupil funding, in real terms, went up by 11%. There will always be constraints. Indeed, the current Ministers have cut the academisation grant and the trust improvement capacity fund, and cut Latin, maths, computing, and physics support; lots of things have been cut. In fairness, schools funding, per pupil, went up a lot faster in the last Parliament than it did in 2010 to 2015, when the hon. Lady's party was in government. But there are always—*[Interruption.]*

Munira Wilson: I am very happy to respond to that. The hon. Gentleman will know full well—*[Interruption.]* Sorry; if the hon. Gentleman wishes to make these party political jibes, I am very happy to come back at him on them. In 2010 to 2015, it was the Liberal Democrats in government who made sure that schools' day-to-day funding was not cut. We were responsible for introducing the pupil premium, which, post 2015, was never uprated.

Neil O'Brien: Will the hon. Lady give way?

Munira Wilson: In a moment. I will make this point, because I wanted to pick up on it in the oral evidence session when people were asking questions about attainment, but we ran out of time. The pupil premium was a Liberal Democrat front-page manifesto policy in 2010. That was implemented and it has helped disadvantaged pupils. After 2015 it was not uprated in line with inflation, and that is why our disadvantaged children up and down the country are now getting less money, in real terms, to support their education. We have seen a widening attainment gap since covid in particular.

So, I will take no lectures from the Conservative Benches on supporting disadvantaged pupils. It was our policy on free school meals, and our policy on the pupil premium, that came to bear. Actually, it was after 2015 that we saw funding cuts. The hon. Member for Harborough, Oadby and Wigston boasted that per-pupil funding was raised; the Conservatives only got it back to 2010 levels by the time they left government in 2024. I am sure that Members across this room, when they visit their schools, will hear stories about the funding pressures.

Neil O'Brien: Will the hon. Lady give way?

Munira Wilson: I think we are diverging somewhat from the clause and the amendments.

Tom Hayes *rose—*

Munira Wilson: I will give way only if it relates to the clause and the amendments, because I fear we have veered on to school funding, as opposed to academy orders.

Tom Hayes: I was going to show some solidarity with the hon. Lady, which she may find useful. This is my second Bill Committee—the first was on water—and if it is any consolation to the hon. Lady, the Conservative spokespeople blamed 14 years of water mismanagement on the five years of coalition with the Liberal Democrats in that Committee, too. My question is, would she agree that, actually, it is unfair to blame the Liberal Democrats for 14 years of education failure, given that they were only in coalition for five of those failing years?

Munira Wilson: I think it is unfair because, as I have pointed out, we saw the most damaging cuts, and the lack of keeping up with inflation—in terms of schools funding—from 2015 onwards. As Liberals, it is core to our DNA to champion education, because we recognise that that is the route out of poverty and disadvantage for everyone. No matter someone's background, that is how they flourish in life. That is why we had such a big focus on education when we were in government. Sadly, we never saw that level of focus after we left government.

I return to clause 44 and the amendments in my name. I share some of the concerns expressed by the hon. Member for Harborough, Oadby and Wigston about judicial reviews. I do not share his concerns far enough to support his amendment, because a judicial review is sometimes an important safety valve in all sorts of decision making, but I recognise what he says: that all sorts of campaigns and judicial reviews could start up. Just the other day, I was talking to a former Minister who has been involved in a London school that needs turning around; they have had all sorts of problems in making the necessary changes, and were subject to a judicial review, which the governing body and those involved won. I recognise and share the shadow Minister's concerns, and I look forward to hearing how the Minister will address them, but putting a bar on all JRs in primary legislation is possibly overreach.

Amanda Martin: I want to comment on judicial reviews. Opposition Members will be aware that the previous Government's long-standing policy of issuing academisation orders to schools with two RIs was not in fact a duty, but can they set out on how many occasions those would have been challenged through a judicial review? Rather than them taking the time, I can tell them that there were numerous judicial reviews that held up the changes that we would have wanted to make, whether regarding governance or a change in leadership. The clause allows local authorities and local areas to choose which way to go.

Munira Wilson: The hon. Lady posed a question and answered it herself, so I shall move on.

My amendment 95 is perhaps made redundant by yesterday's announcements, but amendment 96 talks about parliamentary oversight. That comes back to the fundamental point that I made in the Chamber yesterday, which is that we will end up passing the Bill before we see the outcome of the consultations from Ofsted and the Government on school improvement. I therefore humbly ask Ministers to at least allow Parliament to have sight of what will replace the power that is being amended, our support for which is of long standing.

Catherine McKinnell: Amendment 80 would retain the existing duty to issue an academy order where a school is judged to be in a category of concern by Ofsted. However, it provides an exemption to the duty in cases where the Secretary of State is unable to identify a suitable sponsor trust for the school.

Amendment 81 would not alter the repeal of the existing duty to issue academy orders to schools in a statutory category of concern; it would replace it with a duty to issue an academy order to schools assessed as requiring significant improvement or assessed by a RISE team to be significantly underperforming in comparison with their peers. Where a school is judged as requiring special measures, the Secretary of State would have a choice as to whether to issue an academy order, to deploy a RISE team or to use another intervention measure.

The amendments acknowledge the spirit of our proposal, which is to repeal the duty to issue academy orders and so to provide more flexibility to take the best course of action for each school. We recognise that in some cases the existing leadership of a failing school is strong and, with the right support, has the capacity to improve the school. Repealing the duty to issue an academy order means that in such cases we will have the flexibility to provide targeted support to schools, for example through RISE teams, to drive school improvement without the need to change the school's leadership. I acknowledge the spirit of amendments 80 and 81 and the support for

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greater flexibility, but they would undermine the objective of enabling greater flexibility when intervening in failing schools. I therefore ask the hon. Members not to press them.

Catherine Atkinson (Derby North) (Lab): As set out by the Secretary of State yesterday, is it not the case that RISE teams will make the faster, earlier interventions to help schools improve before the situation gets so bad that these orders are given? Is that not exactly the point we are trying to get to?

Catherine McKinnell: Absolutely. The hon. Lady has put it very well. I was going to come to the detail of how the RISE teams will work, as I appreciate some questions have been raised. Fundamentally it needs to be understood that RISE will be a very different service from previous education improvement services that have been referenced. There will be more days, more money and better quality, because RISE will draw on the very best available school improvement capacity within the region, much of which lies within our academy trust leaders themselves.

Damian Hinds: I have a genuine question, as they say on Twitter. Quite a lot of teachers and school leaders have asked me, what is the difference between people joining a RISE team and national leaders in education?

Catherine McKinnell: Genuine delay of response, on the basis that I will come to that in my comments, but I appreciate the hon. Gentleman's interest.

Amendment 82—tabled jointly in the names of the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich—means that where the Secretary of State decides to issue an academy order to a school, the decision cannot be challenged by judicial review. The amendment looks to address the concerns that have been raised that repealing the duty to issue academy orders will lead to delays in school conversions and improvement, due to legal challenges against the Secretary of State's decision.

I do not accept the challenge that repealing the duty to issue academy orders will lead to unacceptably high numbers of legal challenges. As part of our future intervention process, we will set out a robust and lawful policy which will set out the circumstances in which we will issue an academy order to a school in a category of concern, and that will help ensure that all decisions taken to intervene are in the best interest of the individual school and its circumstances. However, there should be the possibility, and ability, for those impacted by decisions to issue an academy order to challenge that decision where it might have got it wrong. I therefore respectfully ask that the Members withdraw that amendment.

I now turn to amendments 95 and 96, tabled by the hon. Member for Twickenham. Amendment 95 seeks to require the Secretary of State to invite expressions of interest from potential sponsor trusts prior to issuing an academy order to a failing school. It then requires the Secretary of State to assess the track record of potential sponsors identified as regards school improvement. Amendment 96 would require the Secretary of State to lay a report before Parliament, setting out the different mechanisms that can be used to secure school improvement, and guidance on the appropriate usage of those mechanisms, before measures can take effect. The Department already has an established practice on publishing clear policy and guidance on the methods used to support and intervene in schools. In particular, the support and intervention in school guidance makes clear the various intervention powers that may be used when a school is underperforming and the circumstances in which they may be used. In most cases, failing maintained schools subsequently converted to academies have shown improvements. The last published data shows that since 2010, 68% of previously maintained schools, now academies, improved to a "good" or "outstanding" in their latest Ofsted inspection. Conversely, that does show that 32% did not.

Once it is decided that an academy order should be issued, the Department already has established processes in place to identify the best sponsor for each failing school. Using the high-quality trust framework, the Department identifies trusts with the expertise and track record in delivering high-quality and inclusive education and the capacity to rapidly transform the performance of the school. The Department will consider the individual school characteristics and the school's improvement needs in order to match the school with the right trust. We will continue to ensure that we identify the best possible sponsor match for failing schools that receive academy orders to maximise the potential for school improvement. The Department already has these well-established practices, so I do not believe the amendments are necessary to achieve the outcome that they seek. I respectfully ask the hon. Member for Twickenham not to press them to a vote.

4 pm

Turning to clause 44, for too long, the only solution to tackling failing schools has been to force them to become academies. Although it is true that many schools have benefited from academisation, it is not the right approach in all cases. Academisation can be disruptive and costly, and it may not be necessary where a school's existing leadership has the capacity to make the necessary improvements, if it just had the right support to do so. There are also circumstances where there just has not been a strong academy trust for a school to join, which has meant children continuing to wait for their school to be improved and continuing to be disadvantaged by doing so.

That is why we are repealing the duty to issue academy orders to local authority maintained schools that are in a statutory category of concern. Instead, we will have a choice between academising or providing support with the new regional improvement for standards and excellence teams. Where it is clear that academisation is the best way to achieve improvement for a particular school, we will not hesitate to pursue it. Where academisation may not be the best option, particularly when the school has existing strong leadership, it will receive support from a RISE team to improve without the disruption that academisation causes for pupils and parents.

Let me respond to some of the questions. The hon. Member for Twickenham rightly acknowledged that the consultation issued yesterday set out the process that will interrelate with the changes that we seek to make through legislation today. Clause 44 repeals the duty to

make an academy order for maintained schools that are causing concern. As we said, that will give us more flexibility to address a school's performance issues. We launched the 12-week consultation yesterday, seeking views on the school accountability principles, including the structural intervention that sits alongside Ofsted's consultation.

We outlined our policy for intervention in schools causing concern, and we now seek to legislate to provide the ability to pursue the outcome of that consultation. Whatever the outcome, we believe that repealing the duty to issue academy orders to give us that flexibility of approach is the best option. I know that the hon. Lady agrees, and we will use the responses to the consultation to inform the precise balance of use between the intervention options. We will be clear about those options and that approach to minimise any legal challenge that may be brought in respect of decisions taken.

The long-term objective of the measure is obvious: children get only one childhood, and it matters deeply that they get the right school and the highest quality provision in that school through their childhood. We are absolutely determined that improvement, when it is needed, will be delivered as fast as possible. Contrary to what the hon. Member for Harborough, Oadby and Wigston said, academisation can be a very slow process. Indeed, it can take time to match a school with a strong trust, and it can take time for the legal processes to go through. What we seek to do with the RISE teams is to intervene at the earliest point at which a struggling or failing school is identified, and to put that support in place as fast as possible.

We do not accept the challenge that this will result in intolerable delays to school improvement—quite the opposite: it will ensure that support can be put in at the fastest opportunity. To give some statistics, between January 2022 and December 2024, 40% of all schools in a category of concern took over a year to convert to sponsored academies, and 23% took more than two years. Although some of the concerns existed before the current regime of directed orders was introduced, it still takes too long and there are too many children in those schools that are not getting the support they need to improve. Even where they have the capacity within the school to improve, they do not have the support to do so.

We absolutely back the academy system; we have been very clear about that. The characterisation of this as anti-academy is quite ridiculous.

Neil O'Brien: It was the Prime Minister's words, not mine.

Catherine McKinnell: We greatly value the role of trusts in the school system. Indeed, we recognise the improvements they have brought, particularly for disadvantaged children. We recognise the excellence and innovation seen right across our schools and trusts. As I said earlier, we also recognise that a lot of the capacity to drive improvement across the system exists within those academy trusts, and we will harness that.

Without single headline grades, Ofsted will continue to identify those schools that require significant improvement or are in special measures and it will be able to make judgments to inform the level of support that should be given. If a school in special measures does not have the leadership capacity to improve, the proposal subject to consultation is that it should be immediately moved towards academisation. Where a school does have the leadership capacity to improve, for the next year, while we are building up the capacity of the RISE teams—as I said, 20 began work yesterday, but we recognise we are not up to full capacity yet—it will be issued with an academy order. However, once we have the RISE teams to go in and support the leadership team to drive improvements within those schools, we will put in that support, rather than going straight to an academy order.

Tom Hayes: We have heard various things from the Conservative spokespeople, including from a sedentary position. I just heard the hon. Member for Harborough, Oadby and Wigston say something about the Prime Minister. I want to put on the record what the Prime Minister said at Prime Minister's questions recently:

> "Parents and teachers know that we introduced academies. Parents and teachers know that we are driven by standards. We are committed to standards—they are part of the future—and we will continue to focus on them."—[*Official Report*, 22 January 2025; Vol. 760, c. 1000.]

It is really important that words are not being put in the mouths of Members, particularly when those Members are not in this room.

Catherine McKinnell: I thank my hon. Friend for that clarification, and I agree; there has been far too much of that in this Committee.

Neil O'Brien: I literally just read out the Prime Minister's own words. They are not my words. If he did not want to say them, he did not have to say them. I want to press the Minister, because I can sense that she is starting to wind up. She is talking about how many schools will go through structural intervention—in other words, academisation. The Government have put out a statistic saying that there will be twice as many schools going through RISE and academisation combined over the next three years as there were over the last two years. The Government clearly have a statistic for how many schools they expect to go through academisation, and I am keen that the Minister tell the House what that number is. How many schools do they expect to go through academisation in the next three years? They obviously know.

Catherine McKinnell: To be clear, we have identified the 600 schools that require RISE intervention, and that will be mandated—

Neil O'Brien: How many will go through academisation?

Catherine McKinnell: If I could just finish, that will be mandated intervention for schools that have been consistently underperforming. They are schools that are not part of the previous Government's procedure for mandating intervention within schools. They are schools that have been sitting just above the mandated intervention procedures but have been consistently underperforming. This is one of the big failures of the previous Government. We have spent a lot of time in

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the last few days recognising the great successes of many educational reforms over the years, but it is a crying shame that so many schools are still struggling and have not had the support they need to improve over the years.

Neil O'Brien *rose—*

Catherine McKinnell: No. The idea that a one-trick-pony approach to improving schools will get the required outcome is simply not borne out by the facts.

I will give a piece of data that might help to illustrate my point. This is in no way a reflection of academies—we absolutely support academies, and we cannot wait to see RISE working with academies to drive great practice and improvements across the system. However, 42% of schools that were placed in special measures or judged as requiring significant improvement in 2023-24 by Ofsted were academies. The idea that simply academising, academising, academising will get the outcomes we need for children is a narrow-minded, inflexible approach that has let far too many children down. We are not willing to put up with that.

Neil O'Brien *rose—*

Catherine McKinnell: I will get on to answering the hon. Gentleman's question, if he would like me to. He can ask it again or ask another one.

Neil O'Brien: I am keen to get a piece of information that the Government have not properly put into the public domain. They clearly know how many schools they expect to go through academisation in the next three years. What is the number? That is all I am looking for.

Catherine McKinnell: I will need to write to the hon. Gentleman to answer that specific question, as I think it is more complex than he identifies. There are obviously schools that we know are underperforming, and that is where we want to target our resources. Those in special measures and those that require significant improvement will undergo academy conversion over the next 12 months. We probably have the number for that, but ongoing Ofsted inspections will identify new schools that will fall into that category, and they will need to be academised. We cannot predict that, and it would not be fair for us to do so.

We have roughly 312,000 children at schools that we have already identified as struggling schools that are not getting any support or intervention. We are directing targeted, mandated RISE support to them. Clearly, future schools will unfortunately fall into those categories as more Ofsted inspections are undertaken over the next year. I therefore do not have the exact figure as to how many will fall into whichever category.

We obviously hope that schools will benefit from the universal RISE service that we will bring forward to support all schools to improve, regardless of their process. That, however, is part of the consultation; we will look to roll it out in due course.

To be clear on the number of RISE advisers, we recognise that 20 seems like a small number, but they will be the facilitators of a much larger army of school improvement expertise that we know already exists in the system. That will be put together with schools that require support. By April, we will have 50 advisers as we are undertaking a recruitment process to bring in the best of the best for school improvement support. They will not deliver the school improvement but will ensure that school improvement is made available and matched up with schools that need it.

As the right hon. Member for East Hampshire will know, the national leaders of education, who are school improvers, were deployed for a basic 10 days. That was obviously valuable, but RISE will draw on a much broader range of institutional capacity, and it will bring in more than one provider. There will be more help and expertise, and there will be more time and more money. We are not going to waste any time. We are investing in making sure that children do not spend one more day in a school that is not giving them the outcomes they deserve. I hope the Committee will agree to the clause standing part of the Bill.

Neil O'Brien: I am keen to press the amendment.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 12.

Division No. 15]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Foxcroft, Vicky
Baines, David	Hayes, Tom
Bishop, Matt	McKinnell, Catherine
Chowns, Ellie	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

Clause 44 ordered to stand part of the Bill.

Clause 45

Extension of statutory pay and conditions arrangements to Academy teachers

4.15 pm

Munira Wilson: I beg to move amendment 47, in clause 45, page 104, line 17, at end insert—

"(za) in subsection (1)(a), after 'the' insert 'minimum'".

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

Clauses 45 and 46 stand part.

Government amendment 93.

New clause 7—*Power to prescribe pay and conditions for teachers—*

"The Secretary of State must, within three months of the passing of this Act—

(a) make provision for the power of the governing bodies of maintained schools to set the pay and working conditions of school teachers to be made equivalent with the relevant powers of academies;

(b) provide guidance to all applicable schools that—

(i) pay levels given in the School Teachers' Pay and Conditions Document are to be treated as the minimum pay of relevant teachers;

(ii) teachers may be paid above the pay levels given in the School Teachers' Pay and Conditions Document.

(iii) they must have regard to the School Teachers' Pay and Conditions Document but may vary from it in the best interests of their pupils and staff."

This new clause would make the pay set out in the School Teachers' Pay and Conditions Document a floor, and extend freedoms over pay and conditions to local authority maintained schools.

Government new clause 57—*Pay and conditions of Academy teachers.*

Government new schedule 1—*Pay and conditions of Academy teachers: amendments to the Education Act 2002.*

Munira Wilson: Amendment 47 would, very simply, make the Secretary of State's recommendations on pay and conditions a minimum for all schools, whether maintained or academy schools, as the Secretary of State and Ministers have now confirmed was their intention with the Bill. I note that, since I tabled this, new schedule 1 has been tabled. I question why we need a separate order-making power, with all the complexities set out in the new schedule—I am sure the Minister will address that—but I think we are at one in saying that the recommendations should be a floor not a ceiling.

I return once again to the data laid out in the House of Commons Library document on the Bill, which suggests that there is very little variation in pay between maintained schools and academies. Again, I am not 100% sure why we need the new schedule; I just think we should have a floor for all schools. I think it is great that where schools have the means, they are able to pay a premium to attract teachers in shortage subjects, challenging areas or schools that may have had their challenges, but, as we all know, the reality is that most schools are massively strapped for cash—most headteachers and governors I speak to say that. The idea that they are all going to be able to pay a premium is for the birds. None the less, those schools that are able to should absolutely have that freedom.

Neil O'Brien: We have been on quite a journey on this clause. At the Education Committee on 15 January, the Secretary of State said that critics of the Bill were confused. She said:

"It has become clear to me that there has been some confusion and some worry about what I have said in this area, so today I want to be absolutely clear that all schools will have full flexibility to innovate with a floor and no ceiling on what that means."

The fact that, subsequent to that, we have pages and pages of Government amendments to their own Bill suggests pretty powerfully that it was not school leaders and critics of the Bill who were confused.

This is a very significant measure. The impact assessment notes that an Employer Link survey conducted in 2021 found that over 28% of employers varied in some way from the school teachers' pay and conditions document. Freedoms have been quite widely used. As Sir Jon Coles said in evidence to this Committee, just because people are using the freedoms does not necessarily mean that they know they are using them. Some of the innovations are great—they are things we all want for our teachers and schools. For example, United Learning, Jon Coles's trust, was paying 6.5% on top of the national pay and conditions to retain good people. Dixons was innovating with a really interesting nine-day fortnight, so that teachers in really tough areas got more preparation time. This is really powerful innovation that we do not want to take away.

The Secretary of State called for a floor not a ceiling and said that she wanted

"that innovation and flexibility to be available to all schools regardless of type."

We think that is a good principle and we agree about extending it to all schools. That is why our new clause 7 would extend freedoms over pay and conditions to local authority maintained schools as well. Given that the Government said previously that it would be good to have the same freedoms for everybody, we assume that they will accept the new clause so that we can have the floor not a ceiling for everybody, not just academies.

If a floor not a ceiling is right for teachers, surely it is right in principle for the other half of the schools workforce. Surely, school support staff—actually, they are the majority of the workforce in schools—are not worth any less than teachers, and the same principles should apply to them. This is critical. Lots of trusts are using the advantages of scale to make back-office savings and efficiencies, and ploughing them back into additional benefits and pay to support really good staff. I hope that Ministers will support our new clause 64, when we come to it, and accept that the principle that they have applied to teachers should apply to everybody else in our schools, too.

Ellie Chowns: I warmly welcome the proposal to ensure that there is a level playing field for pay for teachers who teach in different types of schools. Does the Minister consider that now is the time to take a similar approach to addressing pay for leaders of schools? I found it pretty jaw dropping to hear recently that the pay and pension of a CEO of a well-known multi-academy trust topped £600,000 per year. I took the trouble of having a look at that particular academy trust and found that it has 168 people on salaries of over £100,000, and it covers just 55 schools.

It is clearly not sustainable for the pay of leaders of multi-academy trusts to continue to increase in proportion to the number of schools in those trusts. If that approach was taken to salary setting, the Minister herself would be on millions of pounds a year. We had an interesting discussion earlier about the difference between correlation and causation. There is worrying evidence—I have seen interesting analysis from Warwick Mansell, for example—showing correlation between the prevalence of non-QTS teachers and high pupil-teacher ratios in multi-academy trusts and high levels of executive pay. That strongly suggests that such trusts are diverting or channelling more funding into higher executive pay rather than frontline teaching, which is surely of concern.

While I welcome the moves to ensure equitability across teacher salaries in all types of state school, is it not time to address pay inequalities and excessive pay in certain leadership functions in multi-academy trusts in particular? I note that the Public Accounts Committee

[Ellie Chowns]

drew attention back in 2022 to the DFE not having a handle on executive pay in the sector. I would warmly welcome the Minister's comments on whether the Government have any intention to take action to address this.

Amanda Martin: It is good to follow the hon. Member for North Herefordshire. A lot of this argument has just been about pay, but we are actually considering schoolteachers' pay and conditions. We need to take into account all elements of schoolteachers' pay and conditions. The hon. Member spoke about executive pay of CEOs. There is an academy trust—United Learning trust—where many staff cease to get sick pay above statutory levels after six weeks. That does not strike me as likely to attract and retain high-quality staff. People may fall ill through no fault of their own, and this is not the right approach to take when we have a recruitment and retention crisis.

The schoolteachers' pay and conditions document allows for recruitment and retention points, SEN points and teaching and learning responsibility points to be awarded. It also allows for teachers working in schools to rise up without an incremental scale, unlike me when I entered teaching and took an annual increment to rise up the scale. We can allow for teachers to be paid at a high level, should there be a need and desire for that. That includes the upper pay scale. Members who were not in the profession may not know that the previous Government introduced that with five elements, but those were quickly reduced to three to keep good and experienced teachers in the classroom.

On the schoolteachers' pay and conditions element, with regard to flexibility it covers 1,265 hours. That can be negotiated in an academy or maintained school according to what works best for individual teachers or the school. I have an example from my city. Several years ago, through the narrowing of the curriculum, GCSE dance was removed from it. The school worked with the dance teacher, who still did her 1,265 hours, but moved her timing, because she did it as an after-school element. There is still the 1,265 element and flexibility. However, the provisions will mean that wherever people teach, in whatever organisation, if they are in a school that is funded by taxpayers—funded by the Government—they will have national standards for their pay and their terms and conditions.

Catherine McKinnell: I will speak about amendment 47, new clause 7, Government amendment 93, new clause 57, new schedule 1 and clause 26.

On amendment 47, I am grateful to the hon. Member for Twickenham for her considered and constructive views on our teachers' pay and conditions measures. I hope she will agree that, in tabling our own amendments—of which I will give more details shortly, and respond to her specific question—the Government have demonstrated a commitment to ensuring that schools can innovate and share best practice to recruit and retain the teachers our children need. I absolutely appreciate what the hon. Lady is trying to achieve with the amendment. However, if it will satisfy her, our amendment will do two key things. First, it will create a power for the Secretary of State to require teachers in academy schools and alternative provision academies to be paid at least a minimum level of remuneration. When used with the existing power to set pay for teachers in maintained schools, that will enable the Secretary of State to set a floor on pay for all teachers in all state schools. I think that addresses the key effect that the hon. Lady's amendment seeks to achieve.

Secondly, our amendment will require academies to have regard to the schoolteachers' pay and conditions document and guidance. That makes clear that we will deliver on our commitment to creating a floor with no ceiling on teachers' pay, and we remain committed to consulting on changes to the school teachers' pay and conditions document to remove the ceiling and allow all schools to innovate and attract the top teaching talent that they need.

On new clause 7, which the hon. Member for Harborough, Oadby and Wigston tabled, I appreciate his concern. I think we have reached a level of agreement—I do not think there is strong disagreement on the need for clarity for academies or the principle of equivalence between academies and maintained schools on teacher pay and conditions. That is why we have introduced our own amendments to this clause that will, for the first time, allow the Secretary of State to guarantee core pay arrangements for all state school teachers.

Our understanding of new clause 7 is that it seeks to achieve a similar outcome to our Government amendments. However, the Government's amendment on this matter achieves what the hon. Member's amendment seeks to achieve and more, with greater clarity and precision. It clarifies those academies and teachers who should be in scope, and importantly, retains the Secretary of State's power to set a flexible framework for maintained schools, giving them the certainty that they want. It also takes into account the important, considered and constructive views of the teaching profession and other stakeholders, without undermining the independent pay review process that we know schools, teachers and stakeholders value. The Government have listened and acted decisively on this matter, and I urge hon. Members not to press their amendments.

The Government amendments seek to replace clause 45 and detail the Government's proposed approach to teachers' pay and conditions. Let me say from the outset that the Government's objectives on pay and conditions have not changed. As the Secretary of State set out clearly at the Education Committee meeting, we will create a floor with no ceiling by providing a core pay offer for teachers in state schools and enabling innovation to help all schools attract the top teaching talent they need. Those amendments will provide additional clarity about how we will deliver that.

The existing clause 45 will be replaced by new clause 57 and new schedule 1, which introduces a new accompanying schedule to the clause. Amendment 93 deals with the commencement of the new clause and the schedule. The Opposition made a great deal of noise about our plans for teacher pay and conditions, claiming that we wanted to restrict academy freedoms and that our secret intention was actually to cut teachers' pay. All of it was nonsense. Our rationale for why we need these changes has always been clear. We know that what makes the biggest difference to a young person's education is high-quality teaching. We greatly value the role that trusts play in the school system, particularly for disadvantaged children—they

have transformed schools, and we want them to continue to drive high and rising standards for all pupils. But 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.

4.30 pm

In order to achieve that, the Secretary of State has set out that we want to create a floor with no ceiling, enabling healthy competition and innovation to improve all schools. We will do that by taking a power to set the minimum level of renumeration for teachers in academy schools and alternative provision academies, creating a pay floor for those teachers. We will also take a power to issue guidance concerning minimum-pay level setting.

We will place a duty on the proprietors of those academies to have regard to the schoolteachers' pay and conditions document, which means they must follow it unless they have good reason not to. That will allow existing and future innovations that benefit pupils and staff to continue, and will go further to ensure that maintained schools have the flexibilities that they need, in the same way that academies already do, by remitting the school teachers' review body to consider the benefit of further flexibilities for all schools following Royal Assent.

Taken together, the measures in the new clause and the changes we intend to make by way of secondary legislation mean that all state school teachers will have a guaranteed minimum pay offer. In a constrained teacher labour market, all schools will have flexibility to attract and retain teachers, and innovations that are making a positive difference can continue and spread.

Neil O'Brien: It is generous of the Minister to give way. To address the point that I raised in my speech, does she agree that the principle of a floor but no ceiling should apply to school support staff as well as teachers?

Catherine McKinnell: Yes, I was going to come to that point, because it is welcome that the hon. Gentleman focused on school support staff. He is absolutely right that they are integral to any successful school. However, we do not intend to amend the provisions, because we are legislating for the school support staff negotiating body in the Employment Rights Bill, and we are creating a new system for support in 2025. Rather than try to amend the existing one, we are creating a new negotiating body for them. It makes sense that the outcomes from the new body will apply in same way to all state-funded schools in England.

The primary legislation does not commit us to a one-size-fits-all approach, and so there will be flexibilities for local circumstance to be able to flex above minimum agreement. Again, there will also be a floor but no ceiling for school support staff. We will continue to work with the sector, during and after the passage of the Bill, to ensure that the school support staff negotiating body meets the needs of all school types. The shadow Minister's intervention and focus on school support staff is absolutely welcome.

In response to the specific question of why we need a separate order-making power, we have clarified the objective by tabling an amendment that requires all academy schools and alternative provision academies to pay their teachers at least the minimum level of pay set out in secondary legislation. Subsequent reforms to the schoolteachers' pay and conditions document will ensure there is no ceiling on the maximum that maintained schools can pay for their teachers.

The amendment will also require academies to have regard to the schoolteachers' pay and conditions document, ensuring an established starting point for all state schools while giving confidence that existing or future changes benefiting teachers and pupils can continue. Maintained schools will continue to follow the schoolteachers' pay and conditions document, but the Government are committed to making changes to the document following the Bill's passage, to remove the ceiling and build in flexibility so that all schools can innovate to attract and retain the best talent.

We absolutely want to ensure that the freedoms that academies have enjoyed will continue. Indeed, they will be extended to maintained schools. In terms of examples used, such as the nine-day week—

Damian Hinds: Fortnight.

Catherine McKinnell: Fortnight. Indeed, as in the interesting example given by my hon. Friend the Member for Portsmouth North, it is right that schools are able to find new and innovative ways of ensuring that they retain and attract the teachers who we know will drive the high and rising standards that we want across our schools. I hope I have answered all the questions.

Ellie Chowns *rose—*

Catherine McKinnell: The hon. Lady asked me a question.

Ellie Chowns: I thank the Minister for giving way. Does she agree with me that there is a case for establishing a national pay framework for academy trust leaders, given the huge and rising salaries?

Catherine McKinnell: I thank the hon. Lady for her contribution, and I recognise the concerns that she has set out. It is essential that we have the best people to lead our schools. That is how we drive and raise standards. But we are absolutely clear that academy trust salaries must be justifiable and must reflect the individual responsibility, and also local recruitment and retention needs. The Academy Trust Handbook gives academy trusts the authority to set their own pay. Trusts must ensure their decisions about levels of executive pay, including salary and other benefits,

"follow a robust evidence-based process and are a reasonable and defensible reflection of the individual's role and responsibilities."

We work with trusts on executive pay. Where there is an insufficient demonstration of value for money, or no direct link to improving outcomes for students, and where executive pay in an academy trust is found to be an outlier when compared with similar academy trusts, the Department engages with the trust and assesses

[Catherine McKinnell]

compliance with the Academy Trust Handbook. The hon. Lady's concerns are noted and, where required, the process will be followed.

Ellie Chowns *rose—*

Catherine McKinnell: Does the hon. Lady have another question?

Ellie Chowns: Just to expand on that, I would like to ask the Minister whether she thinks it is reasonable and justifiable that an academy trust leader has a salary of over £600,000, when a leader in a local authority with responsibility for an equivalent or larger number of schools would have a salary nowhere near?

Catherine McKinnell: The hon. Lady has made her point. I will not comment on individual circumstances or individual trust leaders—I do not believe it would be appropriate for me to do so. But she has made her point and it is an important one that is reflected in the processes in the Academy Trust Handbook and the processes that are in place regarding these issues. We will keep it under review as a Department. Obviously the changes that we are bringing will have an impact in terms of setting a more equal balance between the approaches of academies and maintained schools in pay and conditions. That is the intention of the clause.

I hope I have set out clearly how our amendments to the existing clause 45 and subsequent secondary legislation will deliver on our commitment to a floor with no ceiling. It will enable good practice and innovation to continue and will be used by all state schools to recruit and retain the best teachers that they need for our children. I therefore urge members of the Committee to support the amendments, but in this context the current clause 45 should not stand part of the Bill.

Munira Wilson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 45 disagreed to.

The Chair: So clause 45 does not stand part of the Bill. Does clause 46 stand part of the Bill?

Catherine McKinnell: I am happy to speak to clause 46.

The Chair: We already debated clause 46. If people were not following, I cannot do anything other than express my concern about that. If it is the wish of the Committee that we discuss clause 46 before we put it to the vote, I can be flexible and allow that.

Clause 46

Application of pay and conditions order to education action zones

Question proposed, That clause 46 stand part of the Bill.

Catherine McKinnell: I am extremely grateful for your flexibility on this matter, Sir Christopher. I have a very short contribution to make on clause 46. It is a minor technical change that sensibly tidies up legal provision that is no longer necessary. The clause repeals section 128 of the Education Act 2002. That section enabled maintained schools in education action zones to apply to determine their own pay and conditions for teachers. However, as education action zones have not existed since 2005, the most appropriate action is to repeal section 128 of that Act entirely.

Although the legislation to create new education action zones remains in place, the effect of the clause is negligible given that no education action zones currently exist. If any new ones were subsequently created, as a result of this clause they would no longer be able to opt out of the statutory pay and conditions framework, which is entirely consistent with the Government's new approach to teachers' pay.

Neil O'Brien: Sir Christopher, you are a superb Chairman. You are also a very kind and thoughtful one for those of us who are not quick enough on the draw.

I will not make detailed comments here. We are abolishing something that was set up in the School Standards and Framework Act 1998, and it struck me that there are related ideas that the Minister might want to pick up rather than abolish.

As well as the education action zones that we are discussing here, the Blair Government had another go at that same idea in the 2002 Act and enabled huge amounts of school freedom in particular areas to bring about improvement. Although lots of work was done on that legislation and it was passed through the House, and lots of work was done to implement it, there was a change of Secretary of State and, strangely, the powers, although they are on the statute book, were never commenced.

We, as the Opposition, do not have the power to commence them, but I would recommend to the Minister that she does. I think there is a great opportunity here to get some innovation into the system. New clause 67, when we come to it, may look familiar to Ministers and to DFE lawyers, because I am afraid we have stolen it—it is a straightforward rip-off of 2002 Blair era reforms.

Even though in this clause abolishes a bit of Blair-era reform, we encourage Ministers to get back on the reforming horse and to return to that spirit. We hope when we come to that new clause that Ministers will spot what we are trying to do.

Catherine McKinnell: I note the spoiler for amendments to come.

Question put and agreed to.

Clause 46 accordingly ordered to stand part of the Bill.

Clause 47

Co-operation between schools and local authorities

Question proposed, That clause 47 stand part of the Bill.

Catherine McKinnell: Clause 47 creates a new co-operation duty for schools and local authorities. It aims to strengthen how schools and local authorities work together on school admissions and place planning.

Collaboration and co-operation on these issues is vital to ensuring that all children, especially the most vulnerable, can receive a school education. The clause places a duty on mainstream state schools and local authorities to co-operate with each other regarding their respective school admissions functions. It also places a duty on mainstream, special and alternative provision state schools to co-operate with local authorities regarding their place-planning functions.

For the admissions and place-planning system to function effectively, co-operation between schools and local authorities is essential. For example, local authorities need to regularly engage with local schools to produce and deliver proposals for ensuring that there are sufficient school places.

That process normally works well and we know that the vast majority of schools and local authorities already work together effectively to ensure that there is sufficient supply of school places and that local admission systems are working to support parent choice and allowing children to achieve and thrive. However, until now there has been no general duty on schools and local authorities to co-operate on these important issues.

In some instances, that has led to some schools and local authorities acting unilaterally or unhelpfully in regard to admissions or local place planning, without recognising the impact of their decisions on local communities. These new duties will send a strong message to schools and local authorities about the importance of co-operation on school admissions and place planning. As a result, we expect that schools and local authorities will seek to act more collaboratively on these issues, for example, sharing information in a timely manner and ensuring that they are working together in the best interests of the local community.

The absence of specific duties on co-operation also means that there are limited options available for the Secretary of State to intervene where a school or local authority is refusing to co-operate on these issues. Formalising a need to co-operate as a statutory duty will provide a mechanism to address such a situation. Where a school or local authority is failing or refusing to co-operate, the Secretary of State will be able to use her existing and planned enforcement powers to intervene, for example by considering directing the party at fault to take specific steps to comply with their co-operation duty.

Neil O'Brien: I will be quite brief. Clauses 47 to 50 are all of a piece, though it is the last of them, clause 50, that we have the greatest concerns about. In the interest of time, I will reserve my comments on the other clauses until later.

On clause 47, I just want to note my concerns that a rather vaguely defined duty to co-operate should not be abused by local authorities, and that a school's failure to co-operate to the satisfaction of the local authority should not be used as a trigger for some of the rather alarming powers in clause 40. I just mark my concerns on this one, particularly about the vagueness of the duty to co-operate. I will return to more specific concerns on later clauses.

4.45 pm

Munira Wilson: I warmly welcome the provision in clause 47. The Liberal Democrats have long called for far greater co-operation between local authorities and schools on admissions and place planning. This is even more important now as we see falling school rolls, which is a particularly acute problem in London. It is the case in other parts of the country as well, but in my own local authority, eight reception classes were closed in primary schools in, I think, the last academic year. At the moment, we have high demand for our secondaries and falling demand for our primaries. Over the years, that will feed through into secondary schools, which is where most of our academies sit. We must ensure that academies or schools are working with the local authority on place planning. Having a massive surplus of places in such a cash-constrained environment is neither realistic or desirable.

I would add just one caveat from talking to the Confederation of School Trusts and the evidence we heard from Sir John Coles. They all welcome this particular provision, but Sir John Coles said that schools and local authorities need clear guidance on how this will work in practice. I look forward to the Minister's comments on what guidance will be issued.

Ellie Chowns: I too absolutely welcome this new duty to co-operate. It is really important in the context of the problems that competition over people's heads has led to. I am, however, like others, a bit concerned about the vagueness of the way that it is specified in the legislation. I feel that it does not make it clear enough what the duty to co-operate actually means. Would the Minister consider making it more clear, such as specifying that the local authority becomes the admissions authority for all schools in the area? Would the Government also consider reforming the legacy of partial selection that is still there for some schools? Arguably, we should reform aptitude-based tests and other admissions tests, which evidence shows have led to inequalities in admissions.

Catherine Atkinson: The Bill represents a really important opportunity to strengthen the partnership working between schools and local authorities. As well as visiting schools across my constituency of Derby North, I visited Derby College and our university technical college—UTC. In looking at the opportunities and benefits that can be brought by better co-operation, would the Minister consider encouraging local authorities to assess fully 14 to 16 provision across all providers, to ensure that any gaps or barriers to accessing all those opportunities are considered? Could there also be potential consideration of offering opportunities for young people to study and train for part of the week in college settings? There is a real opportunity for our young people when we have better collaboration and co-operation on admissions.

Catherine McKinnell: In response to both Opposition Front-Bench spokespersons, we have deliberately not attempted to set out precisely what co-operation means, because it will depend on unique local context and issues. We expect, however, co-operation to include local authorities engaging collaboratively and constructively with schools, and academy trusts producing proposals for ensuring sufficient school places and how to reduce

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and repurpose spare capacity, which the hon. Member for Twickenham rightly identified as a challenge. We also expect local authorities to share their place-planning strategy with academy trusts and other local partners, and be transparent about underpinning capacity and forecast data, as well as the rationale for targeting schools for expansion or contraction.

We expect schools and trusts to work collaboratively and constructively with local authorities, other academy trusts and the Department, on place-planning matters; act reasonably when considering or responding to requests to raise or lower published admission numbers; expand or contract where necessary; and be transparent with local authorities and the regions group about issues affecting their ability to deliver places and about any significant changes that they are planning. I hope that addresses the concerns.

My hon. Friend the Member for Derby North asked a question about 14 to 16 provision. Where that is in an academy trust within a local authority area, the same co-operation duties apply. She is absolutely right that moments of transition are another key factor, and they have been regularly identified as a challenge for young people. They can be a real opportunity for young people but can also be challenging. We must create seamless transitions for young people. I will take away the consideration that the duty could form part of the solution to ensuring smooth transitions, particularly by ensuring that we have the provision for the age cohort she referred to. I trust that I have answered the questions raised.

Question put and agreed to.

Clause 47 accordingly ordered to stand part of the Bill.

Vicky Foxcroft: I beg to move, That further consideration be now adjourned.

I specifically thank you, Sir Edward, for being so patient in the Chair for so long. *[Interruption.]* Sorry, Sir Christopher.

The Chair: There are many occasions on which I have been confused with Sir Edward Leigh. I am going to indulge the Committee. Back in 1983, we were both new Members, and in those days, there was a system whereby the Chair of a Select Committee was chosen by the other members of the Committee. I was taken for a cup of tea or something stronger by somebody who aspired to be the Chair of a Committee. After he had given me a monologue for about half an hour, I said, "I didn't think that people were able to vote unless they were members of the Committee." He said, "You are Edward Leigh, aren't you?" I have never seen anybody disappear as quickly as that, because he had wasted half an hour of valuable canvassing time.

Ordered, That further consideration be now adjourned.—*(Vicky Foxcroft.)*

4.53 pm

Adjourned till Thursday 6 February at half-past Eleven o'clock.

Written evidence reported to the House

CWSB167 National Foundation for Educational Research (NFER)

CWSB168 Comprehensive Future

CWSB169 Sustain

CWSB170 Attachment Research Community and the Restorative Justice Council

CWSB171 Family Action National School Breakfast Programme

CWSB172 Become

CWSB173 Waldorf UK

CWSB174 Kidscape

CWSB175 Citizens Advice Halton

CWSB176 Helen Hamlyn Centre for Pedagogy (0-11 years) (HHCP), IOE, UCL's Faculty of Education and Society

CWSB177 Marie Collins Foundation

CWSB178 Adoption UK

CWSB179 Resolution

CWSB180 Drive Forward Foundation

CWSB181 Edapt

CWSB182 Square Peg

CWSB183 Barnardo's (supplementary)

CWSB184 The Fostering Network

CWSB185 Children North East

CWSB186 Care Leavers Association

CWSB187 Nuffield Family Justice Observatory

CWSB188 Children's Services Development Group

CWSB189 National Education Union

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Eleventh Sitting

Thursday 6 February 2025

(Morning)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 10 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, Sir Christopher Chope, † Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 6 February 2025

(Morning)

[Sir Edward Leigh *in the Chair*]

Children's Wellbeing and Schools Bill

11.30 am

Clause 48

Power to direct admission: extension to Academies

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move amendment 90, in clause 48, page 108, line 24, at end insert—

"(3) Within six months of the passing of this Act, the Secretary of State must issue statutory guidance on the decision-making process that must be followed when directions are given under section 96 of the School Standards and Framework Act 1998.

(4) Guidance issued under subsection (3) must include details of—

(a) how actual or potential conflicts of interest arising from the role of local authorities in directing admissions to schools they maintain and those they do not are to be identified and managed; and

(b) how the best interests of children and young people are to be prioritised in all decision-making."

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

Clause stand part.

Clause 49 stand part.

New clause 45—*Power to direct admission not to have regard to maintained or academy status*—

"In section 96 of the School Standards and Framework Act 1998 (direction to admit child to specified school), after subsection (2) insert—

'(2A) A direction under this section may not take into account whether a school is a maintained school or an academy.'"

Neil O'Brien: We heard some concern about clauses 48 and 49 in our evidence sessions. One of the issues is the potential conflict of interest between the local authority being both the regulator of the local system and, at the same time, a provider of some of the schools but not others. Sir Dan Moynihan said,

"there is potentially a conflict of interest if local authorities are opening their own schools and there are very hard-to-place kids. There is a conflict of interest in where they are allocating those children, so there needs to be a clear right of appeal in order to ensure that that conflict can be exposed if necessary…Some of the schools we have taken on have failed because they have admitted large numbers of hard-to-place children…I think there are schools that get into difficulty and fail because there is perceived local hierarchy of schools, and those are the schools that get those children. That is why there needs to be a clear right of appeal to prevent that from happening."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 73, Q158.]

Luke Sparkes from Dixons also made roughly the same point.

Amendment 90 would require the Secretary of State to set out statutory guidance on

"how actual or potential conflicts of interest arising from the role of local authorities in directing admissions to schools they maintain and those they do not are to be identified and managed; and… how the best interests of children and young people are to be prioritised in all decision-making."

New clause 45 would write into the legislation:

"A direction under this section may not take into account whether a school is a maintained school or an academy."

Neither measure would fundamentally change the clause, but they require a solution to address that potential conflict of interest and ensure that things are fair, and are seen to be fair.

The Minister for School Standards (Catherine McKinnell): I rise to speak to amendment 90 and clauses 48 and 49. The clauses aim to strengthen local authorities' existing powers to direct a school to admit a child and provide a more robust safety net for vulnerable children by ensuring that school places can be secured for them more quickly and efficiently when the usual admissions processes fall short.

Amendment 90 seeks to require the Secretary of State to publish statutory guidance as to how local authorities may exercise their direction powers impartially and in the best interests of children and young people. I note the concerns of the hon. Members that this new power may give rise to conflicts of interests in local authorities' dealings with the schools that they maintain and those that they do not. I also agree that it is important that local authorities exercise their direction powers appropriately and in the best interests of children and young people.

I reassure hon. Members that legislation, as well as the school admissions code, already sets out mandatory requirements as to how local authorities may exercise their direction powers. They are intended for use only as a last resort and may only be used where admissions cannot be secured through the usual processes. To ensure that decisions are made in the best interests of a child, section 96 of the School Standards and Framework Act 1998 already requires local authorities to ensure that they choose a school that is within a reasonable distance of a child's home and provides education suitable to their age, ability, aptitude and any specific educational needs that the child may have.

Furthermore, in considering which school to place the child, there are several other factors that local authorities are already required to take into consideration. For example, local authorities are unable to direct a school from which the child has been permanently excluded, or if it would mean that the school would have to take measures to avoid breaking the rules on infant class sizes. Furthermore, they are unable to direct a school's sixth form if the child does not meet the relevant entry requirements.

In relation to a looked-after child, local authorities cannot direct a school where the child has been permanently excluded from that school previously or where the schools adjudicator deems the admission of the child would result in serious prejudice following an appeal by the school against the direction.

Furthermore, section 97 of the School Standards and Framework Act 1998 sets out further processes that a local authority must adhere to when considering exercising

its direction powers. These include various requirements on consultation, including requiring the local authority to consult with the governing body of the school, the parent of the child and the child themselves, if they are over compulsory school age, before seeking to direct a school. Governing bodies are also provided the opportunity to appeal against any decision by the local authority to direct a child into their school.

Clause 48 enables the same requirements to apply equally in relation to a decision to direct an academy, including making it clear that academy trusts will have the right to appeal to the schools adjudicator against a local authority's decision to direct their school. Those requirements will all be reflected in the school admissions code, which we intend to amend following Royal Assent. We also intend to work closely with the sector on any further changes that may be needed to fully implement the new powers.

Any change in the code will require a full public consultation and will be subject to parliamentary scrutiny before coming into effect, so I hope that the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich are reassured that we will take action to ensure that the statutory school admissions code will be amended accordingly and continue to set out clear guidance on how local authorities may exercise their direction powers following Royal Assent. We therefore do not consider the amendment necessary and kindly ask the hon. Member for Harborough, Oadby and Wigston to withdraw it.

I turn to clauses 48 and 49. Local authorities have statutory duties to ensure that children in their area have access to a suitable education, but the levers are currently not available to them to achieve that, as they are not always effective. That can result in too many children, many of whom are vulnerable, being left without a school place for too long. Every day lost in a child's education is one that they cannot get back. Powers of direction are intended to be used only as a last resort in those rare circumstances in which families are unable to secure a place through the usual admissions processes.

The purpose of clauses 48 and 49 is to create 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, ensuring that no child falls through the cracks. Clause 48 extends the current powers of local authorities to direct a maintained school to admit a child and to enable them to direct academies in the same way.

Although most children will secure a place through the usual admissions processes, vulnerable and hard-to-place children can sometimes struggle to do so. In circumstances in which those children have been refused entry to or have been permanently excluded from every suitable school within a reasonable distance, the local authority has the power to direct a maintained school for which they are not the admission authority to admit that child.

However, where a local authority wishes to place a child in an academy, it currently must request that the Secretary of State uses her direction powers under the academy's funding agreement to compel the school to admit the child. That additional step can create further delay in getting a child into school. Enabling local authorities to direct academies themselves without needing to go through the process of requesting the Secretary of State to invoke her direction powers will ensure that school places for unplaced and vulnerable children can be secured quickly and efficiently. It does not make sense for local authorities to continue to need to ask the Secretary of State to make such direction for an academy.

Clause 49 further streamlines local authorities' admission direction processes and makes them more transparent by enabling local authorities to direct a school where the fair access protocol fails to secure a school place for a child. The fair access protocol is a local mechanism for securing school places for children struggling to secure one through the usual admissions processes. The school admissions code requires all local authorities to have a fair access protocol in place that has been agreed with local schools and specifies the categories of children, including vulnerable and hard-to-place children, who are eligible to be considered for a school place under the fair access protocol.

Clause 49 will also enable future iterations of the admissions code to specify circumstances in which local authorities are able to direct the admission of a child where the fair access protocol has been exhausted and fails to secure a place for them. It will also allow the admissions code to set out a more streamlined directions process for children who have come out of care, so as to provide these often still vulnerable children greater parity with children currently in care. As mentioned, we intend to work closely with the sector in implementing the changes to the admissions code, which will include a full public consultation and require parliamentary approval.

I hope that I have reassured hon. Members that clauses 48 and 49 will provide a more robust safety net for vulnerable children by ensuring that places can be secured for them more quickly and efficiently when the usual admissions processes fall short, minimising time out of school and reducing the likelihood of children falling between the cracks. As I have mentioned, to ensure the powers are used appropriately, clause 48 will provide academies that disagree with a decision to direct admission with a formal route of appeal to the schools adjudicator, giving academies the same route of redress as is currently available only to maintained schools. That safeguard will ensure that local authorities use their powers appropriately and place children in suitable schools where they can thrive. I commend clauses 48 and 49 to the Committee.

New clause 45, which was tabled by the hon. Members for Harborough, Oadby and Wigston, and for Central Suffolk and North Ipswich, aims to ensure that where a local authority is considering directing a school to admit a child, it does not take account of whether the school is a maintained school or an academy. The hon. Members appear to be concerned that a new power for local authorities to direct academy schools may give rise to potential conflicts of interest.

As I have mentioned, the power is intended for use only as a last resort, and may be used only where admissions cannot be secured through the usual processes. Under public law principles, local authorities are already prevented from taking irrelevant matters into consideration when taking decisions, and in most circumstances, whether a school is an academy is not likely to be a relevant factor in determining whether to direct a school to admit a child. Furthermore, as I set out earlier, the School Standards and Framework Act 1998 and the school admissions

[Catherine McKinnell]

code already set out several requirements as to how local authorities may exercise their direction powers. Those include relevant factors that they must take into consideration when deciding to direct a school, as well as the processes they must follow when making a direction.

Local authorities can already request that the Secretary of State direct a pupil into an academy on their behalf, and we know from experience that local authorities use this route only where they consider that it is in the best interests of the pupil, and after careful thought and consideration about the impact on the school. However, the new right for an academy trust to appeal to the independent schools adjudicator where they disagree with a direction for them to admit a child will provide independent oversight of local authorities' decisions to direct.

I hope that the hon. Members will be reassured that appropriate checks and balances will be in place to mitigate any risk of the misuse of the power by local authorities, and kindly ask that the amendment be withdrawn.

Amanda Martin (Portsmouth North) (Lab): I am grateful for the opportunity to serve under your chairmanship, Sir Edward.

While we were in Bill Committee on Tuesday, the Education Committee was meeting—there are many people with a lot of interest in the Bill, and rightly so—to hear from three panels of witnesses. I draw the Committee's attention to the second panel. On the panel was Sam Freedman, a senior fellow at the Institute for Government who worked at the Department for Education from 2010 to 2013 as a senior policy adviser; she is also a senior adviser to Ark schools, although was appearing in a personal capacity. Also on the panel were Daniel Kebede, who is a former teacher and the general secretary of the National Education Union, and John Barneby, who is the chief executive of Oasis Community Learning.

The witnesses did not agree on everything, but all three commented on the benefits of these provisions. John Barneby said that Oasis follows

"local authority admissions at the moment, because we believe in equity of offer, and we want to work in partnership. That is not the case everywhere…My hope is that, out of this policy, we will get to a place where there is a fair distribution of children with special educational needs and disadvantaged children across all schools, so that all schools are truly inclusive and have the capacity to meet the needs of all children."

He thinks the Bill will go some way to doing that. He also said that there has been a risk raised around the allocation of students, particularly with falling student numbers, but he thinks that

"on the whole, local authorities act responsibly around this."

11.45 am

Daniel Kebede did not give his own opinion but that of the Sutton Trust, which found that

"155 secondary comprehensives in England are now more socially selective than the average grammar school."

This clause will ensure that admissions are spread across everybody, and allow for academies and local authority schools to work together.

Finally, the witnesses were asked whether they thought the Bill's provisions on admissions would lead to difficulty or an improvement. Sam Freedman was originally opposed to them, but she said:

"I think that is much less of a challenge now that 80% of secondaries are academies, as are 40% of primaries. I am comfortable that allowing appeals to the schools adjudicator means that if it was still an issue, there is a mechanism for the academy to appeal and deal with it."

In fact, she would like the Bill to go further and say that local authorities should set all admissions policies.

Neil O'Brien: I think Sam Freedman is a fella rather than a lady. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 48 ordered to stand part of the Bill.

Clause 49 ordered to stand part of the Bill.

Clause 50

Functions of adjudicator in relation to admission numbers

Neil O'Brien: I beg to move amendment 84, in clause 50, page 110, line 4, at end insert—

"(4A) Where making a decision the adjudicator must take into account—

(a) the performance of the school; and

(b) whether the school is oversubscribed."

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

Amendment 83, in clause 50, page 110, leave out lines 8 to 13.

Clause stand part.

New clause 46—*High performing schools to be allowed to expand PAN*—

"In section 88D of the School Standards and Framework Act 1998 (determination of admission numbers), after subsection (1) insert—

'(1A) Where a school—

(a) being a primary school, has over 60% of its pupils meeting the expected standard in reading, writing and maths combined in the Key Stage 2 national curriculum assessments,

(b) being a secondary school, is performing above +0.5 on Progress 8,

wishes to increase its published admissions number, the admission authority must reflect that wish in its determination.'"

New Clause 47—*Limits on objections to changes to PAN*—

"In section 88H of the School Standards and Framework Act 1998 (reference of objections to adjudicator), after subsection (2) insert—

'(2A) No objection may be referred to the adjudicator which—

(a) objects to an increase in a school's published admissions number; or

(b) objects to a school's published admissions number remaining at the same level.'"

Neil O'Brien: Clause 50 is one of the elements of the Bill that we are most concerned about. The Government's impact assessment says:

"Demographic changes mean there is an increase in the number of surplus places in primary schools...We want the local authority to have more influence over the PANs for schools in their area".

For the benefit of people following the sitting, PAN is the published admission number—the number of pupils a school takes on each year.

The impact assessment continues:

"This would include scenarios where...a school's PAN is set at a level which creates viability issues for another local school".

In my mind, that line creates many questions. In a city like London, there are roughly 2,700 or 2,800 state schools, and cross-authority moves are very common. If I have an excellent and oversubscribed school, and someone else's requires improvement and is struggling to attract pupils, how on earth are they to know that it is my school that is creating viability issues for their school, rather than one of the other hundreds of schools nearby? Indeed, how are we to know that the viability issues are not entirely to do with the struggling school, and how is the schools adjudicator to make such decisions? In reverse, how are the pupils from a thriving school to be shared out fairly if there are multiple struggling schools in the area? As soon as we start to think about it, these are massive questions.

The impact assessment makes it clear that this measure is a huge departure from the path we have been on since the reforms of the late 1980s, which gave good schools the ability to expand without the local authority blocking them. The impact assessment says:

"The Adjudicator will also have the ability to set the PAN for the subsequent year"

and

"some schools may find that their PAN is not set for them as they would wish. They may feel that they are able to take more pupils and thus receive greater funding. It could also limit the ability of popular schools to grow."

Those are the Government's words, not mine. They continue:

"If a school is required to lower their PAN, some pupils who would have otherwise been admitted will be unable to attend the school. This will negatively impact on parental preference, especially if the school was the parent's first choice."

The Confederation of School Trusts has pointed out that the impact assessment does not account for the potential risks of reducing PANs for popular and successful schools. Our amendments address exactly that point. Once again, rather than the normal split between the regulator and the provider, the local authorities will be both. Politicians in some local authorities—this is not a secret—have never much liked the academy programme or school freedom. It would be very tempting for them to try to push down numbers in academies, particularly to protect the schools that they run even if they are not the best ones or the ones that parents want. For all those reasons, the right hon. Member for Islington North (Jeremy Corbyn), the former Labour leader, was positive about the clause on Second Reading. However, for the reasons that he is positive about it I am rather nervous about it.

Amendment 84 would write into the Bill:

"Where making a decision the adjudicator must take into account—

(a) the performance of the school; and

(b) whether the school is oversubscribed."

It would make it clear that we need to deal with the issues now, at this point of democratic decision and transparency, and write those principles into law rather than leave it to Ministers and regulations, meaning that the handling of highly significant issues could easily later shift, with little scrutiny, under a different Secretary of State.

New clause 47 would stop objections to stable or growing PANs, and new clause 46 would at least exempt high performing schools and allow them to still expand. A striking thing about the clause is that it is not just allowing appeals against schools expanding for the first time—a massive move away from the principles of the School Standards and Framework Act 1998—but even allowing appeals against schools just staying the same and carrying on doing what they are doing. That can now be challenged, and the only reason to do that is to share out the pupils in order to help other schools be more viable.

Will the powers be used? Yes, absolutely they will, because the context, of course, is the forecast decline in pupil numbers. Indeed, the impact assessment gives that as one of the rationales in London and other urban areas. The declines are forecast to be quite steep. Often local forecasts turn out to be wrong, but in some London boroughs the forecast is for more than one in 10 or even one in eight pupils to disappear over the next four years. In that context, the temptation to prop up some schools by pressing for reductions in others will be very strong, particularly for local authorities that do not like school choice much, but even in others, too.

At present there is nothing in the Bill to reassure us or school leaders that this will be done fairly between local authority and non-local authority schools, or fairly reflecting how well schools are performing or fairly reflecting how popular they are. There is nothing but the suggestion of future guidance, which the House will not be able to amend and which can shift with the views of whoever is Secretary of State at the time. There is some deep history here. It was Mrs Thatcher who announced the reforms that the Government are starting to undo today. It was initially called the local management of schools. When Mrs Thatcher announced it, she said,

"We will allow popular schools to take in as many children as space will permit. And this will stop local authorities from putting artificially low limits on entry to good schools. And second, we will give parents and governors the right to take their children's school out of the hands of the local authority and into the hands of their own governing body. This will create a new kind of school funded by the State, alongside the present State schools and the independent private schools. They will bring a better education to many children because the school will be in the hands of those who care most for it and for its future."

Did those reforms work? Well, the former Education Minister, Lord Adonis, who wrote about the creation of the school freedom, concluded:

"Local Management of Schools was an unalloyed and almost immediate success…school budgets under LMS were based largely on pupil numbers, so parental choice came to matter as never before."

Several times during our debates I have heard Labour Members say that they believe in "standards, not structures". We heard it in the last sitting and I have heard it from

[Neil O'Brien]

Ministers. But let me quote from another great socialist thinker, former Prime Minister Tony Blair, who says in his memoirs,

"We had come to power in 1997 saying it was 'standards not structures' that mattered. We said this in respect of education, but it applied equally to health and other public services. Unfortunately, as I began to realise, when experience shaped our thinking, it was bunkum as a piece of policy. The whole point is that structures beget standards. How a service is configured affects outcomes."

This clause strikes at one of the most foundational school reforms of the last 40 years. It strikes at school choice by making the size of schools not a matter for parents in choosing and voting with their feet, but instead for local councillors and the schools adjudicator. You strike at parental choice and you strike at one of the most powerful engines for school improvement.

Although I understand what Ministers are trying to do, this is currently being done in the Bill without any of the basic safeguards we would expect on how they will make those decisions. I understand what Ministers are trying to do, but I think this is one of the worst clauses in the Bill, and I really hope that Ministers will rethink it.

Catherine McKinnell: Clause 50 covers the ability of the schools adjudicator to set the published admissions number of a school where the adjudicator has upheld an objection to it. This provides an important backstop to ensure that all children are able to access a place at a school where they can achieve and thrive.

Amendments 84 and 83 relate to the matters the adjudicator must take into account when deciding on a school's published admissions number and the means by which those requirements are placed upon her. I will discuss each of these matters in turn, but there are clearly important connections between the two.

Amendment 84 would requires the adjudicator to take into account the school's performance and whether it is oversubscribed when deciding on what the school's published admissions number should be following an upheld objection. School performance and parental demand are clearly important factors that adjudicators should consider when determining objections to published admission numbers. Indeed, previous adjudicator determinations on schools reducing published admission numbers show that the adjudicator regularly takes these matters into consideration where they are relevant to a case.

However, specifying that the adjudicator must only take account of these factors and no other factors could hinder effective decision making and damage the interests of schools and communities. Although the expansion of good schools is to be celebrated, we know that in some areas schools are unilaterally increasing their admission numbers beyond what is needed, damaging the quality of education that children receive at nearby schools by making it harder for school leaders to plan the best education for their children.

Therefore, it is right that the adjudicator's decisions about the level at which to set the admission number following an upheld objection should also consider the wider impact on the community. For example, this could include potential impacts on parental choice if the quality of education that children receive at other schools nearby is affected.

Furthermore, there are other factors that it may be important for the adjudicator to consider or that provide necessary safeguards for the school that is the subject of the objection, such as statutory financial or capacity requirements. For example, primary schools are required to comply with the statutory infant class-size limit and we would want the adjudicator to ensure that any published admission number they set enables the school to comply with this important duty.

Neil O'Brien: The Minister talks about schools expanding "beyond what is needed". How will she determine whether a school's expansion is "beyond what is needed"? Is it the presence of any "surplus" school places in that local authority area?

Catherine McKinnell: As I have set out, these are matters for the school adjudicator to determine on when objections have been raised with them. Schools adjudicators are independent, which is an important factor in this process. They have significant experience of considering objection cases and they are ideally placed to take objective, transparent and impartial decisions.

Neil O'Brien: It was the Minister herself who said "we know" that some schools had expanded "beyond what was needed"'; she did not say that an admissions adjudicator had determined that. In response to my challenge, she referred to the admissions adjudicator, but it was she herself who said "we know" that some schools had expanded beyond the point that was "needed". How does she know that? On what basis does she say that?

Catherine McKinnell: Obviously, the purpose of the clause is to ensure that those decisions are made independently by the schools adjudicator. I think the hon. Gentleman should acknowledge that he is objecting to an independent adjudication on these matters, which is entirely the purpose of this legislative provision.

Catherine Atkinson (Derby North) (Lab): We recently saw a case of a ghost school in Nottingham, funded under the previous Government, built but then never opened, because only two pupils applied to join. Does the Minister agree that that is an example of the current system failing?

Catherine McKinnell: My hon. Friend makes an important point. Clearly, it is really important that we have good schools available to every child in every local area. That is clearly a challenge. A significant number of children, including those with special educational needs and disabilities, are not having their needs met within their local school, and they consequently have to travel as a result. As constituency MPs, we have to deal with the families who get in touch because they cannot get a place at their local school and the challenges around that. It is clearly in the interests of everybody that we have a system that manages that, but also that we have an adjudicator that takes an independent view and decides on what would be the right outcome in a particular circumstance.

12 noon

Matt Bishop (Forest of Dean) (Lab): Does this part of the Bill not go to the principle that local schools should meet local needs?

Catherine McKinnell: My hon. Friend puts it very well. Indeed, that is the case that we are making. That means having good and great schools, and that is the ultimate aim of all these provisions: to ensure that every child has a good local school in which they can achieve and thrive. There needs to be some way in which that is managed on a community-wide basis. I would be surprised if the hon. Member for Harborough, Oadby and Wigston were seriously objecting to that in principle.

Damian Hinds (East Hampshire) (Con): I seek some clarity. The Minister seems to be saying, "Leave it up to the independent adjudicator. They will decide." Is she saying that the Government will not issue guidance on the criteria on which an independent adjudicator should decide?

Catherine McKinnell: No, that is not what I said. I was responding to the specific question asked by the hon. Member for Harborough, Oadby and Wigston.

These measures are being introduced to support local authorities with effective place planning. In answer to the question raised by the hon. Member for Harborough, Oadby and Wigston about how we know that this challenge needs action, a 2022 report commissioned by the Department for Education under the previous Government reported that

"unilateral decisions about PANs and admissions…was identified by 89% of LAs"

as a barrier to fulfilling their responsibilities for mainstream school place planning. Some 13% of local authorities reported that

"this occurred regularly, 41% occasionally, and 34% rarely".

Local authorities were more likely to report that this barrier was more common when working with academies. Those are the findings of the Department's own report, which was commissioned under the last Government.

To be clear, the measure is not about removing any and all surplus places from the school system, including where it is useful, for example, in ensuring parental choice and flexibility in the system to accommodate future demand for school places. This is about ensuring that the places on offer in an area adequately reflect the needs of that local community. Where there is large surplus capacity, that can have a detrimental impact on good schools. It could result in significant upheaval for children and damage local parental choice. This is about supporting local authorities to ensure that they have the right amount of school places in their local area. There is already a statutory obligation on that. This measure will support local authorities to achieve that.

Neil O'Brien: The Minister is talking about within local communities and within local authorities and so on. I raised the issue of how this is supposed to work in London. The Government talked about using this power where

"a school's PAN is set at a level which creates viability issues for another local school".

Local is not defined. How is the schools adjudicator to work out whether it is one school that is creating

"viability issues for another local school"

in a setting like London, where there are many schools nearby, or whether some of the viability issues are to do with the school's own performance, perhaps, because it is not a very good school? How on earth is one to identify fairly in a city like this, with vast flows between boroughs, where the problem is coming from for a "failing" school?

Catherine McKinnell: I recognise the challenge of falling rolls in some London boroughs, which the hon. Member rightly identifies. It just goes to make the case even more strongly: partners have to work collaboratively to ensure that we manage demographic changes properly and that children are at the heart of all decisions.

The measures in the Bill will give local authorities more levers to help manage surplus capacity. For example, the Bill will ensure that if the schools adjudicator upholds an objection that the published admission number of a school is too high to support the community need, the adjudicator will then be able to set the published admission number for the school. Schools and local authorities will be under new duties to co-operate on school admissions and place planning as part of measures to the Bill already debated and passed.

Neil O'Brien: What share of "surplus places" is too high in the eyes of the Minister? Will she set out in guidance what "too high" looks like? What is her view on too high—is it 1%, 2% or 3% surplus places?

Catherine McKinnell: The guidance will set out how local authorities will determine their published admission number. It will also support local authorities with effective place planning, which will be set out in the admissions code. The new delegated powers will set out to adjudicators what they should consider when setting published admission numbers within that context.

I can reassure the hon. Member that adjudicators are experienced at considering these types of issues as part of their existing role. They already do this. They consider both objections to published admission number reductions and requests by maintained schools to vary their published admission number downwards in light of major changes in circumstances. They have an in-depth knowledge of admissions law and play an integral role in ensuring that school admissions are fair and lawful. Many have wide experience of the education system at a very senior level. The hon. Member should not be so concerned that these matters cannot be adjudicated, which seems to be what he is suggesting.

Neil O'Brien: I am not suggesting that they cannot be adjudicated. I am pointing out to the Minister that for them to be adjudicated in a completely new way will mean something very different will happen to our education system. At the moment, the adjudicator can be brought in if a school dramatically wants to cut its numbers. That is fair enough. We need to make sure that all pupils have a place to go to school. But this is something completely new. There is an objection not just to expanding,

[Neil O'Brien]

which is an attack on the principle of school choice, but to schools wanting to keep their published admission number the same.

This is a completely revolutionary change. The adjudicator is not dealing with these kinds of things at the moment for academies, so it is a huge change and a move away from the principles that have allowed good schools to expand and the voices of those who say, "There are too many surplus places; you can go to a worse school and not to your first-choice school" to be squashed by the process of school choice and competition.

Catherine McKinnell: The hon. Gentleman has made his concerns known. I do not think he is making any new assertions. It might be helpful if I continue setting out why we do not accept the proposed amendments.

Damian Hinds: Just before she does, will the Minister give way?

Catherine McKinnell: Perhaps at the end if there are still questions I would be more than happy to address them.

Damian Hinds: It is a different but related question. There are falling rolls, initially in primary over the next few years, and then it will happen in secondary. There will be some difficult choices that someone will need to make. Sometimes that will mean varying the numbers in every school, but I am afraid that the scale of the change in some local authorities, particularly in urban areas and this city, is such that some schools may convert and become special schools, for which there is demand and need. Some may become early years settings. It might be the case—I hope it will not be, as it is always a difficult thing to do—that total education capacity has to reduce. Will it be the schools adjudicator who decides the school that closes?

Catherine McKinnell: Local authorities make decisions about place planning within their local area. There will be a duty on all schools within a local area to co-operate with the local authority on place planning and admissions. The clause and the Bill extend to academies the ability to object to the school adjudicator, which gives them the ability to present their case where there is a challenge. Clause 50, which I will come to shortly, includes a delegated power that enables the Government to make regulations that set out factors that the adjudicator must consider when setting the published admission number of the school after it has upheld an objection.

Neil O'Brien: To be clear, is it the case that under the clause the schools adjudicator will have the power to set the published admission number to zero—in other words, to close a school?

Catherine McKinnell: Where the adjudicator upholds an objection to the published admission number, I cannot foresee a circumstance where that might be the case—

Neil O'Brien: I can see that very easily.

Catherine McKinnell: It will very much depend on the local context. Obviously, it will be for the adjudicator as an independent professional to take that decision for maintained schools. To be clear, for academies it will be for the Secretary of State to end a funding agreement, and for maintained schools it will be for the local authority to determine.

Amanda Martin: Will the Minister confirm that the power to set place numbers includes all schools in local authority areas? It is not just academies but maintained schools. There seems to have been an idea throughout the whole of this debate that maintained schools are somehow a lower echelon of education—

Damian Hinds: Who said that?

Amanda Martin: It seems to have been implied—*[Interruption.]*

The Chair: Order. Carry on.

Amanda Martin: Thank you, Sir Edward. It seems to have been implied that only academies might want to expand, but local authority schools might also want to expand. If it is not right for the pupil numbers within the local authority area, it should not be allowed.

We were asked for examples of where it has happened already. In Hackney in 2024, the expansion of some schools and academies—*[Interruption.]*

Catherine McKinnell: I cannot hear.

The Chair: Carry on.

Amanda Martin: We were asked for examples of where schools have been closed. We have not even thought about small rural schools that are affected by expansion. Local authorities that represent rural communities must be able to ensure that there are schools across the county, because that is good for everybody.

Specifically on London, the expansion of some academies and schools in Hackney in 2024, particularly as part of a shift towards academisation, has contributed to the closure of certain local schools. St Mary's Church of England primary school—

The Chair: Order. That is very interesting, but it is an intervention. In a Committee, you can speak as often as you like, but I think we have got the point now and the Minister should carry on with her speech.

Catherine McKinnell: I thank my hon. Friend for her intervention. She makes powerful and important points relating to the challenges she has experienced in her local area. That is why the changes are necessary to ensure we have a fair system.

The usual approach from Opposition Members is to act as though this is a new thing that has just been invented. This is not a new role for adjudicators. They already consider these issues, not just in proposals to reduce admission numbers—

Neil O'Brien: Will the Minister give way?

Catherine McKinnell: Can I finish making one point? Adjudicators do that when schools seek to vary their admission arrangements once they have been determined. I appreciate the hon. Gentleman's concern about the theoretical prospect—

Neil O'Brien: It is not theoretical.

Catherine McKinnell: It is a hypothetical prospect of a published admission number being set at zero. That will be dealt with as part of regulations and we will set out more detail in those, but we will address that.

Neil O'Brien *rose—*

Catherine McKinnell: I can get back to the actual substantive response to the amendment, or we can carry on with this debate in the meantime.

12.15 am

Neil O'Brien: This is a substantive point. I am grateful to the Minister for giving way; we are doing the proper business of a Committee here. Let us be clear: the whole point of the clause is to address situations, such as those in London, where a local authority has one in eight of its primary school pupils disappearing within four years, and schools closures will be a part of that. The Minister said that this is not new, but it absolutely is. At the moment, a primary school cannot have its PAN challenged by the local authority if it just wants to keep it the same. In the future, under this clause, the local authority can say, "We want to close this school. We are going to challenge your decision to keep your PAN the same. We think you should shut." Under this clause, the schools adjudicator will have the power to set its PAN to zero.

Amanda Martin: Will the hon. Member take an intervention?

The Chair: Order. You cannot intervene on an intervention.

Neil O'Brien: The Minister says that the Secretary of State can shut schools in other ways. The schools authority, under this law, will have the power to set a PAN to zero. I did not hear the Minister say that, according to guidance, that should not happen. Will she say that now?

Catherine McKinnell: To deal with the issues that the hon. Gentleman raises, he is wrong that this is a new power.

Neil O'Brien: Of course it is a new power.

Catherine McKinnell: If the hon. Gentleman will let me a finish a sentence, he will see. The hon. Gentleman is repeatedly putting words in my mouth by taking snippets of sentences without listening to them entirely. He is concerned that this is intended to address simply matters that might affect London.

Neil O'Brien: No!

Catherine McKinnell: That is what the hon. Gentleman just said, did he not?

Neil O'Brien: Of course it is not. This is stupid. It affects the entire country.

Catherine McKinnell: That is the point I am making. These challenges affect local authorities right up and down the country. The research the previous Government undertook into this matter demonstrated that local authorities, which have a statutory obligation to provide suitable school places for all the children in their local area, face widespread challenges in meeting that obligation because of the challenges in the current system, which the clauses seek to address. Yes, this is a new statutory duty, which is why we are legislating, but it is not a new role for adjudicators. That is the point that I have made a number of times. I am not saying this is not a change, as we are legislating to change things, but it is not a new role for adjudicators. They are well experienced in managing many of these considerations.

The fundamental point is that school closures need to be managed very carefully through significant change or prescribed alteration processes. As I am sure the hon. Member for Harborough, Oadby and Wigston is aware, academies are maintained through contractual arrangements. The parties to the funding agreements are the Secretary of State and the relevant academy trust, and there are no third-party rights given to a local authority under that funding agreement. Any decision relating to the termination of a funding agreement sits with the Secretary of State.

The purpose of the Bill is to put a new requirement on schools, academy trusts and local authorities to co-operate on place planning and admission matters. We expect them to work together to manage the supply of school places and, where necessary, that may include making plans to close a maintained school or academy, if that is the right decision for a particular area.

Amanda Martin: I have already mentioned the three expert witnesses who commented on this issue. Although they probably have very different opinions on other elements of the education system, all were in agreement. Does the Minister believe that the clause, unamended, means that local authorities can perform fair place planning for all pupils, whether in rural, suburban or inner-city areas, to ensure that there is still access for all pupils and that it is done in a fair way, whether a school is maintained or an academy?

Catherine McKinnell: Absolutely, and it is right that where an objection is put to the adjudicator about a published admission number and the adjudicator upholds it, they consider the wider impact on the whole community—for example, how it might affect parental choice or the quality of education for children affected by any decision. The adjudicator should clearly consider other factors that may provide necessary safeguards for a school that is the subject of an objection, such as their financial or capacity requirements. As I will discuss when I turn to amendment 83, that is why clause 50 includes the power to make regulations that set out what the adjudicator must and must not take into account when taking a decision on published admission numbers that must be set where an objection to the published admission numbers is held. I hope that when we get on to the next clause, many of the concerns of the hon. Member for Harborough, Oadby and Wigston will be allayed.

[Catherine McKinnell]

We are clear that the regulation-making power represents the best approach to ensuring that all relevant actors are given due consideration by the adjudicator and that the requirements placed on the adjudicator can still be amended easily to respond to the ongoing needs of the sector and of the schools and the communities they serve. Importantly, we want to work with the sector to ensure that we have fully considered all relevant factors of concern when we develop the regulations to set out requirements on matters that the adjudicator must and must not consider when deciding on the published admission number of a school. That will ensure that the requirements on the adjudicator are clear and comprehensive.

The hon. Member for Harborough, Oadby and Wigston tabled amendment 83, which would remove from the Bill a delegated power to enable the Secretary of State to make regulations setting out factors that the adjudicator must and must not take into account when assessing the published admission number of a school or where they uphold a published admission number objection. That is relevant in the context of the hon. Member's amendment 84, but, as I have tried to do in the discussion we have had—and as I would have already done if we had got to it—I will explain a little more our intentions for the regulation-making power and why we consider it the most appropriate way to address the issues raised in amendment 84.

It is important that the adjudicator, admission authorities and local authorities are all clear on what factors the adjudicator will take into account in her decision making, so that the decisions are made on a clear and transparent basis. In many cases, a school's performance and parental demand for places, as the hon. Member for Harborough, Oadby and Wigston set out in amendment 84, will clearly be important factors for the adjudicator to consider when considering an objection to a school's published admission number. However, as I have mentioned, there are many other important considerations, not just for the area but for the school itself, that must form part of the adjudicator's decision making.

Let us be clear: these are difficult questions. They concern, for example, important matters such as the school's capacity, the impact of the proposed admission number on the quality of education for children at neighbouring schools, and more practical matters such as compliance with regulations in terms of class sizes. Importantly, regulations to specify what the adjudicator must and must not take into account will ensure that any relevant impacts on the admission authority and school that are the subject of the objection are given due consideration before the adjudicator decides on the published admission number.

The complexity of the factors is best set out in regulations to ensure that they remain flexible and responsive to changes in any related legislation and in the wider context. For example, if we want to ensure that adjudicators take account of a school's need to comply with infant class-size regulations, we want to be able to respond to any changes to those regulations. Similarly, if future demographic changes mean it is important for the adjudicator to think about how they consider issues such as a school's capacity, regulations can be amended to ensure that the adjudicator takes into account all relevant considerations at that time and is not bound by outdated rules.

The regulations, and any changes to them, will be subject to parliamentary scrutiny. Including these matters in regulations will ensure that, if necessary, we can respond quickly to feedback from the sector, and where wider circumstances change, while ensuring that a clear level of rigour and parliamentary oversight can still be achieved. Given the argument I have set out, I respectfully ask the hon. Member for Harborough, Oadby and Wigston not to press his amendments.

Clause 50 provides that where the adjudicator upholds an objection to a school's published admission number, it can specify the new PAN, which must then be included in the school's admission arrangements. That is vital to ensure that all communities have the places they need so that children can access a local school where they can achieve and thrive.

Broadly, the ability of admission authorities to set their published admission numbers works well. In many areas, published admission numbers work effectively, and admission authorities and local authorities co-operate well to support local need. The hon. Member for Harborough, Oadby and Wigston has a concern about the clause's impact on the ability of good schools to expand through an increase to their published admission numbers; I reassure him that the Government are absolutely in favour of good schools expanding where that is right for the local area.

David Baines (St Helens North) (Lab): The Minister just mentioned areas where schools already collaborate well with local authorities, and I am pleased to say that St Helens is one of those areas. From my experience as council leader before coming here, and since then as a Member of Parliament, I am aware that maintained schools and academies work together collaboratively very well, both with each other and with the local authority. Does the Minister agree that the clause is simply about ensuring that that remains the case and that local authorities have the support they need to ensure that local schools work for local families?

Catherine McKinnell: My hon. Friend makes a really important point. The focus here has been on where it goes wrong, but actually, in the vast majority of cases, local authorities are collaborating well, because fundamentally everybody has the same goal, which is to provide an education that enables children to achieve and thrive. That needs to be delivered for every child in a local area, and clearly that is what this legislation is intended to achieve.

Where local authorities need more places in an area, we and they would clearly encourage high-performing schools to work in collaboration with local authorities to meet that need. However, where admission authorities act unilaterally, without recognising the needs of or impact on their local communities, that can cause problems, not just for local authorities or neighbouring schools but, ultimately, for children and parents.

In some areas, local authorities struggle to fulfil their responsibility to ensure sufficient school places, because the published admission numbers set by individual admission authorities do not meet local needs, despite

there being physical capacity in schools. In other areas, schools are increasing their admission number beyond what is needed, risking damage to the education that children receive at nearby schools by making it harder for school leaders to plan the best education for their children. In the worst-case scenario, it could lead to perfectly good schools becoming unviable and therefore reduce choice for parents.

Where agreement cannot be reached locally, and a local authority or another body or person brings an objection to a school's published admission number to the schools adjudicator, the adjudicator must, as now, come to their own independent decision as to whether to uphold the objection, taking into account the views of all parties, the requirements of admissions law and the individual circumstances of the case. It is important to note that the measure does not enable local authorities to directly change the published admission number of any school for which it is not the admission authority. The adjudicator, not the local authority, is the decision maker and they will take an independent and impartial decision. The provisions of clause 50 ensure that where they uphold an objection to a school's published admission number—

Damian Hinds: So it is not the local authority; it is the adjudicator. I am wondering, as we are talking about serving communities, where the line of democratic accountability is.

Catherine McKinnell: The right hon. Gentleman is perhaps questioning the very long-standing process—it has been in existence for quite some time—for the role of the adjudicator in making these decisions where it cannot be decided within a local authority area on a collaborative basis. Obviously, the ideal situation is that local authorities and all the schools within the area are able to co-operate and collaborate to ensure that any individual admission number is set at the right level for the local community, taking into account the broader context. There is clear democratic accountability in that. Where that process breaks down, the adjudicator is there to be an independent arbitrator. Those requirements are set out in law; the framework that they work to and the factors that they consider are set out in guidance that is subject to parliamentary scrutiny. It is clear and transparent, and the adjudicator is bound by the laws in that case.

12.30 pm

I recognise the challenge that the right hon. Member brings. In fact, the purpose of the legislation is to create a legal duty for all schools within the local authority to co-operate. That is the ultimate goal of the changes we seek to make. Obviously, where that falls short and is not possible, it is quite regular within our parliamentary and Government processes that there would be an independent adjudicator that would arbitrate and come to a decision within a legal framework.

The clause includes safeguards to ensure that the provision operates in a targeted and effective manner, and that it is used only where the objection relates wholly or partially to the school's published admission number. The adjudicator cannot unilaterally decide to alter a school's published admission number when considering an objection about a different matter, for example. The clause also includes the ability to make regulations regarding what the adjudicator must or must not take into account when determining a published admission number for a school, to ensure that the impact of a proposed number on the school is properly considered and that the adjudicator's decision does not conflict with other duties on the admission authority.

We do not expect that the powers in the clause will be needed for most schools, because most published admission numbers are working effectively, but in the rare instances where a school's published admission number is not working in the interests of the local community, where it risks undermining parents' ability to access a local school where their child can achieve and thrive—

Damian Hinds: Will the Minister give way?

Catherine McKinnell: Does the right hon. Gentleman mind if I just finish? It may answer his question.

In the instances I just described, the powers in the clause provide a direct route for an independent decision, resulting in a clear outcome for parents, admission authorities and local authorities.

Damian Hinds: I am grateful to the Minister for giving way. I do mean these questions genuinely, in the spirit of line-by-line scrutiny of the Bill and trying to ascertain unintended consequences, intent and so on. If the adjudicator now has responsibility for ensuring that the number of school places in an area is what is needed and is fair, does the adjudicator also have a say in allowing a school to open?

Catherine McKinnell: It is the local authority that has the responsibility to agree published admission numbers with the schools in its area. Obviously, academies are their own admissions authority, and will set their own published admission number. The adjudicator becomes involved in the decision making where appeals are made to a school's chosen published admission number. The adjudicator is then required to come to a decision, based on a very clear framework of factors to consider, as to whether the published admission number is fair in the context of the particular school and the local community. What was the right hon. Gentleman's specific question?

Damian Hinds: Does the adjudicator also have a say in allowing a school to open?

Catherine McKinnell: I cannot envisage a scenario where an adjudicator would adjudicate on the opening of a new school. If it adjudicates on the published admission numbers of existing schools, I cannot foresee a scenario where there would be an appeal to the adjudicator for a school that does not exist.

Neil O'Brien: If I can put it in my words, there is nothing in the Bill to stop the local authority applying to the adjudicator to stop the first year PAN of a new school. If I say, "I want to open my new school and the PAN is going to be X," the local authority could say, "No, I think it should be half of X." There is nothing to stop that, even in the first year. It could even be that the local authority says, "No, the first year number should

[Neil O'Brien]

be zero." There is nothing in the Bill to stop that happening, so, as my right hon. Friend the Member for East Hampshire says, it does apply to new schools.

Catherine McKinnell: I apologise, but I still do not see the relevance to how an adjudicator could open a new school. I am more than happy to write to the hon. Gentleman after I have considered the issue further.

Damian Hinds: It may help if I say why I asked the question. The adjudicator will be worrying, "I need to make sure that a school over here isn't creating unfairness or making another school unviable because there are too many school places in this area." If someone else comes along and says, "I'm going to open a new one," that will make the school even more unviable. Logically, if I am the adjudicator and the Government are tasking me with making sure that we are not making schools unviable, surely I should be able to veto a new school coming into the community.

Catherine McKinnell: I thank the right hon. Gentleman for that clarification. It is not that the adjudicator makes the decision about whether to open a new school, which is how the question was originally posed. The right hon. Gentleman is talking about the hypothetical outcome that the adjudicator's involvement in a decision could result in—

Damian Hinds: No, I am asking directly: could the adjudicator stop a new school opening on the grounds that we have tasked the adjudicator with making sure that there is not excess capacity in an area, which might make one or more schools unviable? Logically, surely the adjudicator ought to be able to stop the problem getting even worse—in the eyes of Ministers—by refusing a new school opening.

Catherine McKinnell: I will have to take away that question, and I am happy to write to the right hon. Gentleman with a response. Obviously, the adjudicator currently has a role in certain cases—for example, where a local authority is involved in the foundation of a school. I will look at the specific example that he raises, and I am happy to write to him with a response.

Neil O'Brien: I am extremely grateful to the Minister for her offer to write on this point. To avoid disturbing her flow any further, can I ask her to explain something? If a school is not happy with the decision of the adjudicator on its PAN, what will the appeal process look like for that school?

Catherine McKinnell: Adjudicators' decisions are legally binding and publicly available. Ultimately, adjudicators are appointed by the Secretary of State, who is accountable for those decisions. That responds to the question from the right hon. Member for East Hampshire about democratic accountability.

I presume that the outcome in the case that the hon. Member for Harborough, Oadby and Wigston raises would be a legal challenge to the decision. Obviously, he and the right hon. Member for East Hampshire are testing the possible outcomes of this measure to the very limit, which comes across as rather extreme in most cases. The purpose of the clause is to simplify, clarify and make more transparent the levers that local authorities will have to set planning numbers in their area, ideally to reduce the number of challenges and issues that arise.

Munira Wilson (Twickenham) (LD): Other than the Government Whip, the hon. Member for Lewisham North, I am the only London MP in the room. There has been a lot of discussion about London schools and the challenges that we have, and one of the reasons why I have been listening quietly is that I have a lot of sympathy for both sets of arguments that have been put forward.

I want to pick up on the point about new schools opening in areas where there may already be surplus capacity. In defence of the right hon. Member for East Hampshire, I do not think that this issue is just theoretical. I talked to a director of children's services about a borough —it neighbours the one containing my constituency—where there is already a funding application in the pipeline for a new free school. At the same time, an academy has just decided to expand its PAN. That director of children's services was saying, "Actually, I welcome the duty to co-operate," but it throws up the question posed by the right hon. Member for East Hampshire: would the adjudicator urge Ministers to turn down the application for the free school because an existing academy is already expanding its PAN? I do not say that to make a political point; it is a genuine question that will need some clarity from Ministers, albeit subsequent to this debate.

Catherine McKinnell: I appreciate that the hon. Lady refers to a real potential scenario, although I would certainly put it in the hypothetical category at this stage. The Office of the Schools Adjudicator can only take a decision where there has been an objection. That is the point I was making. It cannot decide whether to open a school; it can take a decision only where an objection is made specifically to the adjudicator on the basis of the proposed published admission number.

Subject to the passing of this Bill, new school proposals put forward by the local authority outside the invitation process—I do not believe we have got to those clauses yet; we are coming to a whole additional debate on that— will be decided by the schools adjudicator, to avoid any conflict of interest and to ensure that any objections to the proposals are considered fairly. Obviously, it will have the legal framework within which to operate in order to make those decisions. That is an established part of the current system.

For other possible scenarios, we will provide guidance on the factors that we expect decision makers to take into account in the variety of decisions that may be required. That will be based on the existing guidance for opening new schools and will include the vision for the school, whether it is deliverable and affordable, the quality of the education, the curriculum and the staffing plans. Those are all the factors taken into account when determining the opening of a new school.

However, I appreciate the challenge on published admission numbers, in particular, being a factor to be taken into consideration. As I said, I will confirm in

more detail how that might work in practice, but the fundamental point is that it will be set out in guidance. If there is a challenge to a decision by an adjudicator, that will be by way of judicial review.

Moving on, new clause 46, tabled by the hon. Member for Harborough, Oadby and Wigston, seeks to ensure that where high-performing schools, as defined in his new clause, wish to increase their published admission number, their admission authority must reflect that in the determined admission arrangements. I can reassure him that, as I have said already, this Government support good schools expanding where that is right for the local community. We understand the importance of admission authorities being able to set their own admission arrangements, including their published admission number.

Admission authorities will consider a variety of factors in arriving at the most appropriate number for their schools and must consult where they want to make changes, taking the feedback into account before they make their final decision. Where, for example, a multi-academy trust or local authority is setting the PAN for an individual school for which it is the admission authority, it is right that it takes into account the views of that school, but that can be done by informal engagement or by a formal consultation process if necessary.

The school admissions code requires governing bodies to be consulted on changes to a school's admission arrangements where they are not the admission authority. However, that does not mean that those views should override any relevant factors, such as budgeting or staffing, that a trust, governing body or local authority, as the school's admission authority, may need to take into consideration as part of its final decision.

If the school feels that it has not been heard and the admission authority has reduced the published admission number where the school feels it should be able to offer more places, it would be open to the school itself, like any other body or person, to object to the adjudicator for an independent resolution. We expect most issues to be resolved locally, through engagement and collaboration, and, given the existing, effective routes for schools to influence the published admission number set for them by the local authority, we do not think the new clause is necessary. For the reasons I have outlined, I would ask the hon. Gentleman not to press it.

Finally, I turn to new clause 47, tabled by the hon. Member for Harborough, Oadby and Wigston, which would prevent objections from being made against an admission authority where it proposes to increase its PAN or keep it the same as the previous year. Through clause 50 we want to ensure that the number of places on offer in an area adequately reflects the needs of the local community. As the hon. Member is aware, at present, any body or person can object to the adjudicator about a school's determined admission arrangements, including the school's PAN. However, current regulations have the same effect as his new clause of preventing objections where a PAN is increased or retained at the same level as the previous year. We intend to amend those regulations to allow the local authority to object to the adjudicator where a PAN has been increased or has stayed the same as in the previous year. This is intended to facilitate the measures set out in clause 50 to provide a more effective route for local authorities to object to the independent adjudicator about a school's PAN.

The current circumstances in which the system operates are complex. In some areas there is a surplus of places, whereas in others, some admissions authorities are not offering sufficient places to ensure that all children can access a local school That means that both PAN increases and decreases can impact on the local school system in different ways, and that even where a school's PAN has not changed from previous years, changing demographics can mean that that number no longer meets the needs of the local area. However, local authorities often lack the levers to deliver on their duty to ensure that there are sufficient school places, or to manage the school estate effectively. So, if the PAN does not work in the interests of the local community, the local authority should be able to object to the adjudicator, regardless of whether the school intends to increase, decrease or keep the same PAN, and that will ensure fairness and the most appropriate decision on the allocation of places.

Our proposed changes reflect local authorities' important role in ensuring that there are sufficient places, and that the number of places offered in an area meets the needs of the community. That is why we are proposing a limited change to the regulations to lift this restriction only for local authorities, not for all bodies or people. The route of objection will be a last resort for local authorities. We expect local authorities and schools to work together to set PANs that are appropriate, and we will update the school admissions code to support that.

As the House has previously confirmed in passing the relevant regulations, the flexibility of the current regulations has worked well, enabling the Government of the day to be responsive to changing circumstances in the interests of parents and communities. New clause 47 would prevent the Government from exercising the flexibility provided for by the existing legislative framework, leaving local authorities with limited ability to act in the interests of the local community and seek an independent decision on the PAN of a school where they consider it does not meet the community's needs. The changes that the Government propose to make to the regulations will of course be subject to parliamentary scrutiny.

In the light of those arguments, I respectfully ask the hon. Member for Harborough, Oadby and Wigston to withdraw his amendment, and I commend clause 50 to the Committee.

Neil O'Brien: I pay tribute to the Minister for the reasonable way in which we have conducted this important debate. We have a huge disagreement with clause 50, which we think is a major mistake. We also have concerns about the process. We believe that it is better for this House to debate these big issues about what fairness is and looks like, and for that to be dealt with through the transparency of primary legislation, rather than its being left to the Secretary of State at any given moment to pass these things in regulations. I am therefore keen to press amendment 84 and new clause 46 to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 12.

Division No. 16]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	
Sollom, Ian	Wilson, Munira

NOES

Atkinson, Catherine	Foxcroft, Vicky
Baines, David	Hayes, Tom
Bishop, Matt	McKinnell, Catherine
Chowns, Ellie	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

Clause 50 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. —*(Vicky Foxcroft.)*

12.51 pm

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Twelfth Sitting

Thursday 6 February 2025

(Afternoon)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 10 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, † Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
† Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 6 February 2025

(Afternoon)

[Sir Christopher Chope *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 51

Amendments to invitation process for establishment of new schools

2 pm

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move amendment 85, in clause 51, page 111, line 7, after "authorities" insert ", including academy trusts,".

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

Amendment 48, in clause 51, page 112, line 4, at end insert—

"(5) After section 7A (withdrawal of notices under section 7), insert—

"7B New schools to allocate no more than half of pupil places on basis of faith

A new school for which proposals are sought by a local authority under section 7 must, where the school is oversubscribed, provide that no more than half of all places are allocated on the basis of or with reference to—

(a) the pupil's religious faith, or presumed religious faith;

(b) the religious faith, or presumed religious faith, of the pupil's parents.""".

Clause stand part.

Neil O'Brien: It is a pleasure to serve under your chairmanship, Sir Christopher. I will begin by asking a question up front, so that the Minister has time to confer with officials if she needs to in order to reply.

We learned during the debate on clause 50 that, as well as existing schools, local authorities will be able to go to the schools adjudicator regarding school openings. Will a local authority be able to object to the published admissions number of a school in another local authority, or is it limited to schools within its own area? Possible answers are: yes, they will be able to object about another authority; no, they will not be able to; or, the Government have not decided yet. As drafted, the Bill does not tell us what the Government's intent is.

I will now speak to our amendment 85 and clause 51. Local authorities can already establish local authority schools if there is really no one who wants to start a new school, although, as the Government's notes to the Bill rightly say, the current legal framework for opening new schools is tilted heavily towards all new schools—mainstream, special, and so on—being academies. As we have discussed, clause 44 repeals the requirement to turn failing local authority schools into academies; clause 51 is effectively the other half of that shift away from academisation. It ends the rule that new schools must be academies and allows local authorities to choose to set up new local authority-run schools instead. Both changes will reduce the flow of new schools into the best performing trusts. For that reason, we think it is a mistake.

Ministers keep saying that they want greater consistency—that seems to be one of the guiding principles of the Bill—but in the long term the combination of clause 51 and clause 44 will leave us with two types of school. That will sustain the confusion that we talked about in previous debates, where the local authority is simultaneously the regulator and a provider in the market it is regulating. The schools system is currently a halfway house: more than 80% of secondary schools are now academies, but less than half of primaries are, so just over half of all state schools are academies, and most academies are now in a trust.

I understand why Ministers have moved to find a legislative slot, and I know that anti-academies campaigners and people who do not like academies will welcome the clause. My question is where this is taking us in terms of a structure for the system as a whole. The Minister will say, "We want the flexibility to set up local authority schools," but the combination of clauses 44 and 51 means that, in the long term, we will continue to have two types of school, rather than continue the organic move of recent years toward a system that is clearly based on academies and trusts, and trusts as the drivers of overall performance. That became apparent during the Government's announcement the other day of their consultation on the new intervention regime. Ministers are now talking about RISE—regional improvement for standards and excellence—as one of the drivers of school improvement, leading to lots of questions about where the balance is between RISE and trusts, and what happens where the advice of a RISE team contradicts a trust's views about what should be done in the case of a school with problems.

We have rehearsed a lot of these issues before, but I am keen to get an answer from the Minister about whether, in the case of new school openings in a different local authority, another local authority would be able to send the question of that school's PAN to the schools adjudicator under clause 50. I am also keen to get the Minister's sense of the finality of the system. Are Ministers happy for us to have just local authority schools and academies in the long term, and do not think that that is a problem they need to address? Do they not have a vision for the final situation, or do they have some other vision that the Minister wants to set out?

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): It is a pleasure to serve under your chairmanship, Sir Christopher. Broadly, the Liberal Democrats welcome clause 51 and its counterpart, not least because we desperately need new special schools. The previous Government approved fewer than half of the 85 applications from councils to open SEND free schools in 2022. This is a real part of unblocking that, so we agree with the Government. We tabled amendment 48 because a potential loophole is created in the now well-established rules on faith-based selection. Those rules apply to academies and will continue to do so, but under clause 51 not all new schools will be academies. The amendment would bring all new schools into line with the current established

principles of faith-based selection for academies. It is a very simple amendment. I think the error was made inadvertently during drafting, and hopefully the Government will support it.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): I rise to speak to clause 51, because there are some points I wish to raise about this part of the Bill allowing new schools to have 100% faith selection.

Clause 51 allows new schools to be opened without ideological restrictions on their type; they could be academies, community schools or voluntary aided schools, which in my view is extremely welcome; but it also creates the ability to open new 100% faith-selective schools, which worries me. The current 50% cap on faith selection for academies was introduced by the Labour Government in 2007, and further embedded into free schools in 2010 by the coalition Government. The Education Act 2011 mandated that all new schools must be free schools, extending the cap's reach. That 50% limit was supported by all three main parties.

A scheme of local authority competitions similar to the one proposed in the clause operated from 2007 to 2012, in which we saw 100% faith-selective schools open. For example, Cambridgeshire county council ran a competition for a new school in which a 100% selective Church of England school won out over a proposal for a school with no religious character; the resultant school opened in 2017 and is still 100% faith selective. Another 100% religiously selective school was approved in the Peterborough council area. This has happened when the legislation has allowed for it.

We heard in the first evidence session that the Catholic Education Service would seek, in areas of oversubscription, to use 100% faith selection. We heard from the Church of England that nationally its policy is to stick to 50%, but its structure means that dioceses can put forward proposals for new schools, and they are not bound by that national policy. Members might be sitting here thinking, "So what? What is the problem with 100% faith-selective schools?" The problem is that 100% faith-selective schools are less socioeconomically diverse than might be expected for their catchment area, and less socioeconomically diverse than schools that are subject to the 50% cap. Compared with their 50% selective peers, 100% faith-selective schools are also less ethnically diverse than would be expected. Faith selective schools remain less inclusive across multiple factors. In my view, 100% faith selective admissions only exacerbate inequalities in the school system.

The Sutton Trust found that faith schools are less inclusive of disadvantaged children. The Office of the Schools Adjudicator found that faith-selective schools are less inclusive of children in care. The London School of Economics found that faith-selective schools are less inclusive of children with special educational needs and disabilities. Faith-selective admissions also disproportionately favour wealthier families, because they are socioeconomically more selective than other types of school. Compared with other schools, faith-selective schools admit fewer children eligible for free school meals than would be expected for their catchment area.

Many faith-selective schools operate a system of scoring for religious attendance and volunteering. In my view, this activity is simply easier for those with more economic or social capital—those who do not work weekends, nights or shifts, and who have a professional background where one is very happy and comfortable going into a new environment; perhaps one went to church as a child. At least since the 1950s, data shows that church attendance is higher among wealthier people. This religious activity is less easy to take part in for those who work shifts or weekends and those who do not have the cultural or social capital to enter confidently a situation that is new or perhaps culturally alien. I am focusing on church attendance because the religious majority in our country is Christian, even though actual religious belief is low.

Faith-selective schools encourage and embed educational inequalities, and that is why I am concerned about lifting the 50% faith-selection cap. I merely ask Ministers to consider this.

Damian Hinds (East Hampshire) (Con): I rise to speak to amendment 48, which stands in the name of the hon. Member for Twickenham. There are two main reasons people seek to limit school admissions on the basis of faith. The first is that some people do not like religion, organised religion, or the involvement of the state with organised religion. That is a matter of belief for some people. The second is that it is sometimes said that faith-based admission policies shut out others from good schools. There is sometimes a sense that it is academic or social selection by the back door. The hon. Member for Morecambe and Lunesdale alluded to that. Some people—I am not saying this is the case with the hon. Lady—talk about the second issue when really they have in mind the first. One can be a proxy for the other.

Lizzi Collinge: Will the right hon. Gentleman give way?

Damian Hinds: Before the hon. Lady corrects me, I did not say she was doing that.

Lizzi Collinge: I do not wish to correct the right hon. Gentleman. I believe he is correct that the two get confused. I have both of those beliefs.

Damian Hinds: I know! *[Laughter.]*

Lizzi Collinge: However I am very clear the evidence I am quoting is on the second of those. I would happily provide the right hon. Gentleman with the sources of evidence, should he like to peruse them.

Damian Hinds: I understand, acknowledge and respect what the hon. Lady says but, believe me, I do not need to see any more evidence on this subject, on which I have in my time perused large volumes. It is one of those issues—we talked the other day about another one—where the answer one wants can be found in the data.

Let us step back a moment. All liberal democracies permit freedom of religious belief, but the way it manifests is different in different countries. There can be an approach such as that in the United States or in France, where secularism in education is written into law or the constitution. We in this country have taken a different

[Damian Hinds]

approach. We have always allowed denominational schools. In fact, we have not just "allowed" it; denominational schools and faith schools have always been a key part of the system. The biggest name in primary education in Britain is the Church of the England; the biggest name in secondary education in England is the Catholic Church.

It is not just in education that our country has this tradition. In international development, for example, the Government work closely with organisations such as Christian Aid, World Vision and the Catholic Agency for Overseas Development. In children's services, the Children's Society used to be called the Church of England Children's Society, and Action for Children, formerly National Children's Home, has its roots in Methodism.

Before there were state schools, there were faith schools, often attached to monasteries or cathedrals. The Education Act 1944 formalised this position, sometimes known as the dual system, whereby faith schools could be a full part of the state school system while retaining their religious character. There is a distinction between what are known as voluntary aided schools and voluntary controlled schools, and different degrees therefore of independence for those two. VA tends to be mostly associated with the Catholic Church, but there are lots of Anglican VA schools, and VA schools of five or six other religious denominations as well.

It is understood traditionally and generally, but not entirely correctly that with a VA school, the Church provides the land and the state provides the building, and that there is a sort of co-ownership—it is obviously minority ownership on the part of the religious organisation. In reality, over time that system was eroded and changed to a cash contribution in which, typically, 10% would come from the Church, which then became 5%. I think there were some cases in which it was 0%, but broadly that tended to be the situation. Sometimes Churches complain about that, saying, "Why should we have to contribute to this school, when any other school being created is fully funded by the state?" I think that is a good rule for two reasons. First, it is a privilege to be able to have a school that is fully state funded for pupils within a faith, but it is also a guarantee of independence. It means that no future Government can come along and say, "We are going to change all these schools into fully secular schools," because they are part-owned—albeit a small part—by that religious faith.

2.15 pm

Lizzi Collinge: Does the right hon. Gentleman agree that the question of schools having a faith element, being run by a Church or by any faith group, is different from the question of whether, in their admissions policy, a school may discriminate against one child and in favour of another based on the professed faith of their parents? Does he agree that those are two separate issues?

Damian Hinds: They are different but related issues. For the avoidance of any confusion, when we talk about schools being "run" by a Church, there was a time when clerics ran schools, but things are not really done in that way today.

Some of the top-performing schools in the country are denominational schools with faith-based admissions. There are some very poor-performing faith schools and some brilliantly performing non-faith schools, and obviously it varies from year to year, but on average, faith schools tend to slightly outperform the average. The hon. Lady can correct me if I am wrong, but there is a feeling that this is where she and others get the idea that that is possible only if there was some unfairness in the intake of children the schools accept.

Lizzi Collinge: Will the right hon. Gentleman give way?

Damian Hinds: I suppose, having said that the hon. Lady can correct me, I cannot really stop her.

Lizzi Collinge: The right hon. Gentleman is being very generous with his time. It is not a belief that the profile of faith schools is different from other schools: it is true. If we look at the rates of free school meals and the wealth profile of parents and compare them with peers—if we compare apples with apples—the data shows that. Does he recognise that?

Damian Hinds: As I said earlier, there are all manner of datasets. I do not have my full Excel complement with me today, but I can trade with the hon. Lady and counter what she said with other statistics. In particular, anybody who suggests that the intake of a Catholic school is higher up the socioeconomic scale than the average does not know a whole lot about the demographics of the Catholic population in this country. We have a remarkable amount of ethnic diversity because of immigration patterns.

By the way, there is no such thing as 100% faith selection; that happens only if a school is oversubscribed. If a state-funded school has spare places, at the end of the day, it is obliged to let anybody come along. However, if a school is oversubscribed and we lose the faith admissions criterion, the nature of the school will change. That goes to the heart of the hon. Lady's question. There is something intrinsic to having a faith designation and a faith ethos in a school. Some people—I accept that the hon. Lady is not one of them—believe that such things contribute to what happens to those children, their education and their wellbeing, and they are reflected even in that small average premium in terms of results.

Back in the days of the free schools and before them, as the hon. Lady mentioned, a 50% cap was put in place, known commonly as the 50% faith cap. That reflected the fact that with free schools there was a different situation, because now any group could come along and say, "We want to open a school." It seemed a sensible safeguard to have a cap. However, all the way through it has remained legally possible—not a lot of people know this—to open a voluntary aided school. That proposition was tested in law in 2012, after the coalition Government came into office, with the St Richard Reynolds Catholic college in the constituency of the hon. Member for Twickenham. Once a VA school is opened, it can convert to an academy.

Munira Wilson (Twickenham) (LD): I am listening carefully to the right hon. Gentleman's excellent speech. Amendment 48 does not seek to prevent faith schools

from opening. It would simply apply the cap to any type of school—academy, maintained, voluntary aided or whatever.

For me, the main driver for that safeguard is social cohesion and ethnic diversity. We have talked a lot about Church schools, but there are other faiths that seek to set up schools in certain areas of the country where, without the cap in place, they would not get much racial diversity. That is worrying for community cohesion. I say that as somebody who has a strong personal faith. I send both my children to a Church of England school—mainly because it is in front of my house, so they can leave the house 30 seconds before the gate shuts—but I feel uncomfortable with its level of faith selection. As we heard in oral evidence from Nigel Genders, it is important that state-funded schools be for the whole community and be open to everyone.

Damian Hinds: That is a view. It is a perfectly legitimate view that some people hold, but it is not a view that I hold, nor is it a view that we have held historically in this country. Going back to 1944, to 1870 and even further, we have said that we believe in diversity of provision. That includes the Church of England and the Catholic Church, but it also includes other faiths. Some of the top-performing schools in the country are Jewish schools or Muslim schools.

Munira Wilson: I think the right hon. Gentleman thinks I am arguing that we should abolish faith schools. I have not made that argument. He is saying that this is not how we have done things in this country, but since the coalition and before, we have had a 50% faith cap. All the amendment seeks is clarity in legislation that that 50% faith cap will remain in place for any new school that opens. I realise that it was the Liberal Democrats who forced the Conservatives to put the cap in place for free schools, which is probably why the right hon. Gentleman will oppose me. For me, it is about social cohesion and about honouring the fact that we should serve all our communities. I am not opposing the establishment of new faith schools; I am just saying that they should have a cap of 50% on faith-based admissions.

Damian Hinds: I assure the hon. Lady that on this occasion I am not holding her Liberal Democrat party membership card against her. That is not the basis on which I am making these points.

The hon. Lady said that whatever type of school opens, it should have a 50% cap. By definition, there is no such thing as a VA school with a 50% cap, because being a voluntary aided school means having control over admissions in that way. It is not true that we have necessarily had the 50% cap all the way through; I point to the VA school that opened in her very constituency, and there have been others since then. The reason why only a small handful of VA schools have opened over the past couple of decades is that there was no money for it. To get money to open a school, it had to be a free school.

In 2018-19, the then Secretary of State, fine fellow that he was, created a small capital fund for the voluntary aided schools capital scheme. The reason related to patterns of immigration, particularly Polish and eastern European immigration. In the old days, it was Irish immigration—that is where I come from—but there have been many other waves from different places. As a result of eastern European immigration, there was a demand for Catholic schools in certain parts of the country. Those people, who had come to this country and made their lives here, and of whom there were now generations, were not able to access such schools in the way they could have in other parts of the country. Under that scheme, there were applications from five different faiths; at the time, one was approved and one put on hold. I contend that it is a good system that we have the cap for that tranche of schools—they are not going to be free schools—to retain those safeguards, but it is still possible to open a denominational school, of whichever faith, in circumstances in which there is great need in a particular area.

We talked earlier about local authority areas and their difference in size. Birmingham, which is one massive local authority area, is very different from an individual London borough. For the consideration of faith school applications, it ought to be possible to look over a wider area, because travel-to-school distances are much longer on average.

I want to check with the Minister, the hon. Member for Newcastle upon Tyne North, that the Government's proposals will not preclude the opening of new voluntary aided schools. I am afraid I must conclude by saying that, for reasons that the hon. Member for Twickenham will understand and that have nothing to do with her party affiliation, I cannot support amendment 48.

Darren Paffey (Southampton Itchen) (Lab): It is a pleasure to serve under your chairship, Sir Christopher. I rise to support clause 51 and to question the nature of the amendments.

The block on new local authority-run schools could only have been introduced for ideological reasons. Its removal is hugely welcome. If one model were of substantially better quality than the other, there might be a basis for such a block, but the facts speak for themselves: that is not the case. There is now a statistically negligible difference between the number of good and outstanding academies and the number of good and outstanding schools of other models, including local authority schools. It is plain for all to see that they are as good as each other, so the argument no longer holds water that one model is worse than the other and that legislation is therefore needed to block it.

I fully relate to the experience mentioned by the hon. Member for St Neots and Mid Cambridgeshire, where the only option is a free school application that then gets shut down. In my Southampton constituency, we put forward an excellent bid—all the advice throughout the process deemed it excellent—for a free special school. We are all painfully aware of the need for extra places for those with special educational needs and disabilities. With a free school application as our only option, we dutifully engaged, only to have that option shut down to us in the end. That pushes the responsibility back on existing schools to expand, entirely at the cost of already cash-strapped local authorities.

The clause is a sensible restoration of parity of esteem between different school models. On the rationale for objections and scrutiny, I have to say that am left a little

[Darren Paffey]

confused by the Opposition's positions and arguments. They question the local authority's being both the regulator and provider of schools. If they do not support that, what is their solution? Is it for the local authority to become redundant and have no role in planning, so we therefore have centralisation back to the Department for Education? Or is it that we continue to prohibit local authority schools from opening, thereby reducing the mixed economy and maintaining their free school presumption, which got us into this situation in the first place?

I am glad that we have clause 51 in the Bill. It is a strong response to a real need. It takes account of the reality of quality and democratic accountability in school place planning and the opening up of schools. It reflects the fact that we have excellent teachers in local authority maintained schools, every bit as much as in other models of school where they choose to work. It opens up opportunities for multiple bids from school providers. That reflects the position set out in the preceding clauses, which is that we want to get back to a position of collaboration, not unbridled competition, in the provision of education for our children.

2.30 pm

The Minister for School Standards (Catherine McKinnell): I thank the hon. Member for Harborough, Oadby and Wigston for tabling amendment 85. When a local authority thinks that a new school is needed in its area, it will be required to seek proposals for a new school from proposers other than local authorities. That includes academy trusts, as well as other bodies such as charitable foundations and faith bodies. Local authorities will be required to seek proposals for different types of school, including academy schools, foundation schools and voluntary schools.

I appreciate that the hon. Member may be looking for assurance that proposals for new academies will be sought and welcomed as part of the new invitation process. I can absolutely reassure him on that. We are simply ending the presumption that all new schools should be academies and allowing proposals for all types of school, so that the proposal that best meets the needs of children and families in an area is taken forward. All types of schools have an important role to play in driving the high standards that we want to see in every school, so that all children are supported to achieve and thrive.

I thank the hon. Member for Twickenham for tabling amendment 48, which seeks to restrict the proportion of places that can be allocated on the basis of faith to a maximum of 50% for all new schools established following a local authority invitation to establish one. In practice, it would only make a difference to a new voluntary aided foundation and a voluntary controlled school with a faith designation.

I recognise that the hon. Member is seeking to ensure that new schools are inclusive and that all children have access to a good education. That is very much a mission that we share. The Government support the ability of schools designated with a religious character to set faith-based oversubscription criteria. This can support parents who wish to have their children educated in line with their religious beliefs. However, it is for a school's admission authority to decide whether to adopt such arrangements.

The removal of the legal presumption that all new schools be academies is intended to ensure that local authorities have the flexibility to make the best decision to meet the needs of their communities. Decision makers will carefully consider proposals from all groups and commission the right new schools to meet need and to ensure that every child has the opportunity to achieve and thrive. On that basis, I hope that the hon. Member for Twickenham will not press her amendment.

Clause 51 will end the legal presumption that new schools should be academies. It will require local authorities to invite proposals for academies and other types of school when they think that a new school should be established and will give them the option to put forward their own proposals. The changes will ensure that new schools are opened by the provider with the best offer for local children and families. They will better align local authorities' responsibilities to secure sufficient school places with their ability to open new schools. We are committed to ensuring that new schools are opened in the right place at the right time, so that all children have access to a core offer of a high-quality education that breaks down the barriers to opportunity.

I turn to hon. Members' specific questions. There was quite a wide-ranging debate on the amendments, which is typical of this very assiduous Committee. As I said on the faith schools cap provision, we want to allow proposals for different types of school that will promote a diverse school system that supports parental choice. As the right hon. Member for East Hampshire said, we have a rich and diverse school system. Our priority is driving high and rising standards so that children can thrive in whatever type of school they are in. We will work in partnership with all types of school, including faith schools, as part of that mission.

Proposers, including faith groups, will be able to put forward a proposal in response to an invitation from the local authority and where the local authority thinks that a new school should be established in the area. As is already the case, faith groups can put forward proposals for a new voluntary or foundation school outside the invitation process, for example where they think that there is a need for particular places to replace an independent school or to replace one or more foundations or voluntary schools that have a religious character.

Although designated faith schools that are not subject to the 50% cap are not restricted in the number of places that they can offer with reference to faith when oversubscribed, it is for the admission authority to decide whether to adopt such arrangements. Indeed, there is real variation: some choose to prioritise only a certain proportion of their places with reference to faith in order to ensure that places are available for other children, regardless of faith, while many do not use faith-based oversubscription criteria at all. Regardless of the admissions policy set by the admission authority, faith schools remain subject to the same obligations as any other state-funded school to actively promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those of different faiths and beliefs, and to teach a broad and balanced curriculum. That will apply to all schools as part of the changes introduced by this Bill.

Let me say in response to concerns about faith schools being less socioeconomically and ethnically diverse that, to be fair, it is not true of all faith schools. Catholic schools are among the most ethnically diverse types of school. Faith schools tend to have intakes that reflect wider intakes; they draw from a much larger catchment area, which can often create a more diverse intake. The Department does not collect data about the admission policies of schools with a religious character, and we do not have any data on the proportion of children admitted to a school on the basis of faith or how many are able to access a preferred place on the basis of their faith. That means that there is no data to support capping faith admissions on the ground that they are restricting children and parents from accessing the school of their choice.

On the role of the adjudicator, which I think the hon. Member for Harborough, Oadby and Wigston asked about specifically, we will set out details in regulations, but it is our intention that local authorities will be able to object to the published admission numbers in another local authority.

I hope that I have responded to all the concerns that have been raised. I commend the clause to the Committee.

Neil O'Brien: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 48, in clause 51, page 112, line 4, at end insert—

"(5) After section 7A (withdrawal of notices under section 7), insert—

'**7B New schools to allocate no more than half of pupil places on basis of faith**

A new school for which proposals are sought by a local authority under section 7 must, where the school is oversubscribed, provide that no more than half of all places are allocated on the basis of or with reference to—

(a) the pupil's religious faith, or presumed religious faith;

(b) the religious faith, or presumed religious faith, of the pupil's parents.'"—*(Ian Sollom.)*

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 12.

Division No. 17]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	Hinds, rh Damian
Bishop, Matt	McKinnell, Catherine
Collinge, Lizzi	Martin, Amanda
Foody, Emma	Morgan, Stephen
Foxcroft, Vicky	Paffey, Darren

Question accordingly negatived.

Clause 51 ordered to stand part of the Bill.

Clause 52

CERTAIN PROPOSALS TO ESTABLISH NEW SCHOOLS: PUBLICATION REQUIREMENTS ETC

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

Clauses 53 and 54 stand part.

Schedule 2 stand part.

Clause 55 stand part.

Catherine McKinnell: Clause 52 requires local authorities to publish proposals when they want to open a new maintained nursery school. It also sets out the circumstances in which local authorities or other proposers can publish proposals for other new schools outside of the invitation process described in clause 51.

Local authorities will be able to publish proposals for a new community, community special, foundation, or foundation special school to replace one or more maintained schools, or to establish a new pupil referral unit to replace one or more pupil referral units. They will not be required to follow the invitation process unless they choose to, or they have already launched an invitation process that they could publish the proposals in response to. It also allows other proposers to propose the establishment of a new foundation, voluntary or foundation special school at any time, unless there is a live invitation process that the proposals could be submitted in response to. Local authorities and other proposers will not need to obtain the Secretary of State's consent before publishing proposals, as they do now in certain circumstances.

The clause also enables regulations to set out the action that local authorities must take to publicise proposals that have been published under these arrangements.

These provisions give local authorities the flexibility to decide which route to establishing a new school is most appropriate when they are replacing an existing maintained school or schools. They also preserve the ability of other proposers to put forward proposals to the local authority for a new school, for example to meet the need for a particular type of place.

Clause 53 applies a restriction on opening new schools under section 28 of the Education and Inspections Act 2006 to pupil referral units, so that pupil referral units can be established only by following the same statutory procedures, introduced by clauses 51 and 52 of the Bill, that apply to other types of school maintained by local authorities. That means that, where a local authority thinks that a new alternative provision should be established, it will be required to invite proposals from proposers for an alternative provision academy, and will be able to decide whether to publish its own proposals for a pupil referral unit to be considered alongside any academy proposals received.

Clause 53, along with clauses 51 and 52, brings pupil referral units within the statutory arrangements for establishing new schools, providing clarity and transparency about the process by which new pupil referral units can be opened, putting them on an equal footing with alternative provision academies, and better aligning a local authority's responsibility for securing sufficient places with its ability to open new schools.

Clause 54 introduces schedule 2, which amends schedule 2 to the Education and Inspections Act 2006 to ensure that there are clear and fair processes for the consideration and approval of proposals made under sections 7 or 10 of the 2006 Act, as amended by this Bill, for the establishment of new schools.

Where proposals for a new school have been invited, schedule 2 will ensure that any proposals are considered equally, without the preference being given to academy

[Catherine McKinnell]

proposals that there is now. This will allow decision makers to select the best proposal that meets the needs of children and families, regardless of the type of school it is.

In situations where local authorities have chosen to put forward their own proposals alongside others, or there are proposals for a new maintained school to have a foundation that the local authority would have a role in, the Secretary of State will make the decision, to ensure a fair, unbiased outcome.

Schedule 2 also requires the local authority to refer any proposal to the Secretary of State that has not yet been determined, providing an effective backstop in case of concerns over any decision making or delay. Where a local authority put forward proposals outside of an interpretation process, or if there is a proposal outside the process where the authority would be involved in the proposed school's foundation, they will be required, as now, to refer the proposal to the schools adjudicator for decision.

Schedule 2 makes it clear that, before approving proposals for an academy, a local authority must consult the Secretary of State and seek confirmation that she would, in principle, be willing to enter into a funding agreement for that academy. That mirrors current arrangements and ensures that local authorities can be provided with all relevant information from the Department for Education on an academy trust making a proposal.

Clause 55 puts in place transitional arrangements for moving from the current arrangements for establishing new schools to the new arrangements. Where proposals for a new school have been sought by a local authority or published by a proposer or a local authority under the existing provisions under the Education Inspections Act 2006, and a decision on those proposals has not yet been made by the time the new provisions come into effect, the new arrangements will not apply and the proposals will be determined under the old arrangements. The clause also allows consultation that has been carried out under the requirements of the existing provisions of the 2006 Act, and before the new requirements come into force, to satisfy the requirements to consult under the amended provisions.

2.45 pm

These transitional arrangements provide clarity for local authorities and proposers as they move to the new arrangements. They ensure that proposals that have been sought or published under the current arrangements can be determined under those arrangements. They avoid duplication of effort by allowing consultation that has taken place before the new arrangements come into effect to meet the requirements of the new arrangements, where appropriate. I commend the clauses to the Committee.

Question put and agreed to.

Clause 52 accordingly ordered to stand part of the Bill.

Clauses 53 and 54 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clause 55 ordered to stand part of the Bill.

Clause 56

POWER TO MAKE CONSEQUENTIAL PROVISION

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

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

Clauses 57 and 58 stand part.

Amendment 11, in clause 59, page 115, line 18, at end insert—

"(2A) Section (Abolition of common law defence of reasonable punishment) comes into force at the end of the period of twelve months beginning with the day on which this Act is passed."

This amendment is consequential on NC10.

Clauses 59 and 60 stand part.

New clause 10—*Abolition of common law defence of reasonable punishment*—

(1) The Children Act 2004 is amended as follows.

(2) In section 58 (Reasonable Punishment: England), omit subsections (1) to (4).

(3) After section 58, insert—

"58A Abolition of common law defence of reasonable punishment

(1) The common law defence of reasonable punishment is abolished in relation to corporal punishment of a child taking place in England.

(2) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.

(3) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted acceptable conduct for the purposes of any other rule of the common law.

(4) For the purposes of subsections (1) to (3) "corporal punishment" means any battery carried out as a punishment.

(5) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.

(6) The power to make regulations under subsection (5) is exercisable by statutory instrument.

58B Promotion of public awareness and reporting

(1) The Secretary of State must take steps before the coming into force of section 58A to promote public awareness of the changes to the law to be made by that section.

(2) The Secretary of State must, five years after its commencement, prepare a report on the effect of the changes to the law made by section 58A.

(3) The Secretary of State must, as soon as practicable after preparing a report under this section—

(a) lay the report before Parliament, and

(b) publish the report.

(4) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.

(5) The power to make regulations under subsection (4) is exercisable by statutory instrument."

This new clause would abolish the common law defence of reasonable punishment in relation to corporal (physical) punishment of a child taking place in England, amend certain provisions of the Children Act 2004 relating to corporal punishment of children and place a duty on the Secretary of State to report this change.

Catherine McKinnell: Clause 56 contains a provision for the Secretary of State to make changes consequential on the provisions of the Bill to other legislation, as well as to existing primary legislation. It has been drafted to allow the Secretary of State to make consequential changes to other Acts preceding this Bill or those that are passing before Parliament in this Session. It is always possible that necessary changes to legislation may be identified after a Bill's passage. Given the breadth of legal areas that the Bill covers, it is prudent to provide a failsafe should anything have been missed. Without one, there is a risk to the coherence of the legislative landscape that the Bill creates. The clause sets out that regulations making changes to primary regulation are subject to the affirmative procedure, and that those making changes to other legislation are subject to the negative procedure.

Clause 57 contains a financial provision necessary to the provisions of the Bill that require expenditure. It sets out the expectation that Parliament will fund any expenditure and any future increase in it incurred by the Secretary of State in relation to this Bill.

Clause 58 sets out the territorial extent of the provisions in the Bill. It is a standard clause for all legislation. As the Committee is aware, Westminster does not normally legislate on devolved matters without the consent of the relevant devolved Governments. However, there are no provisions of this Bill that engage that process.

Clause 59 sets out when the provisions in the Bill come into force. The general provisions on extent, commencement and the short title come into force on the day of Royal Assent. Subsection (2) sets out the provisions that will come into force two months after the Bill is passed. All the provisions will come into force on a day or days to be appointed by the Secretary of State through regulations. Those regulations may appoint different days for different purposes or different areas. The Secretary of State may also make regulations that provide for transitional or saving provision in connection with commencement.

Clause 60 provides that the short title of the Bill will be Children's Wellbeing and Schools Act 2025. For the reasons outlined, I commend the clauses to the Committee.

On new clause 10, I am grateful for the opportunity to discuss removing the common law defence of reasonable punishment. Keeping children safe could not be more important to the Government. We are already taking swift action through these landmark reforms to children's social care. It is the biggest overhaul in a generation. The Government are committed, through our plan for change, to ensuring that children growing up in our country get the best start in life through wider investment in family hubs and parenting support. This landmark Bill puts protecting children at its heart.

To be absolutely clear, the Government do not condone violence or the abuse of children, and there are laws in place to protect children against those things. Child protection agencies and the police treat allegations of abuse very seriously. They will investigate and take appropriate action, including prosecution, where there is sufficient evidence of an offence having been committed. Local authorities, police and healthcare professionals have a clear duty to act immediately to protect children if they are concerned that a child is suffering, or is likely to suffer, significant harm.

This Bill will put children's future at the centre of rebuilding public services, requiring higher standards for all children in need of help and protection. It is a key step towards delivering the Government's opportunity mission to break the link between a young person's background and future success.

We do not intend to legislate on the defence at this stage, but we will review the position when we have evidence from Wales of the impact since it was removed. Wales will publish its findings by the end of 2025 and we will look at them carefully. We recognise that parents have different views and approaches to disciplining their children. We need to consider their voices, and those of the child, trusted stakeholders and people who might be disproportionately affected by the removal of the defence, in making any decisions.

Let us also be clear: those children who have been abused or murdered by their parents would not have been covered by the defence of reasonable punishment. Crown Prosecution Service guidance is very clear about what is acceptable within the law to justify reasonable punishment.

The Bill introduces many measures to keep children safe—for example, requiring local authorities to have and maintain children not in school registers; improving information sharing between agencies; making sure that education and childcare settings are involved in local safeguarding partnerships; and making it a requirement for every local authority to have multi-agency child protection teams. Nationally, we are rolling out the vital multi-agency family health and child protection reforms through the Families First partnership programme from April 2025, and we are delivering parenting support through our family hubs programme in several local authorities.

The protection of children is critical. The Bill takes important steps to improve safeguarding. On that basis, I invite the hon. Member for North Herefordshire not to press the new clause.

On amendment 11, I appreciate what the hon. Member has set out in relation to having a delayed implementation for the removal of the defence of reasonable punishment. As I mentioned in response to new clause 10, we do not intend to legislate at this stage, but we will wait for Wales to publish its impact report on removing the defence, which is due at the end of 2025. We will look at the evidence of the potential impact before making such a significant legislative change. When we review the position, we will ensure that due thought and consideration are given to ensuring that there is an appropriate implementation period. On that basis, I invite her not to press the amendment.

Neil O'Brien: I rise to speak only to clause 56, which is a big old Henry VIII power. I am sure that their lordships will want to explore it in detail. In the interests of time, I have not tabled an amendment to it at this stage and I will not go into lots of detail, but it is always important to note such things. It is no small thing to give the Government the power to amend primary legislation without coming back to the House. Of course, there are certain limits to what they could do by means of such measures, but it is a big deal.

I place it on the record that the Minister will be well aware of some of the concerns about the clause that are coming to us from civil society. I am sure that she will

[Neil O'Brien]

have seen the comments from Jen Persson, the director of Defend Digital Me, on the information powers in the Bill. When we make laws in this way, it relies on someone noticing and raising an objection to Parliament to get any kind of democratic debate, and we can only stop such things in hindsight.

As the Minister will know, Defend Digital Me has put forward 30 different areas and proposals that it has concerns about, particularly on the information side. On previous clauses, we debated the constant unique identifier and eventually using the NHS number for that, and other things that we have objected to, such as the requirement to give information about how much time a home-schooled child is spending with both parents.

I will not reconsider all the debates that we have already had, but all those important decisions will potentially be in the scope of this Henry VIII power. I am keen to move on to the new clauses, so I will not go any further now, but I am sure that the Government will receive lots of probing questions on this point as the Bill moves to the other place.

Munira Wilson: I rise to speak in support of new clause 10, adding the Liberal Democrats' support for putting equal protection into law for children. I do not understand why we would have a different level of protection for adults versus children. They are the most vulnerable children in our society. The Children's Commissioner and the National Society for the Prevention of Cruelty to Children have been very clear that children should be protected. This is not seeking to interfere with parents in terms of how they discipline their children; it is about protecting our most vulnerable. The Children's Commissioner has strongly called for this, particularly in the wake of the tragic case of Sara Sharif.

I really hope, when the Minister says that the Government will actively look at this during this Parliament, that that is the case. I suspect that there are Members in all parts of the House—I note that the new clause has cross-party support—who will continue to press her on this matter, because it is a basic issue of children's rights and equal protection in law.

Ellie Chowns (North Herefordshire) (Green): It is a pleasure to serve under your chairmanship, Sir Christopher. I rise to speak to demonstrate the cross-party support that has already been referred to for new clause 10 and consequential amendment 11 in the name of the hon. Member for Lowestoft (Jess Asato), and I would like to start by congratulating and thanking her for her important work on this issue over many years.

Giving children equal protection from assault cannot happen soon enough. Although we tabled amendment 11 as a probing amendment, I cannot urge the Government strongly enough to grasp this opportunity, in this Bill on children's wellbeing, to take this forward and put it into law.

Taking the essential step of giving children equal protection from assault has very widespread support not only among the general public, but among all sorts of organisations that advocate and work on behalf of children, including the NSPCC, the Royal College of Paediatrics and Child Health, the Parenting and Family Research Alliance and the Children's Commissioner, to name just a few. We heard from the Children's Commissioner herself in oral and written evidence just how strongly she feels about this matter. I share her view that it is totally unacceptable that in 2025, children have less protection from assault under English law than adults do. The existence of the "reasonable punishment" defence perpetuates ambiguity in the law. It leaves children exposed to potential harm and undermines efforts to safeguard their wellbeing. New clause 10 would remove this outdated defence and provide clarity, consistency, and equal protection for children under the law.

The Minister talked about wanting to wait until we have evidence from Wales, and of course, as she acknowledges, it is only in England and Northern Ireland that children do not have this protection. Scotland and Wales have already passed legislation on this matter—indeed, Scotland did before Wales, in 2020. The Minister mentioned waiting for evidence to come from Wales as to the impact of this. There is very clear evidence—worldwide, in fact—on the benefits of giving children the same protection from violence as adults. I believe there are 65 countries worldwide that give that protection, and there are decades of evidence on that topic. I am sure she has received that evidence and I warmly invite her to peruse it very carefully.

Many studies show that physical punishment is not only ineffective at managing children's behaviour, which is what some parents may intend, but actively harmful. It is associated with increased behavioural problems, increased risks of mental health issues and increased risks of more serious assault. The current, grimly outdated legal framework complicates the matter of addressing improving safeguarding efforts and makes it harder for professionals to assess and effectively address risks to children. The Minister referenced the roles of professionals in safeguarding children, and there is significant testimony from those professionals about how unhelpful this ambiguity in the law is. Fundamentally, there is an inequality here. If an adult hits an adult, it is assault; if an adult hits a child, they can claim the defence of reasonable punishment.

3 pm

New clause 10 would establish the clear principle that assault is never justifiable and align English laws with international human rights standards, including the UN convention on the rights of the child. As I have mentioned, the success of similar legislation in Scotland and Wales provides a compelling precedent in our country. Indeed, in Scotland the introduction of the Children (Equal Protection from Assault) (Scotland) Act 2019, which was led by my colleague, the former MSP John Finnie, contributed to a national dialogue on non-violent approaches to parenting. It also prompted the development of additional practical resources to help parents and caregivers to embrace positive parenting approaches, so it was very constructive.

New clause 10 is not complicated. Removing the current disparity between the protection in law of adults and children is about putting children first. A child's right to equal protection from assault comes before a parent's ability to potentially use a claim of reasonable punishment to defend themselves against a charge of assault. By removing ambiguity and aligning our legislation

with international standards and with the evidence, the new clause would underscore our commitment to ensuring every child's right to safety and equal protection.

I want to pick up one final point that the Minister made. She said we have laws in place to protect children against violence, but the point is that we do not have equal laws in place to protect children against violence. Why should children have less protection than adults? I strongly urge the Government to consider the new clause carefully and to look to incorporate it into the Bill.

Catherine McKinnell: I will respond initially to the question raised by the hon. Member for—

Neil O'Brien: Harborough, Oadby and Wigston. "Harborough" is fine.

Catherine McKinnell: On clause 56, it is always possible that necessary changes to legislation might be identified through a Bill's passage. As I said, it is therefore prudent to have a failsafe should anything have been missed. This power is limited and narrow: it can be used only to make amendments that are consequential on the Bill's provisions, which will be voted on, and it is in line with usual practice.

Regulations made under the power that amend or repeal any provision in primary legislation will be subject to parliamentary scrutiny. We have carefully considered the power, and we believe that it is entirely justified in this case. It is needed to ensure that we are able to deal with the legislative consequences that may flow naturally from the main provisions and ensure that other legislation continues to work properly following the passage of the Bill.

Damian Hinds: Will the Minister allow me?

Catherine McKinnell: Well—yeah.

Damian Hinds: I have never been so warmly welcomed. *[Laughter.]* We talked a few sittings ago about the NHS number and the database of children, and there are a lot of wide-open questions about the scope of that. Is that all children? How will it be used? In turn, that could potentially affect a lot of other pieces of legislation.

Bearing in mind the massive controversies we have had in this country in the past over ID cards, privacy and so on, will the Minister write to the Committee setting out specifically what some of the issues in relation to that might be? We do not want find ourselves having agreed to do something that we did not realise we were agreeing to do.

Catherine McKinnell: I think I can assure the right hon. Gentleman that that is not the case. The inclusion of similar powers is common and well-precedented in legislation. Powers to make consequential amendments can be found in several other Government Bills, such as the Renters' Rights Bill and the Employment Rights Bill, as well as in Acts presented under the previous Administration, such as the Health and Care Act 2022, which I am sure the right hon. Gentleman is fully supportive of.

I turn to new clause 10 and the contributions from hon. Members. I absolutely appreciate the case that is being made, which is why we are open-minded on the issue, but we do not intend to bring forward legislation imminently. The hon. Member for North Herefordshire spoke about the successful implementation in Wales. I am interested in how she knows that to be the case, because we are awaiting the publication of the impact assessment. We are very keen that legislation is evidence-based and has its intended effect. That is why we are waiting for the evidence that will come from Wales.

The hon. Member mentioned a number of international examples. I have an example from New Zealand, which removed the reasonable punishment defence in 2007. Data suggests that 13 cases were investigated between 2007 and 2009, with one prosecution. It is important that we look at how this measure works within the context of each country that it is applying it. Obviously, we will look very closely at the implementation in Wales—the impact it has and the difference it makes—and will also then look at how that will apply specifically within an England context before proceeding with legislation.

Ellie Chowns: There are two points that I would want to make. Is the Minister really arguing that whether we should protect children from violence depends on whether an impact assessment shows that there are a certain number of prosecutions or whatever? Is this not about the fundamental equality of protecting children in the same way that we give adults legal protection against assault?

Secondly, the impact of giving that equal protection is surely not something that should be measured in the sense of how many prosecutions there have been over how many years. This is not about getting more prosecutions; it is about shifting the culture as a whole to recognise that there is no justification for violence against children—none.

Catherine McKinnell: Keeping children safe could not be more important, and it could not be a greater priority for this Government. The question is how that is best achieved. That is the evidence that we are awaiting from Wales—to see how impactful the change made there has been.

I will give another example, from the Republic of Ireland, which removed the reasonable punishment defence in 2015. There is limited data on the impact, but a poll in 2020 suggested that a relatively high acceptance of slapping children remained.

Absolute clarity and an evidence-based approach is what the Government seek to take. That is why, within this legislation, we have absolutely prioritised real, tangible measures, which we can put into practice without delay, to significantly improve the chances of any harm coming to children being minimised. I listed those measures in my opening response on this clause. As the law stands, quite frankly, any suggestion that reasonable punishment could be used as a defence to serious harm to a child, or indeed death, as has been asserted, is completely wrong and frankly absurd.

Ellie Chowns: The Minister cited an example from Ireland. I do not think anybody is arguing that abolition of the defence of reasonable punishment will, in and of

[Ellie Chowns]

itself, stop all violence against children, but we are arguing that it is an important component of what must be done to stop violence against children. The Children's Commissioner and all the other people I have cited have made very powerful arguments to that effect. Professionals working in the sector have talked about how the ambiguity of the current law is actively unhelpful to them in offering support and intervention to families in which this might be an issue.

Going back to the point about needing to wait for an impact assessment, does the Minister think there is any universe in which it could be more beneficial for children to keep the defence of reasonable punishment than it would be to abolish it? Surely it is logical to expect that ensuring equal protection for children will move things in a better direction, alongside all the family support required to make a sustainable long-term change.

Catherine McKinnell: As I have said, we need to wait and look at the evidence before making such a significant legislative change. The protection of children is critical. The Bill takes significant steps to improve safeguarding. The context in England is different from Scotland and Wales. Therefore, the changes would need to be considered very carefully in the light of the evidence and how they would tangibly impact the protection of children in England. We are awaiting the impact assessment and will take action accordingly.

Abusive parents are caught under the existing legislative framework. The challenge in this area is that parenting is complex. I can attest that it is one of the most difficult jobs anyone can do. Parents know their children, and they want to get it right with their children. As the hon. Member for North Herefordshire acknowledges, parenting programmes and support is what we are focused on. We are putting in place support for parents to be good parents, because that is what the vast majority want to be. When that is not their intent, there are laws in place to prevent harm from coming to children. I absolutely accept the arguments being put forward today. We have an open mind and will look at the evidence and take a very careful approach to this. I commend the clause to the Committee.

Question put and agreed to.

Clause 56 accordingly ordered to stand part of the Bill.

Clauses 57 and 58 ordered to stand part of the Bill.

Clause 59

Commencement

The Chair: I call the Minister to move amendment 93 to clause 59 formally.

Catherine McKinnell: Are you sure?

The Chair: It is on the amendment paper—it is there for all to see. We debated it in a previous group, and I presume the Government now want to support it. If everybody is happy, I will call the Minister to move amendment 93 formally.

Amendment made: 93, in clause 59, page 115, line 17, leave out paragraph (h) and insert—

"(h) section (Pay and conditions of Academy teachers) and Schedule (Pay and conditions of Academy teachers: amendments to the Education Act 2002) other than paragraph 6 of that Schedule;

(ha) section 46;"—*(Catherine McKinnell.)*

This amendment is consequential on Amendment 92 and NC57.

Clause 59, as amended, ordered to stand part of the Bill.

Clause 60 ordered to stand part of the Bill.

New Clause 6

Care leavers not to be regarded as becoming homeless intentionally

"(1) In section 191 of the Housing Act 1996 (becoming homeless intentionally)—

after subsection (1) insert—

'(1ZA) But a person does not become homeless intentionally in a case described in any of subsections (1A) to (1C).';

in subsection (1A), for the words before paragraph (a) substitute

'The first case is where—';

after subsection (1A) insert—

'(1B) The second case is where the person is a relevant child within the meaning given by section 23A(2) of the Children Act 1989.

(1C) The third case is where the person is a former relevant child within the meaning given by section 23C(1) of that Act and aged under 25.';

in subsection (3), in the words before paragraph (a), after 'person' insert

', other than a person described in subsection (1B) or (1C),'.

(2) The amendments made by this section do not apply in relation to an application of a kind mentioned in section 183(1) of the Housing Act 1996 made before the date on which this section comes into force, except where the local housing authority deciding the application has not yet decided the matters set out in section 184(1)(a) and (b) of that Act."—*(Catherine McKinnell.)*

The Housing Act 1996 requires local housing authorities to assist persons with securing accommodation in certain circumstances and limits the requirement in relation to persons who have become homeless intentionally. This amendment would prevent the limitation applying in relation to certain young persons formerly looked after by local authorities.

Brought up, and read the First time.

3.15 pm

Catherine McKinnell: I beg to move, That the clause be read a Second time.

As I am sure colleagues will be all too aware, homelessness levels are far too high. Homelessness can have a devastating impact on those affected. The Government are determined to address that and deliver long-term solutions to get us back on track to ending homelessness. Care leavers are particularly vulnerable to becoming homeless, with the number of care leavers aged 18 to 20 becoming homeless rising by a shocking 54% in the past five years. Young care leavers are also more likely to be found to have become intentionally homeless by local authorities, meaning that local authorities are not required to secure them settled accommodation.

This Government take corporate parenting seriously, and recognise the key role that local authorities play in providing care, stability and support to care leavers—like any parent would. We are introducing the new clause to ensure that, where a council is their corporate parent, no care leaver can be found to have become intentionally homeless. This is an essential step to ensure that those care leavers are not held back by their start in life and get the support they need to build a secure and successful future. I therefore recommend that the new clause be added to the Bill.

Catherine Atkinson (Derby North) (Lab): Become, the charity for children in care and young care leavers, strongly welcomes the new clause, as does the YMCA, which supports around 1,000 care leavers a year with housing.

In its written evidence to the Committee, Become pointed to a freedom of information request that it submitted to all tier 1 local authorities in England last year, which showed real variation in whether they disapplied homelessness intentionality assessments for care leavers. Become provided examples of hearing from care-experienced young people who have been assessed as intentionally homeless for moving away to university, not keeping in touch with their personal advisers or turning down offers of accommodation that was not appropriate for them. That contradicts local authorities' duties as corporate parents, and contributes to the disproportionate risk of homelessness that care-experienced young people are subject to.

I thank Become for its evidence, which provides powerful insight and an argument in support of the new clause. I hugely welcome it being added to the Bill.

Damian Hinds: Will the Minister confirm that the new clause will also apply to the small group of young people who are leaving the young justice system and returning to their home area?

Darren Paffey: Briefly, I warmly welcome the new clause. Colleagues will be aware of my interest in this area. From years of working alongside those who fall foul of laws and principles on paper that they never see, but that make a material difference to their lives and outcomes, I know that this will be a positive change. It builds on years of work, including not only the work of various charities already mentioned by my hon. Friend the Member for Derby North, but the work of my hon. Friend the Member for Whitehaven and Workington (Josh MacAlister) and no doubt countless others, and will be warmly welcomed. I am excited to be able to report to those in my constituency on the work of this Government in making sure that care leavers have better outcomes. I look forward to working with Ministers in the future to work out how we can get from this point to other areas that will make a positive material difference to their lives.

Catherine McKinnell: I thank hon. Members for their contributions, and absolutely agree on the importance of this measure and the difference it will make to children and young people as they move into the sometimes challenging transition to adulthood, having experienced care and on leaving care.

In response to the question from the right hon. Member for East Hampshire, the amendment will impact children classed under the Children Act 1989 as relevant children or former relevant children who present for homelessness assistance. That would cover young people aged 16 to 24 who have been looked after by a local authority for a period of at least 13 weeks, or periods that amount to 13 weeks, since their 14th birthday, at least one day of which must have been since they attained the age of 18.

The answer to the right hon. Gentleman's question would, therefore, be subject to those parameters, but I imagine that in most cases it would apply to young people leaving the criminal justice system. He is right to raise that as a concern. Indeed, the purpose of the measure is to disapply the intentional homelessness test for care leavers who are within that scope. Care leavers who have left the youth justice system would quite rightly be included, given that they will experience similar challenges to other care leavers in establishing themselves in a secure adult life.

Tom Hayes (Bournemouth East) (Lab): I was struck by recent data that shows that care leavers are particularly vulnerable to homelessness, as we have heard in this Bill Committee. Latest Government data show that the numbers of care leavers aged between 18 and 20 becoming homeless have increased by 54% over the past two years. Can the Minister outline how this very welcome measure will enhance and strengthen joint working between the children's and housing departments, and outline a bit more some of the impacts of homelessness on care-experienced people and care leavers?

Catherine McKinnell: My hon. Friend makes an important point. It is worth looking at the data: in 2023-24 there were up to 410 households that included a care leaver who was found to be intentionally homeless. We appreciate that disapplying the intentional homelessness test means that local authorities will have much greater scope and ability to work with these young people and to support them into a more secure adult life. That clearly involves having a secure home, so I hope that hon. Members are willing to support this clause.

Question put and agreed to.

New clause 6 accordingly read a Second time, and added to the Bill.

New Clause 57

Pay and conditions of Academy teachers

"Schedule (Pay and conditions of Academy teachers: amendments to the Education Act 2002) amends Part 8 of the Education Act 2002 (teachers' pay and conditions etc) in relation to the pay and conditions of teachers at Academies (other than 16 to 19 Academies).

Part 8 of the Education Act 2002".—*(Vicky Foxcroft.)*

This clause replaces Clause 45 and introduces the schedule to be inserted by NS1.

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

"(1) The Secretary of State must, within 6 months of the passing of this Act, take steps to implement each of the recommendations made in the final report of the Independent Inquiry into Child Sexual Abuse.

(2) The Secretary of State must, after a period of six months has elapsed from the passing of this Act and at 12 monthly intervals thereafter, publish a report detailing the steps taken by the Government to implement each of the recommendations.

(3) A report published under subsection (2) must include—

(a) actions taken to meet, action or implement each of the recommendations made in the final report of the Independent Inquiry into Child Sexual Abuse;

(b) details of any further action required to implement each of the recommendations or planned to supplement the recommendations;

(c) consideration of any challenges to full or successful implementation of the recommendations, with proposals for addressing these challenges so as to facilitate implementation of the recommendations; and

(d) where it has not been practicable to fully implement a recommendation—

(i) explanation of why implementation has not been possible;

(ii) a statement of the Government's intention to implement the recommendation; and

(iii) a timetable for implementation.

(4) A report published under subsection (2) must be subject to debate in both Houses of Parliament within one month of its publication.

(5) In meeting its obligations under subsections (1) and (2), the Secretary of State may consult with such individuals or organisations as they deem appropriate."—*(Munira Wilson.)*

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

I rise to speak to the new clause, tabled in my name and in the name of a number of my colleagues. Briefly, it goes without saying that, on all sides of the House, we are horrified by child sex abuse and what Professor Alexis Jay uncovered through her seven-year-long investigation. We are also horrified that so little progress has been made to date in implementing the 20 recommendations she set out. The new clause therefore seeks to create a legislative commitment, with clear timescales and regular reporting to Parliament, on progress in implementing that report. It is an attempt to approach the issue constructively.

I was disappointed, to put it mildly—in fact, pretty outraged—that Conservative colleagues sought to weaponise the issue on Second Reading to try to kill off the entire Bill. I hope that this is a much more constructive approach. However, I recognise that shortly after my tabling the new clause following Second Reading, the Government made further announcements, including that Baroness Casey will undertake a rapid review and that they will be setting out a timetable.

On that basis, I am happy to withdraw the new clause, but my party and I will continue to hold the Government's feet to the fire. These girls have been abused, and I am in no doubt that the abuse is ongoing. That needs to be tackled, and justice needs to be served, so I hope that the Government will implement the recommendations and set out a clear timescale.

Ellie Chowns: I rise to speak in support of the new clause, while recognising what the hon. Lady who tabled it has just said. In doing so, I am particularly mindful of a constituent of mine who came to see me in January to tell me that she had given evidence to the independent inquiry into child sexual abuse. Frustrated does not even cover how she felt—she was incredibly upset at the lack of progress on implementation under the previous Government, and she was frustrated to find that progress now is still not fast enough.

We have a huge responsibility to all who suffer child sexual abuse, and in particular to those who have been brave enough to come forward and give evidence, trusting that that evidence would help to make changes. I hope that the Minister can clarify timetables for implementation.

Catherine McKinnell: As the Prime Minister has made clear, we are absolutely focused on delivering justice and change for the victims on this horrific crime. On 6 January, the Home Secretary outlined in Parliament commitments to introduce a mandatory duty for those engaging with children to report sexual abuse and exploitation, to toughen up sentencing by making grooming an aggravating factor and to introduce a new performance framework for policing.

On 16 January, the Home Secretary made a further statement to the House that, before Easter, the Government will lay out a clear timetable for taking forward the 20 recommendations from the final IICSA report. Four of those were for the Home Office, including on disclosure and barring, and work on those is already under way. As the Home Secretary stated, a cross-Government ministerial group is considering and working through the remaining recommendations. That group will be supported by a new victims and survivors panel.

The Government will also implement all the remaining recommendations in IICSA's separate, stand-alone report on grooming gangs, from February 2022. As part of that, we will update Department for Education guidance. Other measures that the Government are taking forward include the appointment of Baroness Louise Casey to lead a rapid audit of existing evidence on grooming gangs, which will support a better understanding of the current scale and nature of gang-based exploitation across the country, and to make recommendations on the further work that is needed.

The Government will extend the remit of the independent child sexual abuse review panel, so that it covers not just historical cases before 2013, but all cases since, so that any victim of abuse will have the right to seek an independent review without having to go back to the local institutions that decided not to proceed with their case. We will also provide stronger national backing for local inquiries, by supplying £5 million of funding to help local authorities set up their own reviews. Working in partnership with Tom Crowther KC, the Home Office will develop a new effective framework for victim-centred, locally led inquiries.

This landmark Bill will put in place a package of support to drive high and rising standards throughout our education and care systems, so that every child can

achieve and thrive. It will protect children at risk of abuse and stop vulnerable children falling through the cracks in service. I acknowledge that the hon. Member for Twickenham is content to withdraw her new clause, and thank her for that. Allowing this Bill's passage will indeed go a long way to supporting the young people growing up in our system and to protect them from falling through the cracks that may leave them vulnerable to this form of abuse. Indeed, across Government, we will continue to work to take forward the recommendations and to reform our system so that victims get the justice they deserve.

Munira Wilson: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 2

PROVISION OF FREE SCHOOL LUNCHES TO ALL PRIMARY SCHOOL CHILDREN

"(1) Section 512ZB of the Education Act 1996 (provision of free school lunches and milk) is amended as follows.

(2) In paragraph (4A)(b), after 'year 2,' insert 'year 3, year 4, year 5, year 6'.

(3) In subsection (4C), after 'age of 7;' insert—

'"Year 3" means a year group in which the majority of children will, in the school year, attain the age of 8;

"Year 4" means a year group in which the majority of children will, in the school year, attain the age of 9;

"Year 5" means a year group in which the majority of children will, in the school year, attain the age of 10;

"Year 6" means a year group in which the majority of children will, in the school year, attain the age of 11;'" —*(Ellie Chowns.)*

This new clause would extend free school lunches to all primary school age children in state funded schools.

Brought up, and read the First time.

3.30 pm

Ellie Chowns: I beg to move, That the clause be read a Second time.

New clause 2 would extend the provision of free school lunches to all primary school children, from year 2 up to year 6. It was tabled in the in the name of the hon. Member for Stroud (Dr Opher)—I thank him for his work on this—and has been supported by 43 hon. Members across the House. In addition to this high level of support from MPs, the No Child Left Behind campaign, which underpins new clause 2, is backed by more than 250 civil society leaders, from unions to charities, from medical bodies to faith leaders, and from mayors to councils. This widespread backing is unsurprising, because the case for universal free school meals is, in fact, overwhelming.

Let us start with the need, which is acute. I am sure colleagues remember how during the pandemic Marcus Rashford ignited the campaign for free school meals, pointing out that we could fill 27 Wembley stadiums with the 2.5 million children who were struggling to know where their next meal was coming from—a shocking indictment.

That shameful legacy of child poverty from the last Government continues, with hunger in schools still endemic. University of Bristol research shows that one in five schools runs a food bank. That figure, I am told, is higher than the total number of community food banks being operated outside schools by organisations such as the Trussell Trust and the Independent Food Aid Network.

The National Education Union explained that its members see the struggles of children in poverty every day. Some 80% of teachers asked said that they had provided food for hungry children out of their own pockets—is that not extraordinary? One of those teachers said:

"So many of our children arrive tired and hungry. I find the issue with food so awful. I stock my school kitchen every week with fruit, cereal, milk, biscuits...the number of children who pop in to see me and then ask for food has grown over the last two years. It is heart-breaking."

It truly is.

New clause 2 is therefore a probing amendment to make the case for a universal approach as the best policy response for three key reasons. First, it is immediately good for children. Secondly, it is an effective long-term investment. Thirdly, it is basically just efficient. I will briefly explore those arguments.

Universal provision is good for children; it immediately helps children to learn, grow and thrive in school. For example, we have recently had the roll-out of free school meal provision to all children attending primary state schools in London. Initial research evaluating that roll-out, which was published a couple of months ago, found that the policy helped with children's readiness to learn and ability to concentrate. It helps children to do what they are supposed to be doing in schools—learning.

The Department for Education evaluation of the pilot undertaken by the last Labour Government found that pupils in schools where all children received free school meals made four to eight weeks' more progress in maths and English over two years. That is an extraordinary improvement in progress. In that pilot, the poorest children were those who made the most progress, reducing the attainment gap. In areas with means-tested provision, the effect on attainment was negligible, so we have strong evidence for the benefits of universality.

On the health benefits—this is really shocking—research by *The BMJ* found that less than 2% of packed lunches met the school food standards. That represents an extraordinary nutritional shortfall in what many children are eating. A policy of universal free school meals would be a major opportunity to increase healthy eating. Ensuring that every child in a school has access to the same food also helps to reduce the stigma and shame that comes from singling out pupils through means-tested provision, and gives pupils a better sense of belonging in school.

Those are the immediate benefits of universal provision, but there are also really strong long-term investment benefits from it. The evidence shows that these universal systems reduce inequality and deliver wider economic prosperity beyond the classroom. PwC—that well-known radical institution—produced an analysis showing that, for every £1 invested in universal free school meals, £1.71 is generated in core benefits, such as increased savings for the NHS and for schools, and increased lifetime earnings and tax contributions. Other expert research also shows that the provision of universal free school meals increases pupils' lifetime earnings, with

[Ellie Chowns]

the biggest increase again for the most disadvantaged children, thereby reducing inequalities for a generation after school. It is such a powerful policy for reducing inequalities.

I have banged on in other Commons debates about the value of public procurement for investing in our wider UK food and farming sector. When food is sustainably sourced, there is a huge potential benefit; work from Food for Life demonstrates that every £1 spent creates £3 in social, economic and environmental value, mostly in the form of jobs in the local economy.

The third key argument for universal free school meal provision is simply that it is more efficient. We know that providing free school meals helps to end a situation where children fall through the gaps. Means-testing is always going to miss some children and families and, in England, the genuinely draconian eligibility criteria for free school meals means that one in three children living in poverty are still considered too well-off to access free school meals. That is extraordinary. Restricted eligibility, complicated registration processes and stigma also block countless families from accessing support. A universal provision would end this situation where far too many children fall through the gaps.

Free school meals, by the way, would also be massively more efficient in reducing administration. Schools would be able to get back administration time with all children's meals being provided in the same way at the same time, as one mechanism, and we would get rid of problems around school lunch debts. These universal policies are also easier to defend and protect from erosion by future Governments, who might seek to freeze thresholds or restrict eligibility. In the UK, Wales and London are leading the way in the provision of free, universal, healthy meals at lunch time for every child in primary school as a means of reducing inequalities. England needs to catch up.

I sincerely hope that the Minister will consider new clause 2 ahead of Report to build on the excellent progress on breakfast clubs included in the Bill. Would it not be even more efficient and beneficial—nutritionally and economically, and for all the other reasons I have outlined—to ensure universal free school meal provision when children are already in school? It certainly would be at primary level, which is the case made by this amendment.

I and my party support a policy of extension of universal free school meals to all children, because hunger does not stop at age 11. This amendment focuses particularly on primary school-age children. We know children cannot learn effectively when they are hungry and school dinners help children to focus. They bring the community together and help children to connect with their peers and to build bright futures. Our children learn and play together—they should eat together, too.

Munira Wilson: Briefly, I very much support the ambition in this new clause. After all, it was the Liberal Democrats, in Government, who introduced universal infant free school meals; we have always had the long-term ambition of extending that to all primary school children. However, I recognise the cash-constrained environment that the Government are operating in. That is why, when we get to it, I will be speaking to new clause 31, which looks at increasing the eligibility for children to receive free school meals. However, I want to put on the record that we do support the intent of this provision in the long term, for all the reasons the hon. Lady has just laid out.

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): It is a pleasure to serve under your chairmanship, Sir Christopher. I turn to new clause 2, tabled by my hon. Friend the Member for Stroud (Dr Opher), on the important topic of expanding eligibility for free school meals, specifically universal provision, which the hon. Member for North Herefordshire has moved today.

Under the current programmes, all pupils in reception, year 1 and year 2 in England's state-funded schools are entitled to universal infant free school meals. That benefits around 1.3 million children, ensuring that they receive a nutritious lunch-time meal. In addition, 2.1 million disadvantaged pupils—24.6% of all pupils in state-funded schools—are eligible to receive benefits-based free school meals. Another 90,000 16 to 18-year-old students in further education are entitled to receive free school meals on the basis of low income. Those meals provide much-needed nutrition for pupils and can boost school attendance, improve behaviour and set children up for success by ensuring that they can concentrate and learn in the classroom and get the most out of their education.

In total, we spend over £1.5 billion on delivering free school meal programmes. Eligibility for benefits-based free school meals drives the allocation of billions of additional pounds of disadvantage funding. The free school meal support that the Government provide is more important than ever, because we have inherited a trend of rising child poverty and widening attainment gaps between children eligible for free school meals and their peers.

Lizzi Collinge: Does my hon. Friend agree that the value of school meals is much more than the nutrition that they give, and even more than children's educational achievement when they are properly fed? It is also about building a set of behaviours, a sense of community and an ability to interact with others. It is absolutely vital that when children sit down for a school meal or a packed lunch, that is part of their social development.

Stephen Morgan: I know my hon. Friend is a real champion of children and young people in her constituency, and she is absolutely right. When I visit schools across the country, I see the benefits of school meals. Not only do children sit and eat together, but they learn how to use a knife and fork. She is absolutely right to point out the wider benefits that the free school meal programme brings.

The number of children in poverty has increased by over 700,000 since 2010, with more than 4 million now growing up in low-income families. We are committed to delivering on our ambitious strategy to reduce child poverty by tackling its root causes and giving every child the best start in life.

Tom Hayes: So eager am I to find out which schools in my area are the early adopters that I am currently on a little coach trip around all of them. I have visited four

in the last seven days, and I have spoken to people about their experiences and aspirations under this Labour Government. It is brilliant to speak to teachers who now feel that there is light at the end of the tunnel—teachers who have held on for so long in recent years, hoping things will get better. With a change of Government, they now have a change of education policy, and the provision of free breakfast clubs is a true indicator of that.

Teachers say that they want to go further and faster with the provision of breakfast clubs, but they also realise that they need to take time to get it right. Although I obviously welcome the intent of my hon. Friend the Member for Stroud, I believe that moving forward with free breakfast clubs and free school lunches could put too great a strain on schools at this point, because I recognise that the roll-out of free breakfast clubs is restricted to early adopters in the first phase.

Stephen Morgan: I know my hon. Friend is a real champion of children and young people in his constituency, and of the Government's ambitions on breakfast clubs. I hope that he will work closely with schools in his constituency as we roll out breakfast clubs in his patch and, indeed, across the country. He makes a number of really important points about the vital need to get the infrastructure in place for free school meals. We know that that is some of the learning from the work that the London Mayor has been doing.

Damian Hinds: I want to ask the Minister about two things. First, he talks about the disadvantage gap widening at the present time. Entirely coincidentally, I happen to have the numbers on key stage 2 and key stage 4. Of course, there are different ways that we can measure these things. I am looking at what is known as the "disadvantage gap index" for key stage 2 and key stage 4. I would be interested to know what definition he is using, from which he concludes that the Government inherited a widening disadvantage gap.

The second thing I want to ask him about is free school meal eligibility. We all absolutely recognise the value of free school meals. The Minister mentioned some of the extensions of eligibility that happened under the previous Government. The one that he did not mention was universal credit transitional protection. Even though unemployment came down from 8% to 4.5%, and the proportion of people in work but on low pay halved as a result of the increase to the national living wage, eligibility for free school meals went up, so the incoming Government have inherited one in three children being able to get a free school meal, as opposed to one in six when Labour were last in government. Notwithstanding this new clause, which the Government will not accept, what will they do to make sure that the same number of children as now can continue to get a free school meal?

3.45 pm

Stephen Morgan: I am referring to a persistently high disadvantage gap. I will point out that this Government take child poverty extremely seriously. It is a stain on our society. That is why I am so proud that this new Labour Government have introduced a child poverty taskforce led jointly by the Secretary of State for Education and the Secretary of State for Work and Pensions. We will end child poverty. It is a stain on our society, and we are committed to making sure that we do everything we can and are publishing a strategy in due course.

With regard to transitional protections, I say to the hon. Member for North Herefordshire that my Department recognises the vital role played by free school meals and encourages all eligible families that need support to take up that entitlement. To make it as easy as possible to receive free school meals, we provide an eligibility checking service. On transitional protections specifically, we will provide clarity to schools on protections ahead of the current March 2025 end date.

The new ministerial taskforce has been set up to develop a child poverty strategy, which will be published in spring 2025. The taskforce will consider a range of policies, including the provision of free school meals, in assessing what will have the biggest impact on driving down rates of child poverty.

I appreciate the continued engagement of my hon. Friend the Member for Stroud on the issue of expanding free school meal provision to more pupils and on school food more broadly. He has raised concerns about obesity in particular and will be aware that the school food standards, which other Members have mentioned, apply to all food and drink served on school premises and, crucially, restrict foods high in fat, salt and sugar.

We are taking important measures through the Bill to ensure that the standards apply consistently across all state-funded schools. We are also clear that breakfast clubs are in scope of the standards. We recognise how important this issue is and want to ensure that free school meals are being delivered to the families that most need them. However, given the funding involved, that must be considered through the child poverty taskforce and the multi-year spending review. We remain committed to ensuring that school food is prioritised within Government. That is most clearly demonstrated through our breakfast clubs manifesto commitment, aimed at state-funded primary school pupils, which we are working hard to deliver.

Ellie Chowns: I welcome what I believe I heard: that the Minister maintains a relatively open mind on this question and will continue to look into it. He said that the effectiveness of the free school meal policy would be evaluated in the light of whether it was an effective mechanism for tackling child poverty. I want to re-emphasise that my arguments are not just about impact on child poverty. In considering expansion of free school meals, will he evaluate their effectiveness in terms of the full range of their potential benefits—not just the impact on child poverty, but health benefits, wider economic benefits and so on?

Stephen Morgan: As with all Government programmes, we will keep our approach under review and learn from what the evidence and data tell us. I can assure the hon. Lady that I met with a number of stakeholders, including the London Mayor, to understand the impact that the roll-out in London is having on not only household incomes, but children's outcomes.

The hon. Member for North Herefordshire asked about specific points on the school food standards. It is important that children eat nutritious food at school.

[Stephen Morgan]

The school food standards define which foods and drinks must be provided and which are restricted. They apply to food and drink provided to pupils on school premises and during the extended school day up to 6 pm. As with all Government programmes, we will keep our approach to school food under continued review.

The hon. Member for North Herefordshire asked about the sustainable sourcing of food. This Government's ambition is to source half of all food served in public sector settings from local producers or from growers certified to meet higher environmental standards where possible. We have committed to supporting schools to drive up their sustainable practices on food. Schools can voluntarily follow the Government's buying standards, which include advice around sustainable sourcing. We mentioned earlier the Mayor of London's roll-out of universal free school meals, and we are looking closely at evaluations and new evidence emerging from the scheme, including Impact on Urban Health's recent evaluation. I have met with those stakeholders and heard of their experience of participating in the programme.

Finally, on whether the free school meals offer is more generous from devolved Administrations than in England, education, including free school meals policy, is a devolved matter. In England, we spend over £1.5 billion annually delivering free school meals to almost 3.5 million pupils across primary, secondary and further education phases. As with all Government programmes, we keep eligibility and funding for free school meals under review.

Ellie Chowns: I thank the Minister for his response. As I said at the start, I tabled this as a probing amendment and I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 3

REPORTING OF LOCAL AUTHORITY PERFORMANCE REGARDING EHC PLANS

"In the Children and Families Act 2014, after section 40 insert—

"40A Reporting of local authority performance

(1) Local authorities must publish regular information relating to their fulfilment of duties relating to EHC needs assessments and EHC plans under this part.

(2) Such information must include—

(a) the authority's performance against the requirements of this Act and the Special Educational Needs and Disability Regulations 2014 relating to the timeliness with which action needs to be taken by the authority in relation to EHC needs assessments and EHC plans;

(b) explanations for any failures to meet relevant deadlines or timeframes;

(c) proposals for improving the authority's performance.

(3) Information published under this section must be published—

(a) on a monthly basis;

(b) on the local authority's website; and

(c) in a form which is easily accessible and understandable.""

—(Ian Sollom.)

This new clause would require local authorities to publish their performance against the statutory deadlines in the EHCP process.

Brought up, and read the First time.

Ian Sollom: I beg to move that the clause be read a Second time.

I am moving new clause 3 on behalf of my hon. Friend the Member for Chelmsford (Marie Goldman). The Children and Families Act 2014 sets out timeframes for local authorities to decide whether to do an education, health and care plan needs assessment, and then for the resulting education, health and care plan to be issued. Local authorities have six weeks from application to decide whether to carry out an EHCNA, and a total of 20 weeks from application to issue an EHCP. Across England in 2023, however, only 50.3% of EHCPs were issued within that statutory 20-week deadline. Some places perform much worse than that—in Essex, only 0.9% were issued within the 20-week deadline.

New clause 3 is about reporting that. Transparency is a first key step in accountability, so publishing local authorities' performance in relation to those statutory deadlines is the aim of the amendment as that first step. It is essentially a free change because local authorities already have the information gathered, so there should not be any additional resources needed. It could in fact help, because it would cut down on freedom of information requests, for example, which are a burden on councils. It will also cut down on the level of communication required with concerned parents constantly contacting to ask when their child is going to receive their EHCP.

Also included within new clause 3, local authorities will have the opportunity to explain any reasons and lay out their plans for improving performance. That kind of transparency helps direct resources well, and I think it is a good, sensible step,

Catherine McKinnell: I totally agree it is vital there is publicly available data regarding local authority performance on EHCPs. That is why we publish annual data on each local authority's timeliness in meeting their 20-week deadline. Local authorities identified as having issues with EHCP timeliness are subject to additional monitoring by the Department for Education, which works with the specific local authority. Where there are concerns about the local authority's capacity to make the required improvements, we have secured specialist special educational needs and disabilities adviser support to help identify barriers to EHCP timeliness and put in place practical plans for recovery.

Furthermore, when Ofsted and Care Quality Commission area SEND inspections indicate there are significant concerns with local authority performance, the Department intervenes directly. That might mean issuing an improvement notice or statutory direction or appointing a commissioner, deployment of which is considered on a case-by-case basis.

We are clear that the SEND system requires reform. We are considering options to drive improvements, including on the timeliness of support and local authority performance. We do not believe increasing the amount of published data and reporting on EHCP timeliness alone would lead to meaningful improvements in performance. We are working closely with experts on reforms. We recently appointed a strategic adviser for SEND who will play a key role in convening and engaging with the sector, including leaders, practitioners, children and families, as we consider the next steps for future reform of SEND.

In response to the hon. Member for St Neots and Mid Cambridgeshire, I absolutely respect the intentions of his amendment and the desire to see much greater timeliness and support for children with SEND and their families. We are working incredibly hard—this is a priority within the Department for Education—to get much better outcomes. We do not believe that this amendment will achieve the desired outcome, although we share the intention behind the amendment.

Munira Wilson: I appreciate what the Minister is saying. I agree with her that this is not a silver bullet. This will not suddenly improve the system. This is about transparency and accountability where, as my hon. Friend the Member for St Neots and Mid Cambridgeshire pointed out, there are some councils that are missing the targets by such a long chalk, and is about setting out the reasons for doing so. We know in some areas that frankly NHS partners are not working constructively with local authorities to help deliver EHCPs on time.

As the Minister looks at reforming the system—and I know from my discussions with her and the Secretary of State that the Government are working hard on this—could I urge that they seriously consider this provision. It is about transparency and accountability for parents, which I think is really important.

Catherine McKinnell: I thank the hon. Lady for that intervention and the hon. Member for St Neots and Mid Cambridgeshire for the way in which he presented this clause. We share the ambition for children with special educational needs and disabilities to get much better service, from their local authority and on their education journey. We recognise there are significant challenges for those who seek to deliver that being able to do so, which is why we are looking at reform in a whole-system way. We are looking to drive mainstream inclusion within our school system and to reduce the waiting times for assessments, which we know is led by the Department of Health and Social Care. This is a cross-departmental effort involving the Ministry of Housing, Communities and Local Government, the Department of Health and Social Care, the Department for Work and Pensions, and clearly the Department for Education has a key role in achieving a much better outcome for children with special educational needs. We absolutely take away the intentions of this amendment, but would appreciate it not being pressed to a vote as part of the Bill. The conversation about special educational needs and improving the outcomes for children will, however, without doubt continue.

Ian Sollom: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Ordered, That further consideration be now adjourned. *—(Vicky Foxcroft.)*

3.58 pm

Adjourned till Tuesday 11 February at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CWSB190 Liberty

CWSB191 Brighton & Hove City Council

CWSB192 The LEGO Group

CWSB193 Regulatory Policy Committee (RPC)

CWSB194 Defend Digital Me

CWSB195 Anita Patel-Lingam, Chair of the National Board for the Association of Elective Home Education Professionals (AEHEP); and Statutory Education Compliance Manager for Essex County Council

CWSB196 Krystena Jenkinson, Child Employment Officer for Dudley MBC and member of the National Network of Children in Employment and Entertainment (NNCEE)

CWSB197 Refugee Education UK and The Bell Foundation

CWSB198 A & J Designs (Staffs) Ltd

CWSB199 Coram

CWSB200 Dr Paul Andell, Associate Professor of Criminology, University of Suffolk; Dr Paul Nelson, Lecturer in Criminology, Anglia Ruskin University; and DI Kelly Gray, National County Lines Co-ordination Unit

CWSB201 Dr Joseph Mintz, Associate Professor in Education, University College London

CWSB202 National Counselling & Psychotherapy Society (NCPS)

CWSB203 Social Care Institute for Excellence (SCIE)

CWSB204 Dame Nicole Jacobs, Domestic Abuse Commissioner for England and Wales

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Thirteenth Sitting

Tuesday 11 February 2025

(Morning)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 15 February 2025

The Committee consisted of the following Members:

Chairs: Mr Clive Betts, † Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 11 February 2025

(Morning)

[Sir Christopher Chope *in the Chair*]

Children's Wellbeing and Schools Bill

New Clause 5

Provision of free meals and activities during school holidays

(1) A local authority must—

(a) provide; or

(b) coordinate the provision of programmes which provide,

free meals and activities to relevant children during school holidays.

(2) For the purposes of this section, "relevant children" means children in receipt of free school meals.

(3) The Secretary of State may, by regulations made by statutory instrument—

(a) specify minimum standards for meals and activities during school holidays;

(b) specify criteria that organisations involved in the delivery of meals and activities during school holidays must meet.—*(Ellie Chowns.)*

This new clause would place a duty on local authorities to provide or coordinate free meals and activities for children eligible for free school meals during school holidays.

Brought up, and read the First time.

9.25 am

Ellie Chowns (North Herefordshire) (Green): I beg to move, That the clause be read a Second time.

New clause 5, in the name of the hon. Member for Stroud (Dr Opher), is a probing new clause, and I sincerely hope it will generate debate and action. Its purpose is to make the holiday activities and food programme statutory provision. Following Marcus Rashford's high-profile campaign, the HAF programme was rolled out across England to provide children with nutritious food, childcare and activities in the holidays. One of its aims is to ensure children receive healthy and nutritious meals during the school holidays.

Nutrition is a key concern. Recent reports show an increase in hospital admissions for nutrient deficiencies, and that data should really ring alarm bells. The longevity of the cost of living crisis—it has been with us for years now—means that food insecurity has become the norm for many families, who are unable to buy staple nutritious products. Stark health inequalities are highly prevalent, particularly when it comes to diet-related poor health. The most deprived communities are affected disproportionately by much higher rates of food-related ill health and disease, including obesity, type 2 diabetes, cardiovascular disease and dental decay.

No doubt the Committee will be concerned by the food insecurity statistics collated by the Food Foundation, which show that 14% of UK households experience food insecurity, but inequalities mean that the number is much higher for certain groups. Among households with children, it is 18%. Among single-adult households with children, it is 31%. Among households of a non-white ethnicity, it is 26%—double the rate for white households. It is 32% for households with an adult limited a lot by disability, but 10% for households with non-disabled adults. Food insecurity and health inequalities go hand in hand.

In that already difficult context, school holidays are a known pressure point for families, which face extra food and childcare costs, and can have reduced incomes due to time of work to care for children. Evaluation of the HAF programme shows multiple benefits to families. In a qualitative review of HAF programme holiday clubs in Yorkshire, parents reported that children were eating more healthily and experiencing a wider variety of foods during those holiday programmes. Analysis of meals in five clubs in areas of high deprivation found that children eligible for free school meals who attended a club had better quality diets on days that they attended the club than on days that they did not attend.

HAF clubs provide free childcare to working families and help to reduce the costs associated with the loss of free school meals, which are significant for families in the holidays. Of course, they help to reduce learning loss over the summer holidays by providing enriching activities and physical activity for children.

But HAF funding is currently committed on a short-term basis. Although the current funding has just been extended for a year, short-term extensions periodically leave local authorities unable to plan provision in the long term. As a former councillor, I have seen for myself that a hand-to-mouth approach to funding creates uncertainty for club providers and leaves children at risk of holiday hunger if funding is not renewed. That is why the holiday activities and food programme must be secured and put on a statutory footing, alongside other crucial parts of the nutritional safety net such as free school meals and the Healthy Start scheme. I sincerely urge the Government to take this important step. Although this is a probing new clause, I very much look forward to the Minister's response.

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): It is a pleasure to serve under your chairmanship, Sir Christopher. I turn to new clause 5, tabled by my hon. Friend the Member for Stroud (Dr Opher), on the topic of providing healthy meals and activities to children in receipt of free school meals during school holidays. I am grateful to the hon. Member for North Herefordshire for speaking to the new clause. She makes an important point about how local authorities provide support to children who receive a free school meal during term time and during school holidays, and we fully support local authorities in continuing to provide this support through the existing holiday activities and food programme.

The highly regarded HAF programme is established in every local authority across England and is already delivering vital support to children and families across the country during school holidays. The programme's grant conditions already place an obligation on local authorities to make free holiday club places available to children in their area who receive benefits-related free school meals, and to provide meals that meet our school foods standards and to deliver physical activities in line

with the chief medical officer's guidance. Our non-statutory programme guidance provides comprehensive support to local authorities and holiday clubs on how they might best provide this support.

However, HAF does not provide only meals and activities; it goes much further. HAF clubs work with children to teach them about the importance of healthy eating and maintaining a healthy lifestyle. Children and their families can learn how to cook nutritious and tasty low-cost meals, and clubs can act as a referral point for families to get information, help and access to other services and support when they need it. Our programme does not support just children who receive free school meals. We provide local authorities with the flexibility to use up to 15% of their total HAF budget to work with other children and families who they deem to be vulnerable or at risk, which might include looked-after children with an education, health and care plan, or children who are at risk of exploitation and need somewhere safe during the school holidays.

Flexibility has been key to delivering the HAF programme in thousands of holiday clubs across the country. Placing a legal duty on local authorities to deliver food and activities to free school meal recipients would risk stifling the innovation that local authorities have to deliver HAF in a way that is right for their communities, and to allow them to develop and evolve year to year, whether that is through working with schools to target children with low school attendance rates or working with police and community organisations to support children at risk of involvement in gang violence.

Since they began delivering this programme in 2021, local authorities have built partnerships with organisations across the community and we have seen some wonderful examples of collaboration. One of our 2023 regional champions, based not far from the constituency of the hon. Member for North Herefordshire, was the Venture Community Hub in Gloucestershire, which was recognised for the work that it did with schools, businesses and charitable organisations. The local authority was instrumental in supporting it to build, adapt and develop a HAF programme that met the needs of the diverse community around it.

I am delighted to confirm that this great programme will be continuing for 2025-26, backed by funding of more than £200 million. Future funding for the programme will be determined by the spending review. I am grateful to the hon. Member for North Herefordshire for highlighting this important issue and we look forward to carrying on our work with local authorities across the country to continue to provide vital support for children and families during the school holidays. I therefore recommend that the Committee does not press the new clause to a vote.

Ellie Chowns: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 8

IDENTIFICATION OF CHILDREN ELIGIBLE FOR FREE SCHOOL MEALS

"After section 512ZA of the Education Act 1996 (power to charge for meals etc.) insert—

'512ZAA Identification of children eligible for free school meals

(1) The Secretary of State must identify all children eligible for free school meals in England.

(2) A child's eligibility for free school meals is not dependent on any application having been made for free school meals on their behalf.

(3) Where a child has been identified as eligible for free school meals, the Secretary of State must provide for this information to be shared with—

(a) the school at which the child is registered; and

(b) the relevant local education authority.

(4) Where a school has been informed that a child on its pupil roll is eligible for free school meals, the school must provide that child with a free school meal.

(5) A local education authority must provide the means for a parent or guardian of a child who has been identified as eligible for free school meals to opt out of the provision of a free school meal under subsection (4).'"—*(Ellie Chowns.)*

This new clause would place a duty on the Secretary of State to proactively identify all children eligible for free school meals in England, making the application process for free school meals opt-out rather than opt-in.

Brought up, and read the First time.

Ellie Chowns: I beg to move, That the clause be read a Second time.

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

New clause 31—*Eligibility for free school lunches*—

"In section 512ZB of the Education Act 1996 (provision of free school lunches and milk), before paragraph (a) insert—

'(za) C's household income is less than £20,000 per year;'"

New clause 67—*Registration of children eligible for free school meals*—

"After section 512ZA of the Education Act 1996 (power to charge for meals etc.) insert—

'512ZAA Registration of children eligible for free school meals

(1) The Secretary of State must ensure that all children in England who are eligible to receive free school meals are registered to receive free school meals.

(2) The Secretary of State may make provision for children to be registered for free school meals upon their parents or guardians demonstrating the child's eligibility through an application for relevant benefits.'"

Ellie Chowns: New clause 8 is another important probing amendment, tabled by the hon. Member for Stroud, that places a duty on the Secretary of State to proactively identify all children eligible for free school meals in England, making the application process for free school meals opt out, rather than opt in. I note that the Minister, in his comments on new clause 5, mentioned that making things statutory made it terribly restrictive. On that basis, why would one ever make anything statutory?

Damian Hinds (East Hampshire) (Con): School uniform guidance?

Ellie Chowns: This new clause seeks to address the very real problem that up to 250,000 children, or approximately 11% of those eligible for free school meals, even under the currently very restrictive eligibility

[Ellie Chowns]

criteria, miss out on them because it is an opt-in process. It is simply not okay that so many eligible children are missing out on free school meals. That is in addition to the roughly 900,000 children who are living in poverty, but still not qualifying for free school meals because the eligibility criteria are so tight. I believe that we may be coming on to discuss that a little later.

Early findings from areas with which the Fix Our Food research programme are working show that children from non-white communities, or lone-parent households, are more likely to not be registered for free school meals despite being eligible. Again, inequalities are reproducing themselves when it comes to people accessing their statutory rights. Charities working to address this totally unacceptable situation point to several reasons for the under-registration rate: parents may struggle to fill out complex forms; there may be language barriers for parents; there may be a lack of awareness of free school eligibility; and there may be stigma or embarrassment. The current system is regularly described by schools and local authorities as "cumbersome" and "financially and administratively inefficient". Receiving statutory benefits should be easy and straightforward for people who are eligible.

There are obvious benefits to the child from getting a nutritious, filling lunch, which we have discussed already today and also on our last sitting day, including reduced food insecurity, improved nutrition and health, and increased attainment and lifetime earning potential, as I set out when I spoke to new clause 2. There are also important wider benefits to the child. Struggling families also miss out on other benefits that free school meal registration would give them access to, including the holiday activities and food programme and uniform grants.

There are also benefits to schools. If children are not registered for free school meals, schools miss out on much-needed pupil premium funding, worth £1,455 per pupil. There are also benefits to local authorities. The Fix Our Food research programme is supporting 66 local authorities to implement an opt-out, or right-to-object approach to free school meal registration. It is identifying and writing to families using existing datasets to inform them that their children will be automatically registered unless they opt out.

As I understand it, in many cases, this has resulted in children, who were previously missing out, becoming successfully registered, and opt-out rates are extremely low. However, only a few councils have successfully adopted this new process. In some cases, despite local authorities' efforts, data sharing barriers have not been possible to overcome. Some have even been threatened with legal action. The local work still does not capture all eligible children, with families falling through the gaps, as access to datasets is patchy. Further, my understanding is that this process is resource-intensive. Again, it is administratively intensive, incurring onerous governance and administration at council and school level.

Meanwhile, the Greater London Authority has put resource into auto-enrolment. Although that is positive for children in London, the same level of support is not available for most children in the rest of England.

Free school meal auto-enrolment would register eligible families to receive free school meals using benefits data, unless families decide to opt out. This requires data sharing between the Department for Work and Pensions, which holds the data that identifies which children should be eligible for these schemes, and the Department for Education, which administers the scheme. I really hope that, as part of this important Bill,the Government will seriously consider how they can introduce auto-enrolment for free school meals to ensure that all those who are eligible are in receipt of their entitlement. This is a fantastic opportunity to do so now.

As a statutory scheme, funding for the meals for these children should already be available. There is just an administrative barrier that stops far too many children getting what they are entitled to. In the meantime, until this is established, I hope the Government will instigate collaborative working across local government so that we can agree to make progress on this issue.

In conclusion, I want to underscore the fact that we should see this as a first step towards expanding eligibility for free school meals to more children to ensure that no child misses out on a nutritious hot meal at school every day.

Munira Wilson (Twickenham) (LD): It is a pleasure to serve under your chairmanship this morning, Sir Christopher, on our final day in Committee. I rise to speak to new clauses 31 and 67 on free school meals. New clause 67 largely mirrors the provisions of new clause 8, which the hon. Member for North Herefordshire has just spoken to. I will address the issue of auto-enrolment in a moment.

New clause 31 seeks to expand the eligibility threshold for free school meals to children from households earning less than £20,000 per year, ensuring that no child living in poverty goes hungry at school. The Child Poverty Action Group currently estimates that some 900,000 children living in poverty are missing out on a free school meal, because free school meal eligibility in England is linked to specific benefits, with a household income threshold of just £7,400 per year, after tax, excluding benefits. That leaves many struggling families without support.

The threshold was last uprated in 2018. We know the huge cost of living crisis that households have had to deal with since then. For those on low incomes, that has often meant the difference between heating and eating, and children turning up to school with empty lunchboxes. I saw a mother at my surgery last year who was having to skip her mental health medication to use the prescription money she saved to pay for lunch for her daughter, who is now at college.

Ellie Chowns: The hon. Member makes an absolutely excellent point, not just about the excruciatingly low threshold for eligibility of free school meals, but about the fact that these thresholds, when set in law, get stuck at the numbers. Does she agree that thresholds should be set at, for example, a percentage of average household income, or a similar threshold that moves over time, so that we do not end up with children's eligibility being squeezed and squeezed year on year as incomes rise but the threshold does not?

Munira Wilson: I certainly agree that there should be a principle in law that thresholds are uprated, by whatever mechanism or measure, because, as we have seen, the threshold has not moved since 2018 and more and more children in poverty are being left without a hot meal at lunchtime.

The threshold is far too low. Both the previous Government's adviser on food strategy, Henry Dimbleby, and the former Conservative Education Secretary, Michael Gove, have said the threshold should rise, ideally to all those households in receipt of universal credit, but with the public finances so constrained, at the very least to £20,000.

Last week, the hon. Member for North Herefordshire, when speaking to the new clause about universal provision of free school meals to all primary children, set out the moral and economic case for expanding free school meal provision. I will not rehearse all those arguments again, but I say to her and other hon. Members that hunger does not end at the age of 11. Every primary and secondary school child living in poverty should be able to access a hot, healthy meal at lunchtime.

All the evidence points to better concentration, better behaviour and better academic results for those children. While I would love to extend universal free school meals to all children in primary schools—that has long been a Liberal Democrat ambition and policy after we extended it in government to all infant children—we heard from a number of witnesses during the oral evidence sessions that resources would be better targeted at those most in need both at primary and secondary school.

New clause 67 mirrors new clause 8 to a large extent. Frankly, auto-enrolment for free school meals should be a no-brainer for Government. As we have heard, too many are missing out at the moment due to administrative barriers and an unwillingness to apply. These new clauses seek to ensure that no eligible child is left behind.

The exact number of how many children are missing out is unknown. In a recent response to a parliamentary question I tabled, the Under-Secretary of State for Education, the hon. Member for Portsmouth South, admitted that the Department for Education had not made an estimate of how many children were missing out on free school meals since 2013, although estimates suggest that about 11% of children are missing out.

9.45 am

As we have heard, the new clauses seek to ensure that DWP data is shared with the Department for Education, so that families in receipt of certain benefits who meet the eligibility criteria for free school meals are automatically enrolled, with their children being provided with a meal at lunchtime and the school benefiting from the accompanying pupil premium. The hon. Member for North Herefordshire mentioned that a number of councils are already doing that up and down the country. I am delighted that Liberal Democrat-led Durham county council started auto-enrolment this year. Only 15 families opted out. Some 2,500 additional children are now benefiting from a hot meal at lunchtime, with schools across the local authority benefiting from an additional £3 million in pupil premium funding to support the education of those disadvantaged children.

If the Labour party is serious about spreading opportunity, auto-enrolment is an absolutely necessary first step. Expanding free school meals and driving their take-up is an investment in the future of our children and our country, improving educational outcomes and reducing health disparities.

Stephen Morgan: Clause 31 is about the important issue of increasing the earnings threshold when it comes to families who receive free school meals. The Government have a central mission to break down barriers to opportunity for every child, which is why we would roll out a free breakfast club in every state-funded primary school so that children can start the day ready to learn. The continued provision of free school meals to disadvantaged pupils plays a crucial role in this mission, as well as in tackling child poverty.

The Government's free school meal programme is more important than ever because we have inherited a trend of rising child poverty and a widening attainment gap between children eligible for free school meals and their peers. Child poverty has increased by 700,000 since 2010, with over 4 million children now growing up in a low-income family. Of course, that is the legacy of the previous Government, which the hon. Member for Twickenham has described as shameful. That is why we have committed to delivering a strategy to reduce child poverty through the new Child Poverty Taskforce. The taskforce will consider a range of policies, including free school meals, to assess what will have the biggest impact on driving down rates of child poverty.

I want to reassure the hon. Member for Twickenham about the reach of current programmes, under which 2.1 million disadvantaged children, accounting for 24.6% of all pupils in state-funded schools, are already eligible to receive benefits-based free school meals. A further 90,000 16 to 18-year-old students in further education are entitled to receive free school meals on the basis of low income. In addition, all pupils in reception, year 1 and year 2 in state-funded schools in England are entitled to universal infant free school meals, which benefits around 1.3 million children, ensuring that they receive a nutritious lunchtime meal.

The meals provide much-needed nutrition for pupils and can boost school attendance, improve behaviour and set children up for success by ensuring that they can concentrate and learn in the classroom, and get the most out of their education. In total, we already spend over £1.5 billion on delivering these programmes, and eligibility for benefits-based free school meals provides for the allocation of billions of additional pounds of funding for disadvantaged children.

We appreciate the continued engagement by the hon. Member for Twickenham with the issue of expanding the provision of free school meals to more pupils. We also recognise how important the issue is and want to ensure that free school meals are being delivered to the families who need them most. However, given the funding involved, this matter must be considered through the Child Poverty Taskforce and the multi-year spending review. I therefore ask the hon. Member for Twickenham not to press the amendment.

I turn to new clauses 8 and 67, tabled by my hon. Friend the Member for Stroud and the hon. Member for Twickenham respectively; of course, the hon. Member for North Herefordshire also spoke passionately to them earlier. The new clauses call for a system to be introduced that would increase registration for free

[Stephen Morgan]

school meals among families who meet the eligibility criteria for them, but are not currently claiming the entitlement.

At their core, we consider that the aim of these measures is to ensure that those who need it receive the support they are entitled to—a goal that we all support. We currently facilitate the process of claiming free school meals through provision of the eligibility checking system. That is a digital portal available to local authorities that makes verification of eligibility for free lunches quick and simple. That checking system is being redesigned to allow parents and schools to check eligibility independently of their local authorities. The system will make it quicker and easier to check eligibility for free school meals, and has the potential to further boost take-up by families who meet the eligibility criteria.

Further to that, we are aware of a range of measures being implemented by local authorities to boost the take-up of free lunches, as we heard earlier. Locally led efforts are more likely to meet the particular needs of the community, and we welcome local authorities taking action to ensure that families access the support for which they are eligible, subject to those activities meeting legal requirements, including those on data protection. In order to support those local efforts, my Department is working with the Department for Science, Innovation and Technology to explore legal gateways that could enable better data sharing.

In the meantime, we will continue to engage with stakeholders to understand the barriers for households who meet criteria for free lunches but are not claiming them. We are also considering further work to improve auto-enrolment. Improved enrolment for meals is needed in the context of the spending review and through the work of the child poverty taskforce. I thank hon. Members for their continued engagement on this policy, but I ask that new clauses 8 and 67 be withdrawn while we continue to keep free meals under review.

Munira Wilson: I will press both new clauses 31 and 67 to a vote later.

Ellie Chowns: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 9

Requirement to provide information about bereavement services

"(1) The Secretary of State must by regulations establish a protocol for the collection and dissemination of information relating to bereavement support services for children and young people.

(2) A protocol made under subsection (1) must—

(a) define the bereavement support services to which the protocol applies, which must include services provided by—

(i) local authorities;

(ii) NHS bodies; and

(iii) charities and other third sector organisations;

(b) place a duty on the Secretary of State to publish information, including online, about services to which the protocol applies;

(c) place a duty on specified public bodies and other persons to provide information to children and young people about services to which the protocol applies, including—

(i) specialist services for children and young people;

(ii) services provided online; and

(iii) accessible services for deaf and disabled children and young people;

(d) where a duty under paragraph (c) applies, require the identification of children or young people who may require a service to which the protocol applies.

(3) The Secretary of State must make regulations under this section by statutory instrument.

(4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.

(5) The Secretary of State must lay before Parliament a draft statutory instrument containing regulations under this section within 12 months of the passing of this Act."—*(Ian Sollom.)*

This new clause would place a duty on the Secretary of State to establish a protocol for the collection and dissemination of information about bereavement support services to children and young people.

Brought up, and read the First time.

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 52— *Bereavement policy in schools*—

"(1) The governing body of a relevant school in England has a duty to develop and publish a bereavement policy.

(2) A policy developed under this section must include—

(a) a process for supporting a pupil or staff member facing or following bereavement;

(b) details of how the school will incorporate opportunities to learn about death and bereavement as part of life in its taught curriculum;

(c) details of partnership arrangements with child bereavement services; and

(d) arrangements for staff training.

(3) In developing a policy under this section, the governing body of the school must consult with bereaved pupils and their parents or carers.

(4) The Secretary of State must provide, or make arrangements for the provision of, appropriate financial and other support to school governing bodies for their purposes of facilitating the fulfilling of the duty in this section.

(5) For the purposes of this section, "relevant school" means—

(a) an academy school,

(b) an alternative provision Academy,

(c) a maintained school,

(d) a non-maintained special school,

(e) an independent school, or

(f) a pupil referral unit."

This new clause would require schools to develop and publish a bereavement policy.

Ian Sollom: It is a pleasure to serve under your chairmanship, Sir Christopher. I am moving this new clause on behalf of my hon. Friend the Member for Edinburgh West (Christine Jardine). According to the Childhood Bereavement Network, around one in 29 school-aged children—about one per classroom—has been bereaved of a parent or sibling. Many more will lose grandparents, and sadly some will have lost their friends. Each year, data is collected on the number of

adults bereaved of their husband, wife or child, and until recently data was collected on the number of children affected by the divorce of their parents. However, no similar data is collected on the number who face the devastating loss of their mum or dad or someone else really important in their life.

All that means that when a child is bereaved, there is no obvious way of letting them know what support is available to them, despite a diverse range of services offered by organisations across the country, including Winston's Wish, Child Bereavement UK and the Childhood Bereavement Network, which all offer online and group sessions with trained professionals and peer-to-peer services for young people to share their experience with each other. Those services are really important in engaging those young people going through quite a diverse range of circumstances, many of which will need quite bespoke support, whether that is specifically around children with disabilities or additional needs, children who might be in a rural community where they are more isolated, or simply the difference between losing someone suddenly versus through a long-term illness.

We know that schools do very good work in supporting vulnerable young people through bereavement, but it is not consistent in every school. Many young people will need help at times when school is not available, such as in the holidays and in the evenings, and they may just feel embarrassed about asking people at school. New clause 9 would finally put in a simple protocol to ensure that every child who is bereaved knows that support is out there if they would like to access it. This is a relatively low-cost, low-effort task that would help those charities to connect with grieving families and young people and provide that support to children to help them to process those difficult, traumatic experiences and, in turn, try to prevent the long-term negative impacts that can arise from bereavement.

Ellie Chowns: I rise to speak to new clause 52 on bereavement policy in schools, which is closely related to new clause 9.

The hon. Member for St Neots and Mid Cambridgeshire has already alluded to the fact that no official data is collected on the number of children and young people who are bereaved of someone important in their lives. In the absence of annual statistics, the Childhood Bereavement Network has estimated that over 46,000 children and young people are bereaved of a parent each year in the UK. That is a huge number—around 127 each day. Data from representative samples suggest that about one in 29 children and young people in school today—roughly one per classroom—has been bereaved of a parent or sibling at some point in their childhood. Some 70% of primary schools have at least one recently bereaved pupil on roll. That means that all schools are likely to be touched by bereavement, and those ripples of grief can be felt across the whole school community.

When somebody in the family is terminally ill or has died, just getting to school, concentrating, getting on with peers and managing emotions can be hugely challenging, and can have major consequences for attendance and achievement in the long term. Parentally bereaved young people's GCSE scores are an average of half a grade lower than their non-bereaved peers; in one study, girls bereaved of a sibling scored almost a full grade below their matched controls. Bereavement also has long-term effects further in life. The death of a parent by age 16 is associated with women failing to gain any sort of qualification, and both men and women being unemployed at the age of 30.

Schools clearly have a huge role to play in supporting children facing such tragic circumstances. Two years ago, the independent UK Commission on Bereavement surveyed children, young people and adults about their experiences of bereavement. It found some examples of fantastic practice and support in schools, but it was far from universal. Just under half of the bereaved children, young people and adults who shared their experiences said that they got little or no support from their education setting after their bereavement. That is such a tragic missed opportunity.

Many children and young people shared the loneliness, isolation, and lack of acknowledgment and support that they had faced. For example, a young teenager said:

> "I knew my teachers all knew, but no-one spoke to me about the fact they knew, so it felt like an unspoken secret."

A primary-aged child said:

> "I felt like I was the only one whose daddy had died."

Another teenager said:

> "Everyone sees it as me just misbehaving. Maybe if teachers and any other adults involved were trained to see the signs I wouldn't of been left for the last 18 months with no support."

These young people are crying out for support from their schools and from us.

To address the challenges, the commission recommended that all education establishments should be required to have a bereavement policy, including staff training and a process for supporting bereaved children and their families. In line with wider evidence from parents, teachers, and children and young people themselves supporting the inclusion of grief education in the curriculum, the commission also recommended that students should have opportunities to learn about coping with grief as a life skill.

New clause 52 would directly address the inconsistencies in support that grieving children and young people face, and it would help schools to get on the front foot. At the moment, they often reach out for support in crisis mode when a pupil is facing bereavement or has been recently bereaved. They make contact with local child bereavement services, scrambling for guidance on how to respond, how to tell the rest of the school community, and how to make a plan to support grieving pupils coming back to school. All too often, they wish they had done that work in advance of the crisis. The new clause would help schools to be wise before the event, to respond calmly and consistently, and to help children and young people stay on course as they navigate this most challenging of events in their life.

I have tabled this as a probing amendment; I am interested to hear the Minister's response. I hope that the Government will consider taking this opportunity to write into legislation the requirement for schools to provide support, consistently across the country, to the children and young people who desperately need it, to ensure that bereavement is addressed by every school to improve the life chances of children facing these most difficult circumstances.

10 am

The Minister for School Standards (Catherine McKinnell): I thank the hon. Members for St Neots and Mid Cambridgeshire and for North Herefordshire for raising those important issues. Bereavement touches the lives of everyone, and it has a unique impact on each person. It is particularly important that children and young people who lose someone close to them are able to access support when they need it.

New clause 9 seeks to improve access to bereavement support services for children. It seeks to establish a duty to make regulations to establish a protocol to provide information on those services. The Government continue to consider how to improve access to existing support. The cross-Government bereavement group, chaired by the Department of Health and Social Care and attended by representatives from the Department for Education, the Department for Work and Pensions and the Home Office, continues to look at how we can improve access to support and options to improve data collection. There are many fantastic charities and community groups—the Childhood Bereavement Network, Hope Again, the Anna Freud centre and the Ruth Strauss Foundation, to name just four—that provide vital support, and schools and other public bodies perform vital roles in supporting bereaved children and families. A legislative solution would therefore not be the most appropriate way to ensure bereaved children and young people access the support they need.

On new clause 52 and the matter of requiring schools to publish a bereavement policy, including the approach to grief education, we know that teachers and other school staff do an excellent job in understanding the specific needs of their pupils and identifying what support is needed for a range of life experiences, including bereavement. To support them in that, the Department for Education provides a list of resources for schools on supporting pupils' mental health and wellbeing. That includes resources from charities and organisations, including those I just mentioned, and resources hosted on the Mentally Healthy Schools site for mental health needs, which includes supporting children dealing with loss and bereavement.

On the curriculum, following the consultation that ended in July last year, we are currently reviewing the relationships, sex and health education statutory guidance, which sets out the content of what children and young people are taught about these subjects. It is also clear in the current RSHE statutory guidance that teachers should be aware of common adverse childhood experiences, including bereavement. We want to ensure that children's wellbeing is at the heart of the guidance, and we are looking carefully at the consultation responses, considering the relevant evidence and talking to stakeholders before setting out next steps to take the RSHE guidance forward. It would not be appropriate to pre-empt our response to the consultation, nor the publication of the RSHE curriculum guidance. I hope the hon. Member for North Herefordshire is reassured that we will consider that as part of our work on RSHE. We will continue to provide support from the Department and right across Government to help schools support children and young people who experience bereavement and other significant adverse experiences in their childhood.

Ian Sollom: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 11

BENEFITS OF OUTDOOR EDUCATION TO CHILDREN'S WELLBEING

"(1) The Secretary of State must, within six months of the passing of this Act, conduct a review on the benefits of outdoor education to children's wellbeing.

(2) A report on the review must be published within six months of the conclusion of the review."—*(Ian Sollom.)*

Brought up, and read the First time.

Ian Sollom: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 12—*Provision of residential outdoor education for children in kinship care*—

"(1) A local authority must take such steps as are reasonably practicable to ensure that children living in kinship care receive at least one residential outdoor education experience.

(2) For the purposes of this section, children living in kinship care has the meaning provided for by section 22I of the Children Act 1989 (as amended by this Act)."

Ian Sollom: I am moving the new clauses on behalf of my hon. Friend the Member for Westmorland and Lonsdale (Tim Farron). Many hon. Members will know that he has long been a champion of the benefits of outdoor education. Academic research has shown that greater exposure to natural environments improves learning behaviour and emotional health. Studies have found measurable academic and wellbeing benefits from nature-specific outdoor learning. Even a single outdoor educational experience reduces anxiety, builds resilience and improves focus in the long term, especially for children with attention deficit hyperactivity disorder or anxiety disorders.

We know that children's wellbeing is suffering. Children are experiencing rising mental health concerns, reduced physical activity and limited access to nature, so there is a real need to support their wellbeing. Outdoor education is proven to improve physical, emotional and social health.

New clause 11 would require the Government to review the impact of outdoor education on children's wellbeing, with the aim of providing a foundation to embed outdoor education into the curriculum. New clause 12 considers children in kinship care, or those with kinship care experience, and would give them at least one residential outdoor education opportunity and ensure that they are not left behind in accessing those benefits. We would like to hear from the Government about these new clauses.

Catherine McKinnell: I thank the hon. Member for Westmorland and Lonsdale (Tim Farron) for his campaign to promote the positive effects of outdoor learning on young people. He clearly has the advantage of living in and representing one of the most beautiful parts of the world.

We believe that all children and young people should have the opportunity to learn about and connect with nature. Access to green space has been shown to have positive impacts on the physical, mental and emotional wellbeing of young people. The national education nature park provides opportunities for children and young

people to benefit from spending time in nature, as well as to take positive climate action and to drive solutions to address the growing concerns about climate change and biodiversity loss. The nature park is a key initiative of the Department for Education's sustainability and climate change strategy, which was launched in 2022.

In the light of progress in the past three years, we are now beginning a process of refreshing and updating the strategic vision for sustainability in the education sector. We are also working with the University of Oxford on research intended to assess the evidence of the impact of nature-based programmes, delivered through schools, on the mental health and wellbeing of children and young people. Once those results are published, I will be happy to share them with the hon. Member for St Neots and Mid Cambridgeshire.

The Government are committed to improving mental health support for all children and young people, and to giving them access to a variety of enrichment opportunities at school. Those are both important parts of our mission to break down barriers to opportunity, helping pupils to achieve and thrive in education.

There is no statutory requirement to offer extracurricular activities, but the majority of schools do because those activities complement a rich and broad curriculum. Schools include a wide range of activities, such as enabling students to take part in the Duke of Edinburgh's award scheme, supporting them to access local youth services, and building in trips to outdoor education settings. It is right that schools should be free to decide what activities to offer their pupils so as to best support their development, to help them work with others as part of a team, and to support positive wellbeing.

The Department for Culture, Media and Sport's adventures away from home fund provides bursaries for disadvantaged or vulnerable young people to participate in day trips and residentials to outdoor spaces. There are bursaries available for young people aged 11 to 18—or up to 25 for those with special educational needs and disabilities—who face significant barriers to participation and are under-represented in the sector. We are also extending local authority statutory duties to include promoting the educational achievement of all children living in kinship care, within the meaning of the proposed new section 22I(1) of the Children Act 1989, which will be inserted by the Bill. We will also extend virtual school heads' duty to provide information and advice to include all children living with a special guardian or a child arrangement order, where the child is living with a kinship carer, within the meaning of proposed new section 22I(6).

On that basis, I ask the hon. Member for St Neots and Mid Cambridgeshire to withdraw new clause 11 and not to press new clause 12 to a vote.

Ian Sollom: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 13

FOSTER CARERS' DELEGATED AUTHORITY FOR CHILDREN IN THEIR CARE

"(1) Where a child ('C') who is looked after by the local authority is placed with a foster parent ('F') by a local authority, F may make decisions on C's behalf in relation to the matters set out in subsection (2) where C's placement plan does not specify an alternative decision maker.

(2) The matters referred to in subsection (1) are—

(a) medical and dental treatment,

(b) education,

(c) leisure and home life,

(d) faith and religious observance,

(e) use of social media,

(f) personal care, and

(g) any other matters which F considers appropriate."

—(Ellie Chowns.)

This new clause would enable foster carers to make day-to-day decisions on behalf of the children and young people they foster.

Brought up, and read the First time.

Ellie Chowns: I beg to move, That the clause be read a Second time.

I am pleased to speak to new clause 13, which proposes that the Bill should provide a default delegated authority for foster carers to make day-to-day decisions for the children and young people in their care, which I think is quite straightforward.

Foster carers should have delegated authority to make these everyday decisions for children in their care—for example, about day-to-day activities such as school trips, holidays and sleepovers; about important appointments for their health and wellbeing or medical appointments; or indeed about haircuts, which is an issue that has been raised regularly by young people in care and their foster carers.

The guidance around delegated authority has not been strengthened since 2013. As a result, practice varies across fostering services, and foster carers are often unclear about which decisions they can take and which decisions they have to get permission for from elsewhere. Many foster carers report experiencing a lack of communication, clarity and information from social workers, with unnecessary paperwork and box ticking, and complicated processes.

In the Fostering Network's 2024 state of the nations survey, less than a third of foster carers said children's social workers are always clear about which decisions they have the authority to make in relation to the children they foster. That lack of clarity is clearly a huge issue for a large majority of foster carers. Only half of foster carers said that social workers are able to respond to requests for decisions in a timely manner; we all know social workers are under huge pressure. Foster carers reported that the most difficult decisions to make were around social opportunities, followed by healthcare, relationships and childhood experiences.

This new clause would set out in legislation that foster carers have default delegated authority on key everyday decisions where the child's placement plan does not specify an alternative decision maker—and the placement plan can always specify that alternative. That default delegated authority would include decisions in day-to-day parenting, such as healthcare and leisure activities, and it would exclude routine but longer-term decisions such as school choice and significant events, such as surgery. It would provide more clarity, speed up decision making within foster families and for social workers, and provide foster carers with the confidence and autonomy that they need to make day-to-day decisions for the children who are in their care.

[Ellie Chowns]

I urge the Government to take on board these points, and the content of this new clause, to make it easier for foster carers to make those decisions for children who, after all, they know best as they are caring for them. The new clause would ensure that children and young people do not miss out on the opportunities that they need to live a happy and healthy childhood.

Catherine McKinnell: I appreciate the hon. Member's concern for foster carers having delegated authority on day-to-day decisions for the children in their care. Foster carers offer crucial support to some of the most vulnerable children in our society. They provide love, stability and compassion to children and young people when they need it most.

All foster carers should have delegated authority in relation to day-to-day parenting of the child in their care, such as routine decisions about health, hygiene, education and leisure activities, and where that is not appropriate, the child's placement plan should set out reasons for that. That is so that the foster carers can support the child in having a normal upbringing, full of the experiences and opportunities that any other child would have. For all decisions relating to the foster child, the foster carer has delegated authority only if it is recorded in the child's placement plan. That means that if something is not listed on the placement plan, the foster carer does not have that delegated authority and they have to check with their social worker before any decision can be made.

Foster carers can take decisions in relation to the child in their care only in line with the child's agreed placement plan and the law governing parental responsibility. New clause 13 would mean that foster carers would, by default, have delegated authority on day-to-day issues, except where an alternative decision maker is listed on the child's placement plan.

The change outlined in the new clause does not require a change to primary legislation. Delegated authority is outlined in secondary legislation in the Care Planning, Placement and Case Review (England) Regulations 2010. We have begun conversations with foster carers and foster care providers about a proposed change, ensuring that all foster carers have delegated authority by default in relation to day-to-day parenting of the child in their care. We believe that reform to this policy area would benefit from a period of consultation with stakeholders to ensure that any change to delegated authority best reflects the interests of all parties.

Following consultation, we are committed to implementing the necessary amendments to secondary legislation. I hope that in the light of that, the hon. Member will feel able to withdraw the clause.

Ellie Chowns: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 15

NATIONAL STATUTORY INQUIRY INTO GROOMING GANGS

"(1) The Secretary of State must, within 3 months of the passing of this Act, set up a statutory inquiry into grooming gangs.

(2) An inquiry established under subsection (1) must seek to—

(a) identify common patterns of behaviour and offending between grooming gangs;

(b) identify the type, extent and volume of crimes committed by grooming gangs;

(c) identify the number of victims of crimes committed by grooming gangs;

(d) identify the ethnicity of members of grooming gangs;

(e) identify any failings, by action, omission or deliberate suppression, by—

(i) police,

(ii) local authorities,

(iii) prosecutors,

(iv) charities,

(v) political parties,

(vi) local and national government,

(vii) healthcare providers and health services, or

(viii) other agencies or bodies, in the committal of crimes by grooming gangs, including by considering whether the ethnicity of the perpetrators of such crimes affected the response by such agencies or bodies;

(f) identify such national safeguarding actions as may be required to minimise the risk of further such offending occurring in future;

(g) identify good practice in protecting children.

(3) The inquiry may do anything it considers is calculated to facilitate, or is incidental or conducive to, the carrying out of its functions and the achievement of the requirements of subsection (2).

(4) An inquiry established under this section must publish a report within two years of the launch of the inquiry.

(5) For the purposes of this section—

'gang' means a group of at least three adult males whose purpose or intention is to commit a sexual offence against the same victim or group of victims;

'grooming' means—

(a) activity carried out with the primary intention of committing sexual offences against the victim;

(b) activity that is carried out, or predominantly carried out, in person;

(c) activity that includes the provision of illicit substances and/or alcohol either as part of the grooming or concurrent with the commission of the sexual offence."—*(Neil O'Brien.)*

This new clause would set up a national statutory inquiry into grooming gangs.

Brought up, and read the First time.

10.15 am

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move, That the clause be read a Second time.

The arguments around this issue are reasonably well known, so I will be brief. This discussion started when Oldham asked for a national inquiry into what happened there, which it did because a local inquiry would not have the powers that are needed. For example, a local inquiry cannot summon witnesses, take evidence under oath, or requisition evidence. We have already seen the two men leading the local investigation in Greater Manchester resign because they felt they were being blocked, yet the Government say no to a national inquiry, and that there should be local inquiries instead.

However, there have been years during which those places could have held their own local inquiries, but they have not. In many cases, as is well known, local

officials at different levels were part of the problem, and even part of the deflection, so they cannot be the people to fix it. In Keighley, for example, my hon. Friend the Member for Keighley and Ilkley (Robbie Moore) has been calling for an inquiry for years, but even as Ministers argued in the House that there should be local inquiries, local politicians decided again not to hold one.

In these debates the Government often refer to the independent inquiry into child sexual abuse, which was an important first step, but it was not—indeed, it was never intended to be—a report on the grooming gangs. It barely touches on them. IICSA looked at about half a dozen places where grooming gangs have operated, but there were between 40 to 50 places where those gangs operated, and the inquiry touches on them very lightly and does not look at the places where there were the most severe problems. It means that victims in those places have never had a chance to be heard.

Tom Hayes (Bournemouth East) (Lab): I welcome what the hon. Member says about the importance of victims, as they must be at the centre of all we do in this area. Will he outline whether he has met any victims of child sexual abuse in the past 12 months, and if he has, what they have said about the new clause? Is the new clause based on conversations with victims?

Neil O'Brien: The new clause is based on calls by victims for a national inquiry; I was about to come to that point. Having a proper national inquiry does not stop us from getting on and implementing any of the recommendations in the previous report. Indeed, awareness raising was one of the recommendations that was made. Without a national inquiry, we will clearly not get to the bottom of this issue, and people who looked the other way, or who covered up or deflected, will not be held to account for doing that. So far, nobody in authority has been held to account.

The Labour Mayor of Greater Manchester and the hon. Members for Liverpool Walton (Dan Carden), for Rotherham (Sarah Champion) and for Rochdale (Paul Waugh) have backed some form of national inquiry, and the Under-Secretary of State for the Home Department, the hon. Member for Birmingham Yardley (Jess Phillips), said that there should be a national inquiry if victims wanted one. Numerous victims are calling for an inquiry, so the real question is what we are waiting for.

Tom Hayes: Again, you are talking about victims—

Neil O'Brien: I am not the Chair.

Tom Hayes: I apologise; that is a good point. The hon. Member is talking about victims and what they want, so I return to the question that I asked: has he met victims of child sexual abuse when tabling this new clause—yes or no?

Neil O'Brien: As a constituency MP I have met victims of sexual abuse, yes, and it is clear, if people have been following the debate, that victims are calling for an inquiry. Indeed, numerous people in the Labour party agree that we should have a proper inquiry, for all the reasons that Oldham originally asked for one, namely that it does not have the powers locally to get to the truth and to get justice for the victims. The new clause would create a national inquiry and we hope that at some point the Government will support it so that justice can be done and those who have let victims down can finally be held to account.

Tom Hayes: I want to press the point about whether any victims of child sexual abuse have been directly consulted about the proposed new clause. Before I became an MP I ran a service to support victims of child sexual abuse. I have sat with survivors and listened to some of the stories they have shared about the worst things that could happen to a human being, in order to understand the difficulties and trauma that they are experiencing. I know that rebuilding their life will involve many long years of painstaking support alongside many types of services, and I know that what they need most is the implementation of the national inquiry that has already concluded, which heard from many victims of child sexual abuse.

Having sat with and listened to victims of abuse, my big concern is that not implementing those recommendations will be a signal to them that all they have shared and said—after significant difficulty—will have been discarded. That will make people who have gone through awful experiences that have made them feel as though they lack dignity, once again feel as though the system that was there to support and listen to them has let them down, and that as a consequence they are not worthy of the dignity that, as human beings, they really ought to be entitled to.

Neil O'Brien: It is wrong to pretend that IICSA was a report into the grooming gangs. It was not; it was never intended to be. It looked a tiny handful of places, so many of the people who were affected by that scandal have never had the chance to have their story told. It has never been clear why having a new national inquiry would prevent us from implementing any of those previous things—it obviously would not. The argument that the Government cannot do two things at the same time is clearly wrong, so it cannot be used as an excuse not to listen to all those who have never had the chance to tell their story.

Tom Hayes: I believe that the Minister may be coming to that point very soon, and I am excited to hear your response to what she says—

The Chair: Order. Please do not use the "you" word.

Tom Hayes: I appreciate that. I will return to the important topic at hand.

The Minister will comment explicitly on what the hon. Member said but I will say that, although I agree that the Government can do more than one thing, a significant amount of time and money would be invested on a second inquiry. I would want that money to be funnelled directly into the support of survivors and victims, who for so many years under a Conservative Government were denied the funding that they require to receive the support that they need in response to some of the worst experiences that a human being can go through.

Neil O'Brien: The hon. Member is in danger of literally saying it is too expensive to get to the truth. He just said that the cost of a national inquiry was the obstacle to having one. I really hope that he will rethink that point.

Tom Hayes: I disagree strongly with the hon. Member. He knows exactly what I said, and he is choosing to put words into my mouth, as he has chosen to put words into the mouths of many other Committee members. If he wants to play that game, let us talk about whether he has focused properly on child sexual abuse in his time as an MP, quite apart from whether he spoke with any victims or survivors before tabling the amendment.

The hon. Member has been in this House since 8 June 2017, a total of 2,849 days. It took him 2,801 days before he spoke in Parliament for the first time about child sexual abuse. He may say, "Of course, I was a Minister for some of that time," so I calculated the amount of time that you were a Minister. It is approximately 25% of your total time as an MP. I think it is important, obviously—

The Chair: Order. *[Interruption.]* Sit down, please. The hon. Gentleman is now quite an experienced Member at speaking, but why does he keep using "you" and "your"? Just avoid those expressions, because I am not involved in this debate. I am trying to be neutral. Mr O'Brien may wish to respond to your points, but please try to control yourself in that respect.

Tom Hayes: Thank you, Sir Christopher.

I have made my point about whether the hon. Member for Harborough, Oadby and Wigston has used his time here to press the case on behalf of survivors and victims. I have made the point about whether he has chosen to sit with survivors and victims and listen to their stories before calling for another national inquiry that discards the views that have been given by survivors.

I have talked about the importance of the money that could be spent on a second inquiry being better spent on the support that victims and survivors so desperately need. I really wish that the Conservative party, which did so little in government to implement the recommendations that were called for by survivors, would put down the politics of this issue and stop focusing on a desperate pursuit of Reform voters, rather than the other voters they lost to the Liberal Democrats and Greens.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): Does my hon. Friend share my puzzlement that, given that the independent national inquiry covered so many types of child sexual exploitation—so many horrors that have been visited upon our young people—only one aspect of it has become the focus of political debate? We should focus on all the children and young people who have been violated, abused and hurt, mostly by men, but they seem to be forgotten even though the national inquiry covered a whole range of child sexual exploitation.

Tom Hayes: I could not agree more, and my hon. Friend helps me make a point that I had forgotten. You urged me to exercise control, Sir Christopher, but as you and other Members can see, I feel deeply about this topic. I feel very strongly about the importance of standing alongside survivors, and I am prepared to work with anybody in this House, of any party or none, to enhance the support that survivors receive. But having sat with survivors, I am not prepared to allow people to play politics with their experience, and for those individuals then to feign disappointment, hurt and abuse. This is not about how Members of this House feel about the honesty and truth of the words I am speaking; it is about the importance of survivors out in our communities, who have been let down for 14 years, who have suffered exploitative, abusive practices, and who will be looking to this House today to do the right thing by them. I call on the Conservatives in this Committee and across the House to do the right thing, stop playing politics, actually read the report if they have not done so already, and as a consequence show some dignity.

Ellie Chowns: Shortly after Christmas, a person came to see me who had given evidence to the IICSA inquiry and who was deeply upset by their perception that their experience, and the experience of others like them, was being used as a political football. They were outraged to find that the conclusions and recommendations of the inquiry had not yet been implemented. In this room, my role is to represent them. Their call is not for another public inquiry but for the implementation of the recommendations of the inquiry that has already been done.

I find it really disappointing that such serious matters are being used as a political football. The hon. Member for Bournemouth East made a valid point about the degree to which these issues were not addressed until very recently. I ask rhetorically: would this new clause even have been tabled were it not for pot-stirring tweets by Elon Musk? I very much doubt it. I therefore think this Committee should do the job we are here to do. We should scrutinise this Bill and not use it as an opportunity to play games with the lives of victims and survivors.

Catherine Atkinson (Derby North) (Lab): I pay tribute to my hon. Friend the Member for Bournemouth East for his incredible experience and work in this area. I rise to speak about new clause 15, and I hope I can be of service to the Committee, having spent the past seven years of my work as a barrister serving on a public inquiry. I went straight from that to representing a constituency in Derby, the city that was the subject of the first local inquiry into grooming gangs in 2010. Those crimes are despicable and must be rooted out in Derby and elsewhere. Without the bravery of the girls in Derby, those crimes would not have been punished.

I am committed to supporting the considerable action that the Government are taking to ensure that others are punished, and victims and survivors protected and supported. I am really proud to sit on this Bill Committee, which will give the next generation of children and young people in Derby better protection and life chances. The Education Secretary rightly described this as the "single biggest piece" of children's safeguarding legislation in a generation. I will seek to set out why new clause 15 does nothing to contribute to that aim.

10.30 am

My first concern about new clause 15 is that it seeks to rerun the same questions from the seven-year long independent inquiry on child sexual abuse—IICSA. The inquiry panel was chaired by Professor Alexis Jay OBE,

who had undertaken the 2014 independent inquiry into child sexual exploitation in Rotherham. That identified at least 1,400 children and young people in Rotherham who had been sexually abused or exploited.

On Second Reading, the hon. Member for Harborough, Oadby and Wigston said that we needed another national inquiry on grooming gangs because the IICSA inquiry "barely touches on them". He has repeated that on multiple occasions today. IICSA, as is common practice in a public inquiry, involved a series of smaller inquiries of investigations of different strands. One of those inquiries was child sexual exploitation by organised networks. The inquiry into organised networks, the entire focus of which was grooming gangs, took two years and reported three years ago, in February 2022.

Neil O'Brien: Could the hon. Lady say how many different places it looked at?

Catherine Atkinson: I will come to that. First, I make the point that I have the report in my hands; it is an inch thick, printed double-sided and it is nearly 200 pages. That is the specific inquiry into organised networks. Its contents are horrific, and I hope that by the end of my contribution, we will cease to hear the shadow Minister referring to the fact that it "barely touches" on grooming gangs.

For clarity, organised networks that conduct child sexual exploitation, as anyone who has carried out work in child protection will know, are grooming gangs. Organised networks are defined in this report as

"two or more individuals…who are known to (or associated with) one another".

Section C.3 of the report sets out carefully why that definition was used. In comparison, new clause 15 seeks to define grooming gangs as a group of at least three adult males. As we saw in the convictions of women involved in grooming gangs in Rotherham, Newcastle and elsewhere, involvement in grooming gangs is not limited to men. Sadly, several of the cases mentioned in the investigation into grooming gangs make it clear that they are not always adults, as older children and teenagers can also be involved in grooming.

A further justification for another inquiry, as we heard from the shadow Minister, was that the previous inquiry covered just half a dozen places where grooming gangs have operated—namely, the areas covered by Durham county council, the City and County of Swansea council, Warwickshire county council, St Helens council in Merseyside, the London borough of Tower Hamlets and Bristol city council. The shadow Minister knows, I assume, that that was a deliberate sampling of local authorities from across England and Wales, and they were selected not because grooming gangs operated there—I do not think that was necessarily even known at the time of selection—but to consider a range of features including size, demography, geography and social characteristics. It was to illustrate different policies, practices and performance. It was a deliberate choice not to look again at areas like Rotherham, Rochdale and Oxford, which had already been the subject of independent investigation. Sampling, and looking at particular case studies like this, is very common and good practice in public inquiries. The fact that there were cases of child sexual exploitation by gangs in all six of the case study areas clearly indicated how common and pervasive this disgusting crime is.

On Second Reading, the shadow Home Secretary, the right hon. Member for Croydon South (Chris Philp), implied that there was new information that child sexual exploitation takes place in many areas. He said:

"We now believe that as many as 50 towns could have been affected".—[*Official Report*, 16 January 2025; Vol. 760, c. 564.]

But as the previous specific inquiry made clear three years ago, on page 4, when it comes to grooming gangs:

"Any denial of the scale of child sexual exploitation—either at national level or locally in England and Wales—must be challenged."

In looking at whether new clause 15 is a rerun of questions IICSA already considered in the previous specific inquiry into grooming gangs, it is helpful to cross-refer the contents of new clause 15 with the scope of the previous investigations into grooming gangs, which is set out on page 148 of this report. New clause 15(2)(a) seeks an inquiry into grooming gangs to

"identify common patterns of behaviour and offending".

But the scope of the previous grooming gangs inquiry states that it will investigate "the nature" of sexual exploitation by grooming gangs.

New clause 15(2)(b) and (c) seek another inquiry to look at the

"type, extent and volume of crimes"

and "the number of victims". The specific inquiry looked at the "extent" of sexual exploitation.

New clause 15(2)(e) seeks a new inquiry to identify failings by

"(i) police,

(ii) local authorities,

(iii) prosecutors,

(iv) charities,

(v) political parties,

(vi) local…government,

(vii) healthcare providers…or

(viii) other agencies or bodies".

But the grooming gangs inquiry investigated and considered the institutional responses to the sexual exploitation of children, and that specific inquiry also examined the extent to which

"children who were subjected to child sexual exploitation were known to local authorities and other public authorities such as law enforcement agencies, schools and/or the NHS".

It also examined the extent to which

"relevant public authorities…effectively identified the risk of child sexual exploitation in communities and took action to prevent it".

It examined the extent to which

"the response of the constituent parts of the criminal justice system was appropriate in cases of child sexual exploitation".

The inquiry into grooming gangs heard from complainants, academics, local authorities, police officers, voluntary sector representatives, Government officials and representatives from victim support and campaign groups—a list that looks very similar to that set out at new clause 15(2)(e).

New clause 15(2)(g) seeks to "identify good practice" in protecting children. Was that left out of the previous inquiry? No, because paragraph 2.5 of the scope of the investigation makes it clear that the inquiry would also examine

[Catherine Atkinson]

"effective strategies…implemented to prevent child sexual exploitation in the future, and to monitor the safety of vulnerable children including missing children".

On Second Reading, the hon. Member for Harborough, Oadby and Wigston accused the Government of not wanting to

"hear the voices of the victims."—[*Official Report*, 8 January 2025; Vol. 759, c. 951.].

The new clause compounds the last Government's crime of not listening to the victims when they had the chance to implement the recommendations of the specific national grooming gangs inquiry and the wider IICSA recommendations.

What new clause 15—the hon. Gentleman's blueprint for a new inquiry—does not include is any requirement to look at the extent to which recommendations in previous reports and reviews were implemented by relevant public authorities at national and local levels. That requirement was in the previous grooming gangs inquiry, which was an attempt to build on learning rather than to be a rerun of previous inquiries. The previous grooming gangs inquiry notes that more than 400 previous recommendations were considered in this, as well as those arising from other recent reports and inquiries. This would be an obvious inclusion in any future inquiry, unless we did not want to draw attention to the previous Government's failure to carry out a single one of the recommendations of the specific investigation into grooming gangs, or in the wider independent inquiry into child sexual abuse more broadly.

The three main functions of public inquiries are to investigate what happened, why it happened, and what can be done to prevent it happening again. Inquiries can make recommendations. What they cannot do is implement those recommendations; that is our job. Professor Alexis Jay, who knows more about this than anyone on this Committee, does not call for another national inquiry. She says that a new inquiry would cause further delay.

Having spent seven of my 17 years as a barrister on a public inquiry—although not into grooming gangs or the broader IICA—I can say quite forcefully that there is a universal principle here. Public inquiries cost time and enormous amounts of public money, but the biggest tab that they run up is in the hope that they give to victims—the hope that what they suffered will not be suffered in future by others. We must pay our debt to the victims by fully responding to the recommendations and implementing them where we can. If we call for inquiry after inquiry along the same lines, we are undermining the whole system of public inquiries, including public trust in them and public tolerance for the resources of the state that they demand. Therefore, rather than the gesture politics of rerunning an inquiry without the evidence and data that we need, it is the Government's approach that makes sense, with Baroness Louise Casey's audit to fill in the gaps that have already been identified by the previous inquiry.

This Government are setting up a new victims and survivors panel not just to guide Ministers on the design, delivery and implementation of plans on IICSA, but to produce wider work around child sexual exploitation and abuse. In the policing and crime Bill, they are making it mandatory to report abuse and will make it an offence to fail to report, or to cover up, child sexual abuse, as well as introducing further measures to tackle those organising online child sex abuse. They are legislating to make grooming an aggravating factor in sentencing for child sexual offences. They are already drawing up a duty of candour as part of the long-awaited Hillsborough law. And they are overhauling the information and evidence that is gathered on child sexual abuse and exploitation to implement the first recommendation of IICSA on a single core dataset on child abuse and protection.

New clause 15(2)(d) seeks to identify the ethnicity of members of grooming gangs. Sections B.5 and H.5 of the 2022 inquiry into grooming gangs identified the widespread failure to record the ethnicity of perpetrators and victims and the inconsistency of definitions in the data, which meant that the limited research available relied on poor-quality data.

Recommendation 5 from the report in February 2022 relates to child sexual exploitation data and states that the data must include

"the sex, ethnicity and disability of both the victim and perpetrator".

In the final list of IICSA recommendations from October 2022, it was the first recommendation—a single core set of data. We do not have a core dataset, and the ethnicity data that was published in November from police forces has been found to be haphazard, because there is not a proper system for collecting data. It is this Government who have committed to gathering and publishing new ethnicity data, and it is this Government who are providing backing for local inquiries that can delve into local detail and deliver more locally relevant answers and change than a lengthy national inquiry of the type that I was involved in.

10.45 am

I said at the beginning of my speech that I am really proud to sit on this Bill Committee on the single biggest piece of children's safeguarding legislation in a generation. Although I may not agree with the hon. Member for Harborough, Oadby and Wigston and the right hon. Member for East Hampshire on new clause 15, I acknowledge that they have shown as much support for parts of this Bill as anyone, from the family group decision-making meetings, which they thought were "a good thing" and supported, to the inclusion of childcare in schools in safeguarding arrangements, which they said was a very good idea and supported.

The Opposition spokesman, the hon. Member for Harborough, Oadby and Wigston, said that

"we welcome the inclusion of education agencies in safeguarding arrangements."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 23 January 2025; c. 130.]

On multi-agency protection teams, we heard that they were

"extremely supportive of this principle and agenda"

and "generally welcome the clause", which they described as "sensible". We heard the hon. Member for Harborough, Oadby and Wigston say that

"it has the potential to address some of the really serious information-sharing gaps that have been so visible in pretty much every serious case review, from Victoria Climbié to the present day."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 23 January 2025; c. 133.]

On information sharing and consistent identifiers, we heard that it was

"a very good and important idea, and one of which we are completely supportive."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 23 January 2025; c. 146.]

On the provision of advice and support for care leavers, we heard:

"Again, the Opposition support the Government's objectives in this clause to provide staying close support".

—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,*28 January 2025; c. 177.]

On the following clause, on a local offer for care leavers, we were told:

"This is a good and sensible clause".—[*Official Report, Children's Wellbeing and Schools Public Bill Committee*, 28 January 2025; c. 185.]

On the list of what needs to be included in the local offer and how local authorities will co-operate with housing authorities and provide accommodation for those aged under 25, we heard "this is all good stuff". Similarly, in relation to regional co-operation and looked-after children accommodation, we heard them say "we support the clause". The hon. Member for Harborough, Oadby and Wigston said:

"Were we in office, I suspect that we would be very much considering the same clause."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 28 January 2025; c. 190.]

On the ill treatment and wilful neglect of 16 and 17-year-olds, we also saw the Opposition's support. We were told that clause 19

"closes an important gap in the law".—[*Official Report, Children's Wellbeing and Schools Public Bill Committee*, 28 January 2025; c. 239.]

Finally, we saw support for the Government's intention in relation to withholding consent to home educate where there are safeguarding concerns or a child protection plan. The right hon. Member for East Hampshire said that the Bill was

"right to introduce a register of children not in school"—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 30 January 2025; c. 294.]

and that that was "our policy when in government".

It is important to list just how much of the Bill the Opposition have shown their support for in this Committee. This Bill will improve the safety of children, particularly young women and girls in deprivation and in care, such as those who have been targeted by grooming gangs. I agree with the hon. Member for Twickenham, who last week said that she was

"pretty outraged—that Conservative colleagues sought to weaponise the issue on Second Reading to try to kill off the entire Bill."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 6 February 2025; c. 469.]

The Opposition have been grabbing at headlines to call for an inquiry to address the same questions already asked—

Damian Hinds: The hon. Lady makes an important point. This is an incredibly serious issue, and we should not be introducing anything that might inadvertently mislead. The Government control the time of the House of Commons. This Bill should probably have been two Bills to begin with; there are two distinct subjects in part 1 and part 2, but, for some reason, they were put together. There was nothing to stop the Government, at any point, from separating out parts of the Bill and reintroducing them immediately into the House of Commons—they literally control the timetable. On the Order Paper today, there was a statement on the business of the House. The Government can change the time and change what is considered in the House of Commons as they choose.

Catherine Atkinson: Can the right hon. Gentleman imagine if the wrecking amendment—

Damian Hinds: Will the hon. Lady give way?

Catherine Atkinson: I will not, because I am nearly finished—the right hon. Gentleman will then be able to speak about whatever he wants. Grabbing at headlines to call for an inquiry to address the same questions already asked in a national inquiry at the expense of a Bill that will protect children—

Neil O'Brien: Will the hon. Lady give way?

Catherine Atkinson: I will not. The hon. Gentleman will have every opportunity to speak. I am nearly finished.

It is important to imagine the case had Conservative colleagues been successful—new clause 15 is a weak echo of that reckless shout for attention on Second Reading, and a shameful reminder. Alongside all the provisions in the Bill, which they agree will keep children safer, they should get behind the actions that the Home Secretary and the Minister for Safeguarding are driving on the issue of grooming gangs—real action, which means a great deal to me and many others in the Committee. Knowing the horrific abuse that girls from my city have gone through, I am hugely thankful for those actions. Opposition Members in Committee should not just withdraw the new clause, but apologise for risking protections for children by recklessly chasing headlines in this way.

Darren Paffey (Southampton Itchen) (Lab): I pay huge tribute to my hon. Friend the Member for Derby North for her frankly masterful navigation through the facts. This moment demands the facts—not misrepresentation and the dismissal of previous inquiries, but the gravitas and experience that she has brought to the debate. I believe that has kept the Committee on the track that it is meant to be on.

I simply make the observation against the new clause that this Bill and this moment require leadership. Leadership looks like getting on with making the changes that we have heard about in great detail. The subject has already been thoroughly and fully investigated, with recommendations made by a leading expert. It is time to make those changes to our country, to our law and to our services, first, to allow us to reflect on the past, and the report does that, and, secondly, so that we can get on with catching those who continue to do such things—and that is the horror of it. We are not just talking about something historical. Without doubt, such things are going on as we speak.

It is time to ensure that the whole of Government work together so that our law enforcement agencies are resourced to catch those who perpetrate such disgusting crimes. Crucially, this is the moment to ensure that we prevent them happening in the future. Several of the report's 20 recommendations are already in train and implementation should be the absolute priority.

[Darren Paffey]

That is what leading looks like at this moment, but when it comes to following I am afraid that I agree with the observation made by the hon. Member for North Herefordshire. Some people have become a little bedazzled by social media suggestion and innuendo from certain individuals, wherever they are in the world. Opposition Members should be honest about it: such individuals have absolutely no genuine interest in the victims whose sufferings are known, but have their own political agenda to follow. They use their social media platform to do that, and none of it moves us any closer to doing what we need to do, which is to reflect, to catch the criminals and to prevent such crimes in future.

Those who are able to separate fact from trend will know that the urgent priority at this moment, as my hon. Friend the Member for Derby North so thoughtfully set out, is to act. Anything that becomes a distraction from that should not be supported.

Amanda Martin (Portsmouth North) (Lab): I want to start by agreeing with my hon. Friend the Member for Southampton Itchen that leadership and action are needed. Indeed, leadership and action were needed three years ago in February 2022 when the IICSA report came out. I thank my hon. Friend the Member for Derby North for her knowledgeable insights and her forensic examination of the Bill, the recommendations and the report. I will spend a moment establishing for the record what exactly those 20 recommendations are asking for, which we as a Government have committed to implementing in full—albeit three years too late for some victims.

Let me list the headings of the report. The first is on a mandatory aggravating factor for CSE offences. The second is on statutory guidance on preventing CSE. The third is on data collection and analysis, and establishing a national database. The fourth is about strengthening the criminal justice response. The fifth is about training for professionals and requiring mandatory training for all professionals working with children, including social workers, police and healthcare staff, to help them recognise the signs of exploitation and act accordingly. The sixth is about a national framework for support, and developing a national framework for services to ensure that appropriate support is available for victims. The seventh is about supporting victims and improving the availability and accessibility of specialised support services for victims. The eighth concerns tailored responses to CSE victims, ensuring authorities provide a tailored response to the specific needs of children who are victims. The ninth is about launching a national public awareness campaign to raise awareness of CSE, educating the public and reducing the stigma that surrounds the victims. The 10th is to strengthen safeguarding in schools and introduce better protocols. The 11th is about tackling perpetrators of CSE, strengthening law enforcement's abilities to target them. The 12th is for a Government review of safeguarding systems, conducting a review of the national safeguarding system to ensure current measures are sufficiently robust to address child sexual exploitation and victims. The 13th is to ensure adequate local authority resources. The 14th concerns independence for local safeguarding boards. The 15th recommends a review of the placement of settings for vulnerable children. The 16th calls for a stronger legal framework for CSE. The 17th is about increasing the use of risk assessment tools. The 18th is about rehabilitation and reintegration services. The 19th is on specialised support for parents and families and the 20th on a regular review of local authority practices. Each one of those 20 recommendations has the victims at its heart.

Catherine McKinnell: I am grateful to my hon. Friends the Members for Bournemouth East, for Derby North, for Southampton Itchen and for Portsmouth North, and to the hon. Member for North Herefordshire, for their thoughtful and measured contributions on this incredibly challenging issue. The Prime Minister has made clear that as a Government we are focused on delivering the change and justice that victims deserve.

On 7 January, the Home Secretary outlined in Parliament commitments to introduce a mandatory duty for those engaging with children to report sexual abuse and exploitation, making grooming an aggravating factor to toughen up sentencing and introduce a new performance framework for policing.

On 16 January, the Home Secretary made a further statement to the House that before Easter the Government will lay out a clear timetable for taking forward the 20 recommendations in the final IICSA report, which my hon. Friend the Member for Portsmouth North powerfully set out. All of those recommendations were for the Home Office, including on disclosing and barring, and work on them is already under way.

The Government will implement all the remaining recommendations in IICSA's separate stand-alone report on grooming gangs from February 2022, and as part of that we will update key Department for Education guidance. As the Home Secretary states, a cross-Government ministerial group is considering and working through the remaining recommendations, and that group will be supported by a new victims and survivors panel.

Other measures that the Government are taking forward include the appointment of Baroness Casey to lead a rapid audit of existing evidence on grooming gangs, to support a better understanding of the current scale and nature of gang-based exploitation across the country and to make recommendations on the further work needed; extending the remit of the independent Child Sexual Abuse Review Panel so that it covers not just historical cases, from before 2013, but all cases since, so that any victim of abuse will have a right to seek an independent review without having to go back to local institutions that decided not to proceed with their case; and providing stronger national backing for local inquiries by providing £5 million of funding to help local councils to set up their own reviews. Working in partnership with Tom Crowther KC, the Home Office will develop a new effective framework for victim-centred, locally led inquiries.

11 am

This landmark Bill will put in place a package of measures to support and drive high and rising standards throughout our education and care systems, so that every child can achieve and thrive. It will protect children at risk of abuse, stopping vulnerable children falling through the cracks in services. On that basis, I hope that the hon. Member for Harborough, Oadby and Wigston will withdraw his new clause.

Neil O'Brien: I want to point out a tension between the arguments that we have heard. One type of argument says that the job is done; there is nothing more to find out. It dismisses calls for further work as "gesture politics"—that is one phrase that we heard this morning. The hon. Member for Southampton Itchen said that the grooming gangs had been "fully investigated". I do not believe that, nor do the victims—in fact, not a single official has been held to account. More importantly perhaps, the Government do not believe it either. They argue that more work is needed—the disagreement is simply whether there should be local inquiries rather than a national inquiry. Members continue to make arguments that the Government were perhaps making at the start of the year, but that is not where the Government are now.

Tom Hayes: On the hon. Gentleman's point that members of this Committee have said, in so many words, that the job is done and we do not have anything more to learn, I want to be categorical in saying that those are not the words that I use and I did not imply that in anything that I said. I look to Committee colleagues to nod if they agree. All people who spoke today have nodded to affirm that what the hon. Gentleman has just said is not a true representation of what in fact they were saying or even implying, so may I please ask him to withdraw that statement?

Neil O'Brien: The people who read the transcript of this debate or perhaps have been listening to it at home can judge for themselves whether what I said was a fair summary of the arguments put forward by Government Members.

Catherine McKinnell: On the point about putting words in people's mouths, nobody has said this is job done—quite the contrary. What we have consistently said is that we do not believe another national inquiry is needed. The Alexis Jay report took seven years, engaged 7,000 victims and had 15 separate strands. In the last 12 years, we have had hundreds of inquiries, serious case reviews and 600 recommendations. It is time for action. It is time to put this into practice and provide the justice that these victims deserve. That is what this Government are focused on doing.

Neil O'Brien: I wonder whether the Minister agreed with the hon. Member for Southampton Itchen, who said that the grooming gangs had been "fully investigated". Does she agree with that? I am happy to take another intervention if she does. She does not want to stand up and say that she agrees with her hon. Friend, so the tension I pointed out is real. On one hand there is an argument that there is nothing more to be found out; everyone who should be held to account has been held to account; and we must not go back into it—there is no need to go back into it. On the other hand there is the Government's admission that we need more local inquiries.

This whole discussion did not start with some person on social media. This whole conversation started because Oldham council formally asked for a national inquiry into what happened there, and it did so because it did not have, at local level, the powers needed: it cannot summon witnesses, take evidence under oath or requisition evidence. It was that request from a council—a good and sensible request—that started this discussion. I have already listed some of the Labour people who have argued for a national inquiry. I hope that in the end they will win the argument in the Labour party, but until then, I want to put the new clause to the vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 11.

Division No. 18]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Chowns, Ellie	Morgan, Stephen
Collinge, Lizzi	Paffey, Darren
Foody, Emma	

Question accordingly negatived.

New Clause 17

ACADEMY CONVERSION SUPPORT GRANT

"(1) The Secretary of State must, within three months of the passing of this Act, make provision for a scheme to provide specified funds ('an academy conversion support grant') to eligible schools for the purposes of supporting the process of converting to an academy.

(2) For the purposes of this section—

(a) 'eligible schools' include—

(i) schools which are part of a group of three or more schools which—

(A) have been approved to convert to an academy; and

(B) intend to join the same academy trust; and

(ii) special or alternative provision schools which have been approved to convert to an academy—

(A) as a single school; or

(B) with one or more other school;

(b) 'specified funds' may be up to a maximum level specified by the Secretary of State in regulations.

(3) A school which receives an academy conversion support grant may only use such funds for the purposes of supporting the process of converting to an academy, which may include but may not be limited to—

(a) obtaining legal advice;

(b) transferring software licences.

(c) advice relating to human resources and compliance with the Transfer of Undertakings (Protection of Employment) Regulations;

(d) costs associated with re-branding; and

(e) expenses incurred in setting up an Academy Trust.

(4) The Secretary of State may, by regulations, amend the level of funds which can form an academy conversion support grant." *—(Neil O'Brien.)*

This new clause would require the Secretary of State to provide an academy conversion support grant to support schools with the process of converting to an academy.

Brought up, and read the First time.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 19—*Trust Capacity Fund*—

"(1) The Secretary of State must, within three months of the passing of this Act, establish a Trust Capacity Fund.

(2) The purpose of the Trust Capacity Fund will be to support the growth of multi-academy trusts.

(3) The Trust Capacity Fund may provide funding to maintained schools and academy trusts which—

(a) are considered by the Education and Skills Funding Agency to be of sound financial health; and

(b) have an eligible growth project that has been approved by the Secretary of State.

(4) The Secretary of State may, by regulations, specify applications for funding to which the Trust Capacity Fund will give particular regard, which may include applications from trusts—

(a) taking on or formed from schools which have received specified judgements in their most recent inspections; or

(b) taking on or comprising schools in Education Investment Areas.

(5) The Secretary of State must provide the Trust Capacity Fund with such funding and resources as are required for the carrying out of its duties."

This new clause would require the Secretary of State to establish a Trust Capacity Fund to support the growth of multi-academy trusts.

Neil O'Brien: The proposed new clauses press the Government to restore some schemes they have cut, namely the academy conversion support grant and the trust capacity fund. The latter spent about £126 million over the last Parliament, helping to grow and deepen strong trusts, helping them to do more to help their schools, and helping to create a self-improving system. Unfortunately, the fund was ended on 1 January this year. Its closure is a real loss and there is uncertainty now about who is responsible for school improvement in the Government's vision. Is that still to be trust-led, or will it be led by RISE from the centre? What happens if ideas from RISE conflict with those of a trust?

The removal of that funding sharpens the sense of a shift away from trusts as the engine for school improvement. The Confederation of School Trusts has said that this funding

"has been very successful in enabling trusts to support maintained schools that need help, especially in areas with a history of poor education outcomes…That will become more difficult to do now. Trust leaders will be especially angry that Ministers have scrapped this summer's funding round: trusts spent considerable time and effort creating bids and have been waiting for a decision for four months…School trusts have a wealth of experience in school improvement but sharing that effectively takes time and money, and we need to make sure that the wider school sector doesn't suffer from this decision."

The confederation also says that it is "incredibly disappointed" at the decision to withdraw the academy conversion grant. It says:

"Ending this grant will leave, in particular, smaller primary schools very vulnerable and without the financial and educational sustainability that comes from being part of a trust. It is a short-sighted decision that will weaken the school system."

It adds that that will have

"clear consequences for the strength and sustainability of our school system…This is not a neutral decision and will impact the capacity of the system to keep improving."

Forum Strategy, another membership organisation for school trust leaders, has said of the decision to cut this funding:

"It is difficult to see the vision or strategy that leads to these decisions, or what it means for making the most of the capacity and expertise of the school-led improvement system."

I hope that Ministers will listen to school leaders and reverse the decisions, as the proposed new clauses suggest.

Catherine McKinnell: We have made it clear that the Government's mission is to break down barriers to opportunity, by driving high and rising standards, so that all children are supported to achieve and thrive. The Government are focused on improving outcomes for all children, regardless of the type of school they attend. Our energies and funding are tilted towards that, including through the new regional improvement for standards and excellence teams.

Nevertheless, we want high-quality trusts to continue to grow where schools wish to join them and there is a strong case for them to do so. We know that where schools have worked together, sharing their knowledge and expertise, as happens in our best multi-academy trusts and best local authorities, we can secure the highest standards and best outcomes for our children.

We will continue to consider applications from trusts that want to transfer their schools to a high-quality academy trust, or where there is a need locally to form new trusts through consolidation or merger. In September, the Government were supporting a higher number of schools through the process of converting to academy status than at any point under the previous Government, since at least 2018. Voluntary conversion remains a choice for schools. The Government believe that the benefits, including the financial benefits, of joining a strong structure are well understood, and for most schools and trusts that will mean that the case for converting will still outweigh the costs.

It was the previous Government who decided to significantly curtail the availability of the conversion grant—a decision that did not have any negative impact on the rate of voluntary academisation. While I recognise that the sector welcomed the trust capacity fund, the truth is that most multi-academy trusts that expanded in recent years did so without accessing the limited fund, including those that applied to the fund but were unsuccessful.

The current financial health of schools and academies suggests that the cost of conversion, where there is a strong case to do so, is likely to be affordable for them. The latest published figures show that the vast majority of academy trusts and local authority maintained schools are in cumulative surplus or breaking even. We do, however, keep this under review.

Let me also make it clear that, where necessary, and in cases of the most serious concern, the Government will continue to intervene and transfer schools to new management, and we will continue to provide support and funding for trusts that take on those schools eligible for intervention.

For the reasons I have outlined, I kindly ask the shadow Minister to withdraw his new clause.

Neil O'Brien: It is nice to hear from the Minister that, following our decision to increase funding per pupil by 11% in real terms over the last Parliament, most trusts

are in surplus or breaking even. None the less, I hope that Ministers will reconsider this matter. There has been something of a change in tone in recent weeks from the Government, particularly regarding academisation, which they say is now going to happen normally in certain cases, so I hope that Ministers will rethink some of their decisions about funding to enable that to happen, and to enable the best trusts to grow, to become stronger and to do even more to turn around our struggling schools. However, on this occasion, we will withdraw the new clause. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 18

SCHOOL TRUST CEO PROGRAMME

"(1) The Secretary of State must, within three months of the passing of this Act, make provision for the delivery of a programme of development for Chief Executive Officers of large multi-academy trusts ('the School Trust CEO Programme').

(2) The School Trust CEO Programme shall be provided by—

(a) the National Institute of Teaching; or

(b) a different provider nominated by the Secretary of State.

(3) The purposes of the School Trust CEO Programme shall include, but not be limited to—

(a) building the next generation of CEOs and system architects;

(b) providing the knowledge, insight and practice to ensure CEOs can run successful, sustainable, thriving trusts that develop as anchor institutions in their communities;

(c) building a network of CEOs to improve practice in academy trusts and shape the system; and

(d) nurturing the talents of CEOs to lead and grow large multi-academy trusts, especially in areas where such trusts are most needed.

(4) The Secretary of State must provide the School Trust CEO Programme with such funding and resources as are required for the carrying out of its duties."—*(Neil O'Brien.)*

This new clause would require the Secretary of State to provide a School Trust CEO Programme.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

New clause 18 essentially raises the same issues as new clauses 17 and 19, but for a different programme—in this case, the trust leadership programme, which helps teachers and heads move up to running a trust and helps to create a self-improving system. A huge amount of work has gone into getting it right in recent years. It has been designed by the profession. It really has had a lot of work put into it, and it is a product of school leaders, not just the Government.

My understanding is that the programme will end after the current cohort completes it, and that there is no plan for another cohort. After all the work that has gone into the programme, that seems a real shame. The new clause would require Ministers to commit to the programme for further intakes and to put it on a permanent basis. I hope that Ministers will make that commitment, and that we can get good news from them today about the continuation of this really important programme.

Catherine McKinnell: The Government are committed to supporting the development of leaders at all levels. As such, we have announced a review of national professional qualifications, which are evidence-based qualifications available to leaders at all levels. The review will include consideration of the training needs of those leading several schools, including large multi-academy trusts. However, committing to a specific service or provider in the Bill would contravene civil service governance procedures and public procurement legislation respectively, so we will not put in place a legal obligation to provide training or commit funding for the development of the chief executive officers of large multi-academy trusts. On that basis, I ask the shadow Minister to withdraw his new clause.

Neil O'Brien: The new clause makes it clear that there would be a choice about who would provide the scheme. We heard from the Minister that there is a review of national professional qualifications going on. I will be happy to take an intervention if she is happy to tell us a date by which we will find out the results of that review. I do not know when school leaders who are currently benefiting from, or hoping to benefit from, this very important programme, designed by the sector, will find out from Ministers what its future will be. It sounds like Ministers are saying that it will not be until the review is completed, so I now have a question about when that will be and when we will have a definitive answer one way or the other. I wonder whether the Minister will consider writing to me to tell us roughly when the review will be complete. She is sort of nodding, but I am not going to probe the point.

We will withdraw the new clause for now, but this is a wonderful scheme and a crucial part of the self-improving system, and I hope that, whatever happens at the end of the review, something along these lines will be maintained. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 20

APPROVED FREE SCHOOLS AND UNIVERSITY TRAINING COLLEGES IN PRE-OPENING

"The Secretary of State must make provision for the opening of all free schools and university training colleges whose applications were approved prior to October 2024."—*(Neil O'Brien.)*

This new clause would require the Secretary of State to proceed with the opening of free schools whose opening was paused in October 2024.

Brought up, and read the First time.

11.15 am

Neil O'Brien: I beg to move That the clause be read a Second time.

The new clause presses Ministers to un-pause the final free schools. In October Ministers "paused" plans to open 44 new state schools, including three sixth-form colleges backed by Eton and, more importantly, by the brilliant Star Trust in Dudley, Middlesbrough and Oldham. Many of the proposals have had years of work put into them, and they are the passion projects of huge numbers of teachers and school leaders. They have the potential to do tremendous good in communities across the country, including some deprived communities. The new clause

[Neil O'Brien]

encourages the Government to end the damaging uncertainty for those schools, which have now been in limbo for a long time.

Free schools generally have fantastic progress scores, which are a quarter of a grade higher across all grades than would be expected given their intakes. That is exceptional across an entire type of school—an amazing result. When we look at Progress 8 scores in this country, free schools dominate the top of the league table. That is an amazing achievement from these passion projects—these labours of love—that have been created by teachers to help communities. We hope that Ministers will unblock the proposals soon, and end the uncertainty, so will the Minister give the Committee some sense of when these schools can expect a decision?

Stephen Morgan: I understand the hon. Member's desire to ensure that approved free school projects, including two university technical college projects, open as planned, and I acknowledge the work that trusts and local authorities undertake to support free school projects to open. However, accepting the new clause would commit the Secretary of State to opening all projects in the current pipeline, regardless of whether they are still needed or represent value for money.

A range of factors can create barriers to a new school opening successfully, including insufficient pupil numbers to fill the school, or not being able to find a suitable site. That is why the Government have established practice of reviewing free school projects on an ongoing basis. As a result, over the lifetime of the programme, nearly 150 projects have been withdrawn by their sponsor trusts or cancelled by the Department.

The review that this Government announced in October 2024 has a strong focus on the need for places, and will ensure that we only open viable schools that offer value for taxpayers' money. It would be wrong to spend funding on new schools that cannot be financially viable while existing schools urgently need that funding to improve the condition of their buildings. I therefore ask the shadow Minister to withdraw the new clause.

Neil O'Brien: I am disappointed to hear that from the Minister, and we are also disappointed not to hear any date for when the schools, which all those people—people with an incredible track record in our deprived communities—have worked so hard to bring into existence, will open. Will he commit to write to us to say when those people can expect a decision? The uncertainty, which is so damaging, has been going on for so long. At the moment it is without end, and no one knows when they will get an answer from the Government. I wonder whether the Minister write to us—or, more to the point, to those people—to say when they can at least expect an answer one way or the other.

I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 21

SCHOOL ATTENDANCE: GENERAL DUTIES ON LOCAL AUTHORITIES

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

'School attendance: registered pupils, offences etc

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

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

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

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

(2) In exercising their functions, a local authority in England must have regard to any guidance issued from time to time by the Secretary of State in relation to school attendance.'"—*(Neil O'Brien.)*

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

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

New clause 22—*School attendance policies*—

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

'443A School attendance policies

(1) The proprietor of a school in England must ensure—

(a) that policies designed to promote regular attendance by registered pupils are pursued at the school, and

(b) that those policies are set out in a written document (an "attendance policy").

(2) An attendance policy must in particular include details of—

(a) the practical procedures to be followed at the school in relation to attendance,

(b) the measures in place at the school to promote regular attendance by its registered pupils,

(c) the responsibilities of particular members of staff in relation to attendance,

(d) the action to be taken by staff if a registered pupil fails to attend the school regularly, and

(e) if relevant, the school's strategy for addressing any specific concerns identified in relation to attendance.

(3) The proprietor must ensure—

(a) that the attendance policy and its contents are generally made known within the school and to parents of registered pupils at the school, and

(b) that steps are taken at least once in every school year to bring the attendance policy to the attention of all those parents and pupils and all persons who work at the school (whether or not for payment).

(4) In complying with the duties under this section, the proprietor must have regard to any guidance issued from time to time by the Secretary of State in relation to school attendance.'"

New clause 23—*Penalty notices: regulations*—

"In section 444B of the Education Act 1996 (penalty notices: attendance), after subsection (1) insert—

'(1A) Without prejudice to the generality of subsection (1), regulations under subsection (1) may make provision in relation to England—

(a) as to the circumstances in which authorised officers must consider giving a penalty notice;

(b) for or in connection with co-ordination arrangements between local authorities and neighbouring local authorities (where appropriate), the police and authorised officers.'"

New clause 24—*Academies: regulations as to granting a leave of absence*—

"(1) Section 551 of the Education Act 1996 (regulations as to duration of school day etc) is amended as follows.

(2) In subsection (1), for 'to which this section applies' substitute 'mentioned in subsection (2)'.

(3) In subsection (2), omit 'to which this section applies'.

(4) After subsection (2) insert—

'(3) Regulations may also make provision with respect to the granting of leave of absence from any schools which are Academies not already falling within subsection (2)(c).'"

Neil O'Brien: This series of new clauses on attendance is intended, as with other amendments on discipline, to add to the Bill content on some of the biggest issues that are facing our schools, and which our teachers consistently rate as among the most important issues facing the school system. Although there has been recovery since the nadir of the post-pandemic period, as I look at attendance figures every week I worry that we are topping out at a level that is below pre-pandemic norms. For the current academic year we are at 18.7% persistent absence, compared with 10.9% pre-pandemic. That is a huge increase. When debating proposals in Westminster Hall from people who wanted to make it easier to take children out of schools, we and Ministers strongly agreed about the powerful negative impact that can have. Even small changes in attendance can have unbelievably large effects on overall achievement.

I will not labour the new clauses, because I am conscious of the time we have today and the need for many Members to get in. They were tabled to emphasise how important this issue is. I am sure Ministers agree; we are really just encouraging them to try to do more. In the most recent data, unauthorised absence is slightly up on last year. I am left with a feeling that something big is needed on this front. The new clauses are really just a way of encouraging Ministers to push hard on this vital issue.

Stephen Morgan: New clauses 21 and 22 seek to place new duties on local authorities and schools with regard to school attendance. Absence from school is one of the biggest barriers to success for children and young people, and has soared over recent years. We inherited a legacy of record levels of poor attendance, which impacts the life chances of all our young people, particularly the most disadvantaged. We are determined to work with the sector to tackle that legacy. That includes working with schools, which are uniquely placed to address the issue, and local authorities, which play a key role in supporting pupils whose absence is more entrenched and who face out-of-school barriers to attendance.

We naturally want to see consistency in this area, and to ensure that parents clearly understand how they will be supported if their child is having difficulties. However, we do not need the new clauses to do that. Both schools and local authorities are already subject to the statutory guidance on attendance introduced last summer. Since then, we have been supporting schools through a network of attendance hubs and our recently released attendance toolkit, and local authorities through our team of attendance advisers. Both have made significant progress in improving the support that they offer to children on attendance.

The challenge is to build on that progress, working in partnership. We will continue to ensure that teachers and staff are equipped to make school the best place to be for every child, by delivering free breakfast clubs in every primary school so that every child is on time and ready to learn, by delivering better mental health support through access to professionals, and by improving inclusivity in mainstream schools. We will support local authorities through the £263 million in new funding that we have already announced in the new children's social care prevention grant, so that families can get the support they need, when they need it.

Schools and local authorities understand their responsibilities to promote school attendance, and we will provide them with the tools that they need to fulfil those responsibilities. The new clauses are not necessary for us to do that. Therefore, for the reasons I have outlined, I kindly ask the shadow Minister not to press them.

New clause 23 relates to the circumstances in which a fixed penalty notice for school absence may be issued. The right approach to tackling school absence is one of support first. One of the most important things that parents do for their children's learning, wellbeing and life chances is ensuring that they go to school every day, and that they are well enough to do so. We want to support the system and support parents to provide help where needed to overcome attendance problems. However, there are cases where support has been provided and not engaged with, and cases where support would not be appropriate. In such cases, there is a range of legal interventions available to ensure that children are not deprived of their right to an education.

It is important that the system treats families equally and that there is consistency across the country in how fixed penalty notices are considered, but the new clause is not needed to achieve that. The previous Government introduced a national threshold for considering when a fixed penalty notice should be issued, and an expectation that support should be offered first in cases other than term-time holidays. This Government have continued that policy. On the basis that neither this Government nor the previous one considered the new clause to be necessary, I ask hon. Members not to press it.

Finally, I turn to new clause 24. I appreciate hon. Members' concern on this matter, and their desire for academies to follow rules on granting leave of absence. One of the many ways in which schools encourage regular attendance is by making it clear to parents—

The Chair: Order. The Committee will meet again at 2 o'clock.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Fourteenth Sitting

Tuesday 11 February 2025

(Afternoon)

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Saturday 15 February 2025

The Committee consisted of the following Members:

Chairs: † Mr Clive Betts, Sir Christopher Chope, Sir Edward Leigh, Graham Stringer

† Atkinson, Catherine *(Derby North)* (Lab)
† Baines, David *(St Helens North)* (Lab)
† Bishop, Matt *(Forest of Dean)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Collinge, Lizzi *(Morecambe and Lunesdale)* (Lab)
† Foody, Emma *(Cramlington and Killingworth)* (Lab/Co-op)
Foxcroft, Vicky *(Lord Commissioner of His Majesty's Treasury)*
† Hayes, Tom *(Bournemouth East)* (Lab)
† Hinds, Damian *(East Hampshire)* (Con)
† McKinnell, Catherine *(Minister for School Standards)*
† Martin, Amanda *(Portsmouth North)* (Lab)
† Morgan, Stephen *(Parliamentary Under-Secretary of State for Education)*
† O'Brien, Neil *(Harborough, Oadby and Wigston)* (Con)
† Paffey, Darren *(Southampton Itchen)* (Lab)
† Sollom, Ian *(St Neots and Mid Cambridgeshire)* (LD)
† Spencer, Patrick *(Central Suffolk and North Ipswich)* (Con)
† Wilson, Munira *(Twickenham)* (LD)

Simon Armitage, Rob Cope, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 11 February 2025

(Afternoon)

[Clive Betts *in the Chair*]

Children's Wellbeing and Schools Bill

New Clause 21

School attendance: general duties on local authorities

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

"School attendance: registered pupils, offences etc

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

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

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

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

(2) In exercising their functions, a local authority in England must have regard to any guidance issued from time to time by the Secretary of State in relation to school attendance.""—*(Neil O'Brien.)*

Brought up, read the First time, and Question proposed (this day), That the clause be read a Second time.

2 pm

Question again proposed.

The Chair: I remind the Committee that with this we are discussing the following:

New clause 22—*School attendance policies*—

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

"443A School attendance policies

(1) The proprietor of a school in England must ensure—

(a) that policies designed to promote regular attendance by registered pupils are pursued at the school, and

(b) that those policies are set out in a written document (an "attendance policy").

(2) An attendance policy must in particular include details of—

(a) the practical procedures to be followed at the school in relation to attendance,

(b) the measures in place at the school to promote regular attendance by its registered pupils,

(c) the responsibilities of particular members of staff in relation to attendance,

(d) the action to be taken by staff if a registered pupil fails to attend the school regularly, and

(e) if relevant, the school's strategy for addressing any specific concerns identified in relation to attendance.

(3) The proprietor must ensure—

(a) that the attendance policy and its contents are generally made known within the school and to parents of registered pupils at the school, and

(b) that steps are taken at least once in every school year to bring the attendance policy to the attention of all those parents and pupils and all persons who work at the school (whether or not for payment).

(4) In complying with the duties under this section, the proprietor must have regard to any guidance issued from time to time by the Secretary of State in relation to school attendance.""

New clause 23—*Penalty notices: regulations*—

"In section 444B of the Education Act 1996 (penalty notices: attendance), after subsection (1) insert—

"(1A) Without prejudice to the generality of subsection (1), regulations under subsection (1) may make provision in relation to England—

(a) as to the circumstances in which authorised officers must consider giving a penalty notice;

(b) for or in connection with co-ordination arrangements between local authorities and neighbouring local authorities (where appropriate), the police and authorised officers.""

New clause 24—*Academies: regulations as to granting a leave of absence*—

"(1) Section 551 of the Education Act 1996 (regulations as to duration of school day etc) is amended as follows.

(2) In subsection (1), for "to which this section applies" substitute "mentioned in subsection (2)".

(3) In subsection (2), omit "to which this section applies".

(4) After subsection (2) insert—

"(3) Regulations may also make provision with respect to the granting of leave of absence from any schools which are Academies not already falling within subsection (2)(c).""

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): It is a pleasure to see you in the Chair, Mr Betts. Before we adjourned, I was about to turn to new clause 24. I appreciate the concern of hon. Members in this matter and their desire for academies to follow rules on granting a leave of absence. One of the many ways in which schools encourage regular attendance is by making clear to parents the circumstances under which leave of absence can and cannot be granted. All schools, however, including academies, are already required to have regard to statutory attendance guidance and are expected to follow the rules on granting a leave of absence.

Headteachers understand the responsibilities and know how important it is that children are in school. We have very little, if any, evidence of misuse of power in academies or big increases in the number of leaves of absence. All the indications are that academy heads follow the guidance and apply the exceptional circumstances test to relevant requests for leave, only granting them where it is met. We will continue to monitor this and support them to make school the best place to be for every child, but new clause 24 would not help us to do that. I invite the hon. Member to withdraw new clause 21.

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 25

Report on the impact of charging VAT on private school fees

"(1) The Secretary of State must, within two years of the passing of this Act, publish a report on the impact of charging VAT on private school fees.

(2) A report published under subsection (1) must include the following information—

(a) how many private schools have closed as a result of the decision to charge VAT on private school fees;

(b) how many pupils have moved school because of the decision to charge VAT on private school fees;

(c) an analysis, considering paragraphs (a) and (b), of the impact of the decision to charge VAT on private school fees on maintained and academy schools, including on—

(i) the availability of school places nationally and in areas where private schools have closed;

(ii) the percentage of children which are placed at their first-choice school; and

(iii) the number of schools which have had to increase their Publish Admissions Number."—*(Neil O'Brien.)*

This new clause would require the Secretary of State to publish a report on the impact of charging VAT on private school fees.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

Around my constituency, we have seen the closure of a couple of local independent schools, which have blamed the decision to introduce VAT. This will mean more people looking for places in local state schools that are already oversubscribed and, in turn, fewer people getting their first choice. New clause 25 is not about the principle of the tax, but about having a proper mechanism to monitor the impact on the state system, among other things.

An importance piece published in *The Times* over the weekend found, based on freedom of information requests, that at least 27 local authorities have no spare school places in certain year groups, which will make it difficult to find places for children forced to move schools. Those are exactly the kinds of issues that we need to monitor very carefully, which is why this new clause calls for a report on the impact of the policy.

Munira Wilson (Twickenham) (LD): I rise to speak in support of new clause 25, which seeks to monitor the impact of VAT on private school fees. There is, however, something missing in the new clause, which I have urged Ministers repeatedly to look at. I hope that even if they will not publicly talk about it, they are looking privately at the impact of this policy on the 100,000 children with special educational needs in private schools who do not have education, health and care plans, and may be displaced into the state sector. That will have an impact on the state sector and the demand for EHCPs, which is already in crisis. When Ministers respond, I hope they might address that point.

Stephen Morgan: New clause 25 would introduce a requirement for the Government to publish a report within two years of passing of the Bill on the impact of removing VAT exemption on private school fees. The report would need to provide details of any private school closures, the number of pupils from private schools who have moved schools, the availability of state school places at local and national level, what percentage of children are offered a place at their parents' first-choice school, and whether any admissions authorities have increased their published admissions numbers as a result of VAT policy.

Before proceeding any further, I would like to note that the issue of VAT on private school fees has been subject to extensive debate during the course of the Finance Bill and the Non-Domestic Rating (Multipliers and Private Schools) Bill. As the Government have noted on many occasions now, a thorough impact assessment of the removal of VAT exemption has been conducted. A comprehensive tax impact and information note was published alongside the autumn Budget and provides much of the information sought by the hon. Members for Harborough, Oadby and Wigston and for Central Suffolk and North Ipswich. This policy, as Members will be aware, took effect from 1 January 2025.

Damian Hinds (East Hampshire) (Con): Does the Minister not accept that there is a fundamental difference between a projection of what is expected to happen and the reporting on what has actually happened? It is the latter that helps with future policy development by learning from experience.

Stephen Morgan: I thank the right hon. Member for his interventions, and I ask him to be a bit more patient in the light of what I am going on to say. The Government's impact assessment shows that we expect the number of private school closures to remain relatively low and that will be influenced by various factors, not just this VAT policy. Around 50 private schools, excluding independent special schools, close each year, and the Government estimate that 100 schools in total may close over the next three years in addition to the normal levels of turnover, after which closures will return to historical norms.

The Government also estimate that, in the long-term steady state, 35,000 pupils are expected to move from private schools to UK state schools. That represents less than 0.5% of all state school pupils and the resultant impact on the state education system, as a whole, is therefore expected to be very small. Differences in local circumstances will mean that the impact of this policy will vary between parts of the UK. The number of private school pupils who might seek state-funded places will vary by geographical location, and that will interact with other local place pressures.

In addition to the impact assessment, regular data is published by the Department for Education on pupil numbers and pupil moves. Data on the numbers of pupils in private schools is collected and published through the annual school census, and data on how many parents receive offers from their preferred schools in the normal admissions round is also collected from local authorities and published annually. We cannot definitively correlate pupil moves with the ending of the VAT exemption, as pupil numbers in schools fluctuate regularly for a number of reasons.

Moreover, admissions decisions must strictly be made in accordance with a school's published admissions criteria only. We should therefore be cautious of measures that would require parents to state the reason why they are choosing to move their children to a different school, to avoid any impression that this information may be misused. School's published admission numbers may be raised to respond to a wider local demand; in some cases and in some areas that may include, but will not necessarily limited to, increased numbers of pupils from the private sector. Where schools wish to raise their

[Stephen Morgan]

published admission number, they should do so in co-operation and collaboration with the local authority, and with a view to what is needed in the local area. Indeed, there are other measures in the Bill that stress the importance of co-operation on this issue.

Local authorities will consider pressures following the removal of the VAT exemption on school fees alongside other pressures as part of the normal place-planning cycle—this is business as usual. The Department for Education will be monitoring place demand and capacity using our normal processes and will be working with local authorities to meet any pressures. While I am grateful to Members for their interest in the issue of removing the VAT exemption on private schools, I hope that they are reassured that the Government have already addressed the impact of this policy and continue to monitor it.

Damian Hinds: I have been trying to exercise my best patience as the Minister entreated me to do. I think he is saying that it will never be possible to know, in reality, what the effect of this tax change is. Is that right?

Stephen Morgan: I know the right hon. Member will have been listening very carefully to what I said, and I made it very clear that there is a census published each year, which sets out those figures. We will work very closely with local authorities to understand the impact that the policy has.

The hon. Member for Twickenham made a number of points on children with SEND. The vast majority of pupils who have special educational needs are educated in mainstream schools—whether they are state-maintained or private—where their needs are met. Where parents have chosen to send their child to a private school but their special educational needs could be met in the state sector—such as in England where children do not have an EHCP—VAT will apply to fees. The Government do not support the new clause for the reasons that I have outlined, and I ask the hon. Member for Harborough, Oadby and Wigston to withdraw it.

Neil O'Brien: I think it is clear from the Minister's response that there are certain things we will not be able to find out in the absence of this new clause. We will not be able to see the numbers moving from the private sector to the state sector. In particular, as the hon. Member for Twickenham raised, we will not be able to see the critical flow of those with undiagnosed or unofficially recognised special needs, as they potentially move into the EHCP process and into state schools. Nonetheless, we will continue to monitor the impact of this policy over time, and I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 30

PUBLICATION OF DETAILS OF PREVENTATIVE CARE AND FAMILY SUPPORT

(1) Every local authority, must within six months of the passing of this Act, publish details of all preventative care and family support available to people in their area.

(2) Information published under subsection (1) must be made available—

(a) on the authority's website, and

(b) in all public libraries in the authority's area."—*(Munira Wilson.)*

This new clause would require all local authorities to publish information about preventative care and family support and to ensure it is freely available to people living in the area.

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss:

New Clause 72

DUTY ON LOCAL AUTHORITIES TO PROVIDE FAMILY SUPPORT SERVICES

(1) In the Children Act 1989, after section 19 (review of provision for day care, child minding etc) insert—

"19A Duty on local authorities to provide family support services for children and families

(1) A local authority has a duty to provide, so far as is reasonably practical, family support services to all children and parents residing in their area.

(2) Family support services provided by a local authority must—

(a) be provided within the authority area;

(b) seek to improve the health and educational outcomes of children in the relevant area; and

(c) seek to reduce the number of children in their area who suffer ill treatment or neglect.

(3) In this section, "family support services" refer to services which provide children and parents with—

(a) advice, guidance or counselling;

(b) social, cultural or recreational activities; or

(c) accommodation while receiving services provided under subsections (3)(a) and (b).

(4) In fulfilling its duty under subsection (1), a local authority must have regard to—

(a) the availability of and demand for family support services in its area;

(b) the availability of and demand for family support services in its area which are capable of meeting different needs; and

(c) the location of family support services and the equality of access across the authority area.

(5) A local authority must publish information about family support services—

(a) on the authority's website, and

(b) in all public libraries in the local authority area.

(6) The Secretary of State may by regulations make provision relating to the provision of family support services by local authorities.

(7) In this section—

"local authority" means—

(a) a county council in England;

(b) a district council in England;

(c) a London borough council;

(d) the Common Council of the City of London (in their capacity as a local authority);

(e) the Council of the Isles of Scilly;

(f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

"children and parents" means—

(a) a child under the age of 18;

(b) a young person aged 18-25 who has a diagnosis of special educational needs;

(c) the parents of a child or young person;

(d) a person who has parental responsibility for a child or young person; or

(e) a person who is pregnant.""

This new clause would introduce a requirement on local authorities to provide family support services for all children and parents in their area.

Munira Wilson: It is a pleasure to serve under your chairmanship this afternoon, Mr Betts. New clause 30 is a simple clause that would put into statute the duty on every local authority to publish the details of their available preventive care and family support, because we know that those are crucial forms of early intervention for children who may be at risk of going into care or where families are struggling. They can prevent things getting to crisis point for families and children.

We know that a huge amount of good work is going on in local authorities up and down the country. Spending on preventive care is falling, while late intervention spend is rising, so it would be good practice for all local authorities to make that information freely and easily accessible to all families in the way that we have already legislated for, for instance, with the kinship care offer. I hope Ministers will seriously consider this simple new clause.

Ellie Chowns (North Herefordshire) (Green): It is a pleasure to serve under your chairmanship, Mr Betts. I rise to speak in particular to new clause 72, which is on a similar topic to new clause 30, although arguably is not quite as simply drafted. The number of children in care is at an all-time high, and outcomes for those children remain poor. Evidence from the children's charity Action for Children shows that children who have any interaction with social care are twice as likely to fail an English or maths GCSE than their peers. We need to change those outcomes, preferably through early intervention.

We have spent much time in Committee discussing the Bill's provisions on improving care for children who need to live with a foster family or in a residential home. It is important that the best possible support is available for those children who, for whatever reason, cannot live with their birth families. However, to significantly improve children's social care, we need to radically reset the system with a much greater focus on helping families earlier on.

I welcome the Ministers' comments in our previous debates that the Government are committed to helping children growing up in our country to get the best start in life through wider investment in family hubs and parenting support. However, as drafted, the Bill does little to do this. Only one section of the Bill, which covers family group decision making, and which we discussed right at the start, directly addresses the need for more early intervention. Unless we amend the Bill to go further, we will continue to have a system heavily balanced towards working with families when they reach crisis point, rather than one that seeks to prevent problems before they start.

As we have discussed, families in England face mounting pressures from the lingering effects of covid-19, the high cost of living and economic uncertainty. At the same time, there have been significant cuts to services to support families. I find this statistic shocking: between 2010-11 and 2022-23, spending on early help, such as family homes and children's centres, decreased by 44%, while spending on late intervention, including children in care, increased by 57%. The skew is going the wrong way, and it does not have to be this way.

Since the late 1990s, several initiatives have been aimed at providing support to families in their communities. That includes the Sure Start centres—first established in 1997, with more than 3,500 children's centres having been developed by 2009—and the latest family hubs, which provide support to parents from pre-birth all the way through to 18. These centres provided welcome, non-stigmatising support for families. The services they offer and have offered are varied, but often include provisions such as stay-and-play sessions, speech and language support or benefit and employment advice for parents.

While welcomed by families themselves, too often such services are seen as a "nice to have" and subject to cuts when funding is short. It is perhaps not surprising that evidence suggests that around 1,000 such centres have shut since 2009, but we know that cutting early support for families is a false economy. It does not benefit children and families, who are too often left to struggle alone, and it does not save money in the long term. In fact, spending on early intervention programmes has repeatedly been shown to be cheaper than spending later. And this is not just about the finances; it is about the wellbeing of children and families.

2.15 pm

On money, the children's charity Barnardo's has calculated that spending on the Welcome to Parenthood programme offered through many of its family hubs delivers £2.44 in benefits for every £1 spent, which is good value. That is why the Bill must go further in its noble aim of reforming children's social care. We need a much more equal emphasis given to local authorities' obligations to support children and families early on and in their community, alongside their and our important obligations to support children who need to go into care.

My new clause will introduce a new requirement for local authorities to provide sufficient family support services, such as family hubs, for all families in their area. It will build on the provisions in section 17 of the Children Act 1989, which require local authorities to provide support services but only to children who have been assessed as in need. The new clause will broaden that provision, thus requiring local authorities to have a wider family support offer that is available to all families in the community. I do not pretend that that is a small undertaking—I recognise its scale—and it would need to be accompanied by spending allocated in the forthcoming spending review if we are to make it a reality, but as I have outlined, it is a great investment in the future of our kids.

Without sufficient access to early support, too many families are reaching crisis point. We have heard time and again from reports, reviews and inquiries that the children's social care system must be rebalanced towards early intervention. The Bill, with the new clause, is our opportunity to do just that.

The Minister for School Standards (Catherine McKinnell): I appreciate the intention of the hon. Member for Twickenham in tabling new clause 30, and I agree that

[Catherine McKinnell]

local authorities should be transparent about the services available to support children and families. However, our statutory guidance, "Working Together to Safeguard Children," already requires local authorities and their statutory safeguarding partners to publish accessible information about the services that they offer children and families, including preventive services and family support.

I welcome the reference that the hon. Member for Twickenham made to preventive services and family support. The Government are committed to rebalancing the children's social care system towards earlier intervention and reversing the trend of unsustainable spending at the crisis end of the system. Ou reforms to family help and multi-agency child protection, backed by over £500 million of investment in the next financial year, will improve access to early intervention services and ensure that more children and families can access the help and support that they need at the earliest opportunity.

I appreciate the intention of the hon. Member for North Herefordshire in tabling new clause 72, and I agree that local authorities should have a range of services available to support all children and young people and their families, but we have already planned investments of over £600 million for family services, across the spectrum of need—from universal services through to children's social care interventions—in 2025-26. Through the family hubs and Start for Life programme, 75 of the most deprived local authorities in England have received funding to set up family hubs with integrated Start for Life services at their core. An additional 13 local authorities have been supported in opening family hubs through an earlier transformation fund.

By joining up and enhancing services, family hubs provide a welcoming front door to vital support to improve health, education, and the wellbeing of babies, children, young people and their families. More than 400 family hubs are funded through that programme. In 2025-26, local authorities will receive a further £126 million of combined funding from the Department for Education and the Department of Health and Social Care.

Our reforms to family help and multi-agency child protection, backed by over £500 million of investment in the next financial year, will improve access to early intervention services and ensure that children and families with multiple and/or complex needs can access the help and support they need at the earliest opportunity. I hope that that response is reassuring and that the hon. Member for Twickenham feels able to withdraw the amendment.

Munira Wilson: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 31

ELIGIBILITY FOR FREE SCHOOL LUNCHES

"In section 512ZB of the Education Act 1996 (provision of free school lunches and milk), before paragraph (a) insert—

'(za) C's household income is less than £20,000 per year;'"—*(Munira Wilson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 19]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 33

DUTY OF SCHOOL GOVERNING BODIES REGARDING MENTAL HEALTH PROVISION

"(1) Subject to subsection (3), the governing body of a maintained or academy school in England has a duty to make arrangements for provision in the school of a dedicated mental health practitioner.

(2) In subsection (1)—

'education mental health practitioner' means a person with a graduate-level or postgraduate-level qualification of that name earned through a course commissioned by NHS England.

(3) Where a school has 100 or fewer pupils, the duty under subsection (1) may be satisfied through collaborative provision between several schools.

(4) The Secretary of State must provide, or make arrangements for the provision of, appropriate financial and other support to school governing bodies for their purposes of facilitating the fulfilling of the duty in subsection (1)."—*(Munira Wilson.)*

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

There has been an explosion of mental health issues among our children and young people. The need and waiting lists for support were already high and growing prior to the covid pandemic, and the impact of lockdowns only made that worse. The demand for services—whether they are school-led, community-led or health service-led—is rising, and those services are struggling. The NHS estimates that one in five students under the age of 16 has a probable mental health disorder, and that figure rises to an astonishing 23% of students between the ages of 17 and 19, so we need urgent action.

I note that the Labour party manifesto committed to having a mental health professional in every secondary school, and in recent months Ministers have intimated that they intend to expand existing mental health support teams established under the previous Government. The roll-out of mental health support teams is far from complete, however. I do not have the latest data as of today, but I know that it was previously projected that by the end of 2024, only about half of secondaries and a quarter of primaries would have access to a mental health support team. With half of all lifetime mental health conditions arising before the age of 14, early intervention is key.

The new clause would place a duty on school governing bodies to ensure that every maintained and academy school in England, whether primary or secondary, has a dedicated mental health practitioner on site, with collaborative provision in place for smaller schools where it would perhaps not be sensible to have a dedicated person. That may particularly be the case in small schools. These dedicated practitioners would be trained to a graduate or postgraduate level through sources commissioned by NHS England.

There is growing evidence linking mental wellbeing to academic success. Many schools are already working incredibly hard and stretching their limited resources to provide support, but too often heads and governors tell me that they desperately need to do more. With ever-tightening budgets, mental health provision in many schools is in line to be cut. The duty that we have set out in the new clause would be accompanied by funding from central Government. The Liberal Democrats propose to fund this by trebling the tax on big tech giants and social media companies, which we know are fuelling the growth in poor mental health among our young people.

Having a dedicated mental health practitioner in all schools, both primary and secondary, would ensure that students received timely and professional support. It is the right thing to do for our children and young people.

Stephen Morgan: I am grateful for the opportunity to discuss access to mental health practitioners in schools—something this Government obviously support. We know that having the right mental health and wellbeing provision in schools is key to ensuring that children and young people can achieve and thrive, and that access to early support can address problems before they escalate.

Already, 44% of children and young people have access to an NHS-funded mental health support team in school, and we expect that to increase to around 50% by April. These teams include a new workforce of education mental health practitioners with qualifications earned through an NHS-commissioned course, as the hon. Member for Twickenham has previously referenced. However, that is still not enough, and I want to reassure the hon. Lady that outside of this Bill, the Government are committed to providing access to specialist mental health professionals in every school, and that progress is being made to achieve this.

The Government are clear that it would be impractical for schools to pay for and oversee NHS-trained mental health practitioners, especially when workforce recruitment, training, pay and conditions, important clinical supervision arrangements, continuous professional development and established systems for reporting and evaluating outcomes already exist within the NHS. This new clause would not add to the provision of mental health professionals, but would in practice switch the responsibility for an NHS-trained health service from the NHS to schools. Mandating this responsibility for schools would add a further unnecessary burden on them, as the health sector is better placed to make arrangements for education mental health practitioners in school.

Munira Wilson: The Minister said "every school". Will he clarify on the record that he means every primary and secondary school?

Stephen Morgan: Yes.

Munira Wilson: Will he give us a timeline for that? This commitment has been made repeatedly, but we have heard nothing about when the services will be expanded.

Stephen Morgan: I am very happy to take the hon. Lady's intervention; she will know that the Bill delivers a range of measures that will support children's wellbeing. The Government are obviously committed to improving mental health support specifically, which is why we introduced the Mental Health Bill last November, which delivers on our manifesto commitment to modernise mental health legislation more broadly. We are committed to providing access to specialist mental health professionals in every school, and we are working through that at pace, alongside the existing work of the mental health support teams.

We will also be putting in place Young Futures hubs, including access to mental health support workers, and are recruiting an additional 8,500 new mental health staff members to treat children and adults. With that in mind, and with my assurance that we will deliver on our important manifesto commitment, I ask the hon. Lady to withdraw her new clause.

Munira Wilson: I wish to press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 20]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 34

NATIONAL TUTORING GUARANTEE

"(1) The Secretary of State must, within six months of the passing of this Act, publish a report outlining the steps necessary to introduce a National Tutoring Guarantee.

(2) A "National Tutoring Guarantee" means a statutory requirement on the Secretary of State to ensure access to small group academic tutoring for all disadvantaged children who require academic support.

(3) A report published under this section must include an assessment of how best to deliver targeted academic support from qualified tutors to children—

(a) from low-income backgrounds,

(b) with low prior attainment,

(c) with additional needs, or

(d) who are young carers.

(4) In preparing a report under this section, the Secretary of State must consult with—

(a) headteachers,

(b) teachers,

(c) school leaders,

(d) parents of children from low-income backgrounds,

(e) children from low-income backgrounds, and

(f) other individuals or organisations as the Secretary of State considers appropriate.

(5) A report under this section must be laid before Parliament.

(6) Within three months of a report under this section being laid before Parliament, the Secretary of State must take steps to implement the recommendations contained in the report."—*(Munira Wilson.)*

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

The new clause seeks to introduce a tutoring guarantee so that every disadvantaged pupil who may have fallen behind gets the extra support they absolutely deserve. Members across the House will recall that on the back of covid, we had the national tutoring programme, which, according to all evidence, despite being beset with all sorts of challenges when it was rolled out, helped to boost attainment, confidence and school attendance. Sadly, the money for the national tutoring programme and the 16 to 19 tutoring fund ran out in July of last year.

2.30 pm

The previous Conservative Government did not agree to extend the programme, and the new Labour Government have not agreed to reintroduce it. Given Ministers' commitment to extending opportunity to all, particularly the most disadvantaged—we know that the attainment gap has been growing since covid—would they support a tutoring guarantee? A tutoring guarantee would prioritise children from low-income backgrounds who have low attainment or additional needs, as well as those who are young carers, and would enable an estimated 1.75 million disadvantaged young people each year to get additional tutoring help and support. It would empower headteachers, who know their children best, to set up tutoring in a way that works for them and their pupils. They could use their own teaching staff or recruit tutors themselves, if they want to, or they could choose from quality-assured external providers. I hope that Ministers will seriously consider this amendment or tell us how else they will address some of these challenges, which we know our children up and down the country face.

Catherine McKinnell: I appreciate the hon. Member's concern, and I thank her for raising this issue. We believe that schools are best placed to understand the needs of their pupils and should be able to choose from a range of options to best suit those needs, with tutoring being one option, but not the only one.

Although the national tutoring programme ended on 31 August 2024, schools can continue to provide tutoring through the use of their pupil premium and other school funds. The pupil premium is funding to support the educational outcomes of disadvantaged pupils, and schools can direct spending where they think the need and impact is greatest. The Department for Education has already published guidance, based on evidence gathered through the national tutoring programme, on how to plan and deliver tutoring to pupils to support schools that wish to use this option. Pupil premium guidance sets out approaches, including tutoring, that can be used to support disadvantaged pupils, including those in the groups identified in the new clause. With that in mind, I kindly ask the hon. Member for Twickenham to withdraw the clause.

Munira Wilson: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 36

ESTABLISHMENT OF A NATIONAL BODY FOR SEND

"(1) The Secretary of State must, within 12 months of the passing of this Act, establish a National Body for SEND.

(2) The functions of the National Body for SEND will include, but not be limited to—

(a) national coordination of SEND provision;

(b) supporting the delivery of SEND support for children with very high needs;

(c) advising on funding needed by local authorities for SEND provision.

(3) Any mechanism used by the National Body for SEND in advising on funding under subsection (2)(c) should be based on current need and may disregard historic spend."—*(Munira Wilson.)*

This new clause would establish a National Body for SEND to support the delivery of SEND provision.

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

We all know across this House that the special educational needs system is in absolute crisis across the country. Ministers have recognised the need for reform on multiple occasions. We have been assured that Ministers are working on it, and I have no doubt that they are working incredibly hard. New clause 36 provides them with a first step on that road to reform.

The new clause would establish a new dedicated national body for SEND, which would act as a champion for children with complex needs. It would also ensure that standards are being met across the country and that children are receiving the tailored support they need. We know that spending on high needs has trebled since 2015, but as the schools Ministers herself has pointed out on a number of occasions, educational outcomes for SEND pupils have remained stagnant, with only 8% meeting expected standards at the end of primary school.

The proposed body in the new clause would have three functions: national standards for SEND provision, ensuring consistent and equitable support for children across all the regions; supporting the delivery of SEND support for children with very high needs, providing targeted assistance to those requiring intensive support; and advising on funding for local authorities, offering guidance based on current need—*[Interruption.]*

The Chair: Order. A Division has been called in the House. We will suspend the sitting for 15 minutes if there is one vote, and 15 minutes extra for every other vote. I hope—going back to our primary school education—we can all work those sums out.

2.33 pm

Sitting suspended for a Division in the House.

2.48 pm

On resuming—

Munira Wilson: I will pick up where I left off, on the third of the three key functions that this national SEND body would have. Those functions are advising on funding for local authorities, offering guidance based on current need and moving away from outdated spending models.

The second function provides families and local authorities with the assurance they need that, when a child with very high needs is identified, funding for those needs is available and can be met through a central pot. When I am asked about that, I liken it to highly specialised NHS commissioning for rare conditions. It would eliminate the postcode lottery for families and the funding risk for local authorities; when a local authority comes across a child who has very, very complex needs and requires support, it can put a big pressure on its high-needs block.

This body would ensure consistency in standards across the country and drive continuous improvement. It is an important piece of the puzzle in reforming a SEND system that was described as "lose, lose, lose" by the previous Conservative Education Secretary, Gillian Keegan.

Catherine McKinnell: I thank the hon. Lady for raising the issue. As she knows, we are absolutely aware of the challenges in the SEND system and how urgently we need to address them, but, as I know she appreciates, these are complex issues and need a considered approach to deliver sustainable change. We do not believe that the SEND system needs another body that would add to the bureaucracy in the system. The focus is on making the system less bureaucratic and getting support to children and young people who need it quickly and efficiently.

The Children and Families Act 2014 requires local authorities to work with a wide range of partners, including schools, colleges, health and, crucially, parents and young people, to develop their local offer of services and provision for special educational needs and disabilities. That recognises the differing circumstances of each local area and places decision making with the local authority. Crucially, decisions about provision for individual children and young people with statutory education, health and care plans are currently made by the local authority, which will know its schools, colleges and settings and the provision that they can offer in a way that a national body could not.

I absolutely recognise the challenges of supporting children with very high needs, particularly those who require highly specialist provision. Local authorities have statutory responsibilities to make joint commissioning arrangements about education, health and care provision for all children and young people who have special educational needs or a disability in the local authority's area. We do not believe that a new body is required to support local authorities to deliver on those duties. The Government keep the funding formula and other arrangements that the Department uses to allocate funding for children and young people with SEND under review, and it is important that there is a fair education funding system that directs funding where it is needed. The input of stakeholders will be invaluable as we review current arrangements, but there is no need for a new national body to do that. Although I absolutely take on board the intentions and concerns of the hon. Member for Twickenham, I kindly request that the new clause be withdrawn.

Munira Wilson: I shall disappoint the Minister: I would like to press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 21]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 37

ARRANGEMENTS FOR NATIONAL EXAMINATIONS FOR CHILDREN NOT IN SCHOOL

"After section 436G of the Education Act 1996, as inserted by section 25 of this Act, insert—

'436GA Arrangements for national examinations for children not in school

Where a child is eligible to be registered by the authority under section 436B, the authority must—

(a) provide for the child to be able to sit any relevant national examination; and

(b) provide financial assistance to enable the child to sit any relevant national examination;

where requested by the parent or carer of the child.'"—*(Ian Sollom.)*

Brought up, and read the First time.

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Mr Betts. Home education is a choice taken by parents for a number of different reasons, as we have previously heard when debating this Bill. However, just because a parent chooses to educate their child at home and not take up a local authority school place, it should not mean that their child cannot access the examination system. At present, access to examinations for home-educated children is extremely limited, as there are only commercial providers in that space, which means that it becomes very expensive for parents. Examination space is often limited, especially for those with SEND. This new clause would ensure that all children can access and sit national examinations in order to prepare for life in further education and the world of work.

In the interests of time, I will keep my remarks brief. I look forward to hearing from the Minister.

Stephen Morgan: The new clause, tabled by the hon. Member for Twickenham, seeks to create a duty for local authorities to make provision for children who are

[Stephen Morgan]

eligible to be included on the children not in school registers to sit any relevant national examination should a parent request that, and

"to provide financial assistance to enable the child to sit"

such examinations. Electing to home educate is not an easy decision, and home educating children is a massive undertaking. I applaud those parents who work tremendously hard to do so. However, parents who choose to home educate assume full responsibility for the education of their child, and our guidance is clear on that.

The choice to home educate should be an informed one, with full awareness of potential challenges and the associated costs. That includes considering and planning in advance how to access examinations and qualifications for the child, including making inquiries with local centres as early as possible. To assist with that, the Joint Council for Qualifications publishes a list of centres that are available to private candidates to take their examinations. Parents can also contact exam boards, which may be able to direct them to a centre where their child can sit exams.

The Bill introduces a duty on all English local authorities to provide support in the form of advice and information to all eligible families who request it. For the first time that creates an established baseline of support to ensure that wherever home educating families live, they have access to a reliable level of support from their local authority. Within that duty, I expect local authorities, when requested, to provide advice and information to private candidates about how to access and navigate the examination system.

Local authorities retain discretion to provide further support above that baseline to families in their local area if they choose to do so. Some may choose to contribute towards the cost of examinations for families in their area. That is a decision for each local authority, depending on its budgetary position and local need. I therefore ask the hon. Member for St Neots and Mid Cambridgeshire to withdraw the new clause.

Ian Sollom: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 38

CONSULTATION ON THE STRUCTURES OF GOVERNANCE FOR LOCAL AUTHORITY AND ACADEMY SCHOOLS

"(1) The Secretary of State must conduct a public consultation on the current structures of governance within both local authority and academy schools.

(2) The consultation conducted under subsection (1) must consider—

(a) the role of school governors;

(b) the statutory duties of school governors;

(c) ways to encourage people to become school governors; and

(d) any other matters that the Secretary of State may see fit.

(3) The Secretary of State must issue the consultation conducted under subsection (1) within one year of the commencement of this Act.

(4) The Secretary of State must, within three months of the consultation closing, publish and lay before Parliament his response to the consultation." *—(Ian Sollom.)*

This new clause instigates a review of school governance in light of the severe shortage of school governors and the increasing responsibilities that volunteer governors are taking on.

Brought up, and read the First time.

Ian Sollom: I beg to move, That the clause be read a Second time.

I move this new clause on behalf of my hon. Friend the Member for Hazel Grove (Lisa Smart), who is herself a school governor, to highlight the severe shortage of school governors and the increasing responsibilities they face. The recruitment of governors has become increasingly difficult. Indeed, the National Governance Association estimates that in 2022 vacancies hit a six-year high at 20,000. Its latest report last year revealed that 76% of schools found it difficult to recruit governors, while 44% of boards had two or more vacancies, up from 33% three years ago. Moreover, 30% of governors considered resigning because of an inability to balance their governance responsibilities with their jobs.

Evidence shows that the responsibilities of school governors have significantly increased over time, and Ofsted said that since schools' autonomy increased, starting with the Education and Inspections Act 2006, the role has become more important but also more complex. Historically, school governors provided formal oversight, but they are now also expected to ensure regular performance reviews and financial oversight, and to hold school leadership accountable. The position has become increasingly professionalised, and Ofsted has identified that growth in responsibility as a key factor in many schools struggling to achieve a good or higher rating. That is largely because governors fail to focus on holding school leadership accountable, and have that split responsibility with other aspects of the role. The new clause seeks to probe that issue more, and I look forward to the Minister's response.

Catherine McKinnell: I am grateful for the opportunity to discuss governance structures in schools and academies. I sincerely thank the incredible volunteer force, which is a vital part of our system. I have such admiration for those in our communities who step up and invest their precious time and energy in our schools and young people. Governors and trustees work tirelessly in the interests of pupils and students in what we recognise is an often challenging environment. We really do owe them a debt of thanks.

3 pm

Although effective structures support high and rising standards, we always have to consider carefully whether changing structures could lead to more disruption than benefit. The Government are focusing on standards, rather than structures. We will drive improvements of school and trust leadership and management through the introduction of school report cards from autumn 2025. We are currently working with governance sector partners, including the National Governance Association and the Confederation of School Trusts, to support their efforts to champion governance, help schools and trusts recruit and retain governors and trustees, and think creatively about structures.

Existing legislation and guidance already enable flexibility in relation to governance structures' size and constitution, and we encourage governing boards to take advantage of the flexibilities they already have when designing their governance structures and assessing their individual needs. We continue to keep the legal requirements and guidance on governance under review, and we will make changes that improve the system. I hope I have reassured the hon. Member for St Neots and Mid Cambridgeshire that we are already working with the sector to address these challenges, and that he will accordingly withdraw the new clause.

Ian Sollom: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 39

ESTABLISHMENT OF CHILD PROTECTION AUTHORITY

"(1) The Secretary of State must, within six months of the passing of this Act, establish a Child Protection Authority for England.

(2) The purpose of such an Authority will be to—

(a) improve practice in child protection;

(b) provide advice and make recommendations to the Government on child protection policy and reforms to improve child protection;

(c) inspect institutions and settings at some times and in such ways as it considers necessary and appropriate to ensure compliance with child protection standards; and

(d) monitor the implementation of the recommendations of the Independent Inquiry into Child Sexual Abuse and other inquiries relating to the protection of children.

(3) The Authority must act with a view to—

(a) safeguarding and promoting the welfare of children;

(b) ensuring that institutions and settings fulfil their responsibilities in relation to child protection."—*(Munira Wilson.)*

This new clause would seek to fulfil the second recommendation of the Independent Inquiry into Child Sexual Abuse in establishing a Child Protection Authority for England.

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

I rise to speak to new clause 39, in my name and those of a number of my hon. Friends, which seeks to fulfil the second recommendation of the independent inquiry into child sexual abuse by establishing a child protection authority in England, which would be an arm's length body of the Government on a par with organisations such as the National Crime Agency. As the inquiry set out, its role would be to

"improve practice in child protection by institutions, including statutory agencies;…provide advice to government in relation to policy and reform to improve child protection, including through the publication of regular reports to Parliament and making recommendations; and…inspect institutions as it considers necessary."

I recently met Professor Jay and a member of the panel who was involved in that review, and they felt that there are certain gaps in the inspection regime across the country, so having this overarching national body with a focus on child protection is a really important recommendation and step forward. Indeed, it was the report's second recommendation. The child protection authority would monitor the implementation of the inquiry's recommendations.

I am very grateful that the Government have already committed to implementing the recommendations, but I gently say to Ministers that this Bill, which we have spent several weeks going through in detail, already focuses on a number of safeguards and child protection measures. One of the many reasons that the previous Government gave for not implementing some of the recommendations was a lack of legislative time, which I struggle to understand given the number of times the House rose early in the previous Parliament. Given that the IICSA recommendation requires legislation and we are considering a very relevant Bill, I am not entirely sure that the Government are committed to implementing it as they are not legislating for a child protection authority.

When we discussed new clause 15 this morning, the hon. Member for Southampton Itchen said that many of the crimes explored in the report are undoubtedly ongoing. Therefore, what could be more important than putting these provisions in place? I very much hope Ministers will seriously consider implementing this recommendation quickly and using the legislative opportunity. Even if they will not accept my new clause, there is time as the Bill progresses through Parliament to put into legislation one of Professor Jay's key recommendations.

Catherine McKinnell: As the Prime Minister has made clear, we are focused on delivering the change and justice that victims deserve. As I set out earlier in response to new clause 15, on 6 January, the Home Secretary outlined in Parliament the commitments to introduce a mandatory duty for those engaging with children to report sexual abuse and exploitation, making grooming an aggravating factor to toughen up sentencing, and introducing a new performance framework for policing.

On 16 January, the Home Secretary made a further statement to the House that before Easter, the Government will lay out a clear timetable for taking forward the 20 recommendations from the final Independent Inquiry into Child Sexual Abuse report. Four were for the Home Office, including on disclosure and barring, and I know that work is already under way on those. As the Home Secretary stated, a cross-Government ministerial group is considering and working through the remaining recommendations, and that group will be supported by a new victims and survivors panel. Again, as I mentioned, the Government will also be implementing all the remaining recommendations in IICSA's separate stand-alone report on grooming gangs from February 2022, and as part of that we will update key Department for Education guidance.

This landmark Bill will put in place a package of support to drive high and rising standards throughout our education and care systems, so that every child can achieve and thrive. It will protect children at risk of abuse and help to stop vulnerable children falling through cracks in service. I therefore urge hon. Members to support the Bill and the measures, and to withdraw the new clause.

Munira Wilson: I am still at a loss to understand why, if the Government support the recommendations, they are not using this legislative opportunity. I will therefore press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 22]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 42

ESTABLISHMENT OF NATIONAL WELLBEING MEASUREMENT PROGRAMME

"(1) The Secretary of State must establish a national children and young people's wellbeing measurement programme.

(2) A programme established under this section must—

(a) conduct a national survey of the mental health and wellbeing of children and young people in relevant schools in England;

(b) support schools in the administration of the survey;

(c) make provision for parental and student consent to participation in the survey, ensuring that participation is voluntary and that results are handled confidentially; and

(d) regularly publish the results of the survey and provide relevant data to participating schools, local authorities and other public bodies for the purposes of improving children and young people's wellbeing.

(3) A programme established under this section must—

(a) be developed and piloted within two years of the passing of this Act;

(b) be fully implemented in England no later than the start of the academic year three years after the passing of this Act;

(c) be reviewed as to its effectiveness by the Secretary of State every three years.

(4) Any review of the programme under subsection (3)(c) must be published and laid before Parliament.

(5) For the purposes of this section 'relevant school' means –

(a) an academy school,

(b) an alternative provision Academy,

(c) a maintained school,

(d) a non-maintained special school,

(e) an independent school, or

(f) a pupil referral unit,

other than where established in a hospital."—*(Munira Wilson.)*

This new clause would place a duty on the Secretary of State to introduce a national programme to regularly measure and report on the mental health and wellbeing of children and young people in schools.

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

New clause 42 would impose a requirement on the Secretary of State to introduce a national wellbeing measurement programme for children and young people throughout England. I set out the need and the case for mental health support provision during our debate on new clause 33, and I pay tribute to #BeeWell and Pro Bono Economics, which have done a lot of work on the national wellbeing measurement. As we heard from witnesses in oral evidence a few weeks ago, despite having the word "wellbeing" in the Bill's title, the legislation lacks measures that will improve the wellbeing of this country's children and young people.

England's young people have the lowest level of wellbeing in Europe and are in the bottom 5% worldwide, according to the OECD's programme for international student assessment survey. During our oral evidence sessions, Anne Longfield, Dr Carol Homden from Coram and Mark Russell from the Children's Society all made the case for the systematic national measurement of children and young people's wellbeing.

Many of us are well aware that data on children's wellbeing and mental health is fragmented across the NHS, schools and local authorities. Indeed, in the last Parliament, I sought to introduce a private Member's Bill to address that gap, with regular annual reporting to Parliament on mental health and wellbeing data. Sadly, it was rejected by the Conservative Government at the time and talked out.

On the other hand, and given the Minister's already stated commitment to improving the mental health of our children and young people, I hope that the Labour Government will take the opportunity to introduce a national wellbeing measurement to focus efforts and provide a measurable standard from which we can mark progress. That would give all children and young people a voice on the issues that matter to their mental health and wellbeing, allow regular tracking of national progress, support detailed service planning within local communities, enable targeted support for groups of young people struggling the most, help school leaders to understand how they are performing and support the development of new evidence on what works for improving children's wellbeing.

Stephen Morgan: New clause 42 is intended to require the establishment of a national children and young people's wellbeing measurement programme. The Government are committed to improving the wellbeing of children and young people. Alongside improving health outcomes, we will break down barriers to opportunities, supporting all children to achieve and thrive. We know that elements of thriving, such as positive school belonging and childhood physical and mental wellbeing, are associated with academic attendance and the development of key life skills. The Bill, and our plan for change, will help us to achieve that.

We acknowledge the value of understanding wellbeing. A wide range of data on children and young people's wellbeing is already collected nationally to inform policy development. That includes DFE and Government-funded surveys such as the Office for National Statistics data on children's wellbeing; the DFE parent and pupil voice panel surveys and recent national behaviour survey reports; the Department of Health-funded survey of the prevalence of mental health disorders, which is currently paused; and the health behaviours of school-aged children study, which is currently seeking funding. Surveys also include the Children's Society "Good Childhood Report" and international data from PISA.

Damian Hinds: There have now been four waves of updates from the children and young people's mental ill health prevalence survey conducted by the NHS. That invaluable resource has provided annual data and enabled us to look at ourselves against other countries, although the data are not perfectly comparable. I gather that there is no current commitment to wave five. I know the Department of Health and Social Care said that it would keep an open mind, but will the Minister join me in strongly encouraging his colleagues at the Department to maintain that data series, because it is incredibly important?

Stephen Morgan: I will certainly take away that point. I know that the right hon. Member cares passionately about the wellbeing of children and young people, and I am happy to explore that further.

We know that many good schools and local areas already measure pupil wellbeing to inform local action. The Department encourages that, with identifying need and monitoring impact being one principle of an effective whole-school approach to mental health and wellbeing. Although we do not currently have plans to introduce a standardised national wellbeing measurement programme, we continue to engage with schools to increase the understanding of wellbeing measurement approaches and impact.

It is not clear that the benefits of a national programme would outweigh the burdens on schools, or the reduction in their ability to select tools to suit their cohorts. We would also need to consider the potential effect of a national measure on school accountability. Should the case for a national measure be made, there is likely to be scope to introduce the kind of voluntary participation programme envisaged in the new clause without recourse to primary legislation. On that basis, I invite the hon. Member for Twickenham to withdraw the new clause.

Munira Wilson: I wish to press the new clause.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 23]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

3.15 pm

New Clause 48

BAN ON MOBILE TELEPHONES AND OTHER DEVICES IN SCHOOLS

"(1) All schools in England, subject to subsection (4), must have a policy that prohibits the use and carrying of certain devices during the school day.

(2) A policy implemented under subsection (1)—

(a) may provide for exemptions from the policy, or for an alternative policy, for sixth form students, in so far as such exemptions or alternative policies do not negatively impact upon the wider policy;

(b) is to be implemented as the relevant school leader considers appropriate.

(3) For the purposes of this section—

'certain devices' means mobile phones and other devices which provide similar functionality and whose main purpose is not the support of learning or study;

'the school day' includes all time between the start of the first lesson period and the end of the final lesson period.

(4) A policy under this section implemented by a boarding school or residential school may include appropriate guidance for the use of certain devices during other periods which their pupils are on school premises, subject to such policies safeguarding and promoting the welfare of children in accordance with relevant national standards."—*(Neil O'Brien.)*

This new clause would require all schools in England to ban the use of mobile telephones, and other devices with similar functionality, during the school day.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

When I was on the Science and Technology Committee in 2018, I got us to do a report on screen time, social media and children's mental health. Even then the evidence was alarming; now it is absolutely terrifying. Children are now given smartphones at a very early age. A quarter of the UK's three and four-year-olds own a smartphone, and by the end of primary school, four out of five kids have one. Over the past decade, there has been an explosion in mental health problems among young people all over the world. Over the exact same period, smartphones and social media became dominant in children's lives. The growth in anxiety and mental health problems that we are seeing is focused almost entirely in young people, not older people.

There are many channels through which smartphones and social media cause problems for children. First, they displace time in the real world with friends. US data shows that prior to 2012, children spent more than two hours a day with friends. By 2019, that had halved. The proportion of kids feeling lonely and isolated at school has exploded all over the developed world.

The invention of infinite-scroll social media has always reminded me of the famous social science experiment with the bottomless soup bowl. In this experiment, people were invited to eat from a soup bowl that was, unbeknownst to them, invisibly refilled from below. The constant refilling made people eat nearly twice as much as they would with a normal bowl—in some cases absurd amounts of soup.

This is not just about a time sink; there is also the lack of sleep. Kids are tired in school. Attention deficit hyperactivity disorder has increased massively, and concentration is impaired. This is a feature, not a bug. Apps are designed to be addictive and drip-feed the user dopamine. The same problems are happening not just in the English-speaking world, but in the Nordic nations and all across western Europe. Alternative explanations do not fit the data.

[Neil O'Brien]

Well-funded efforts by the tech industry to lobby, muddy the water, run interference and sow confusion are unconvincing. These problems are not just a coincidence. There is more and more evidence for a causal link to the disaster hitting our kids. Sapien Labs asked questions about adults' mental health and combined them into a mental health quotient. They asked the same people when they got a smartphone. Some 28,000 people answered and the results were stark: the earlier a person gets a phone, the worse their adult mental health. That was particularly the case for girls.

On new clause 33, we heard from the hon. Member for Twickenham about the mental health challenge. Data from the OECD's PISA found that, on average, two thirds of 15-year-olds across OECD countries reporting being distracted using digital devices, including phones, in most or every maths class. In addition, around 60% of pupils got distracted by other pupils using digital devices. That PISA data showed a "tangible" association between the use of digital devices in schools and bad learning outcomes. Students who reported being distracted by peers using devices in some or most maths classes scored significantly lower in maths tests, equivalent to three quarters of a year's-worth of education. The effects are large.

Other studies have found that the use of smartphones in classrooms leads to students engaging in non-school-related activities—unsurprisingly—which adversely affects recall and comprehension. One study found that it can take students up to 20 minutes to refocus on what they were supposed to be learning after engaging in a non-academic activity.

Many parents know the problems with smartphones, but we face a collective action problem. We worry that our kids will miss out if they are the only ones without them, and we need to solve this problem. Across the country, there has been an explosion of parent-powered campaign groups aiming to fight back, including Smartphone Free Childhood, Safe Screens, and Delay Smartphones, to name but a few. They are doing inspiring work. Mumsnet has started a "Rage Against the Screen" campaign.

The Children's Commissioner said:

> "I honestly think that we will look back in 20 years' time and be absolutely horrified by what we allowed our children to be exposed to."

She is right. The shift to a screen-based childhood is having bad effects on young people, from mental health to school readiness to children simply turning up exhausted because they have been on their phone all night. These effects are set to widen gaps in achievement unless something decisive is done.

There are many things that the Government should do, but the first is to implement a proper ban on phones in school. The last Government issued guidance, but that is not enough. Although 90% of schools would say that they have some sort of ban, a survey by Policy Exchange last year found that only one in 10 schools had a full start-to-finish ban, which is the policy that we know works best. Lots of schools are still trying policies where kids have phones on them but are not supposed to have them out. The effect is that kids are distracted, teachers have to tell them to put them away, and all the issues to do with bullying and social media are in play during break times and more.

Ellie Chowns: The hon. Gentleman is making a powerful case for banning smartphones in schools, but does he agree that banning smartphones in schools will not, in and of itself, tackle the problems that he has articulated? A recently published study, the first proper nationwide study of its type, shows that banning smartphones in school does not generate any statistical differences in various outcomes, because there is no difference in the amount of time that children are spending on their devices. Although there are strong arguments for banning them in school—and I recognise that there is a strong call for that from parents, teachers and, indeed, many students—a much more holistic approach is needed to tackle the harms that he has outlined.

Neil O'Brien: The hon. Lady makes a thoughtful point. There is a fantastic meta-analysis published by the London School of Economics and the 5Rights Foundation of all the different studies that have been done on this around Europe. The hon. Lady referred to a specific study, which I hope to speak to the authors about. It is a good study, and perfectly sensible, but the issue is that it cannot find anything statistically significant because it looked at only 30 schools, with a sample size of about 1,200 pupils. It does not look at any natural experiments either, so it does not look at schools that are changing their policies.

Where we have good RCT-like evidence, like in the great study in Spain, where they looked at a province that changed its policy wholesale, we can see from those natural experiments the really powerful effects of in-school policies. I agree with the hon. Lady that this is not the only thing that we should do. The study she mentioned was not wrong; it just could never show us the things that people are interested in. Indeed, there is plenty of other evidence out there in these meta-analyses, and from Jonathan Haidt's website, of really powerful in-school effects.

A study in the US shows that a class time-only rule does not give teachers as much benefit as they might expect. Research from the National Education Association found that 73% of teachers in schools that allow phone use between classes find that phones are disruptive during classes. The same is true here. The Department for Education's national behaviour survey, published in April 2024, found that 35% of secondary school teachers reported mobile phones being used during lessons without permission. The problem is more pronounced for older children, unsurprisingly. Some 46% of pupils in years 10 to 11 reported mobile phones being used when they should not have been during "most or all" lessons. That is nearly half of pupils in most or all lessons reporting disruption, so the problem is absolutely there in the DFE's data.

The idea that guidance has done the trick and that there is no longer a problem to solve is contradicted by the Department's evidence. Work by the company Teacher Tapp, also known as School Surveys, similarly finds very high levels of problems and no signs of progress. Instead of guidance, all schools should be mandated and funded to have lockers and pouches, and to get kids to put smartphones away for the whole day, including breaks. Schools should be the beachhead and the first place that we re-create a smartphone-free childhood—seven hours in which we de-normalise being on the phone all the time for young people.

Why do we need a full ban, and not just guidance? I already gave some of the data showing that the guidance has not worked, but there are two other reasons. First, we need to support schools and have their back. From speaking to teachers and school leaders, I know that the pressures from parents to allow phones can be really severe on schools. Some parents, unfortunately, can be unreasonably determined that they must be able to contact their child directly at any minute, even though they are perfectly safe in schools. In the sorts of places where three and four-year-olds have smartphones, that is, I am afraid, normalised now, so a national ban would make things simpler and take the heat off schools.

Secondly, a full and total ban is needed as part of a wider resetting of social norms, as the hon. Member for North Herefordshire said, about children and smartphones. Smartphones and social media are doing damage to education even when they are not being used in schools. Our new clause 48 aims to be proportionate, and subsection (2)(b) would allow for exceptions as appropriate, having learned the lessons of what has been done in other countries.

To come to the hon. Lady's wider point, when I was a Health Minister, I wanted us to get going an equivalent of the famous five bits of fruit and veg a day for this field—other Members might remember "Don't Die of Ignorance" or "Clunk Click Every Trip". We need some big things to reset the culture and wake up a lot of people, who are not necessarily going to read Jonathan Haidt's book, to dangers that they may be unaware of. The heavy exposure of our kids to addictive-by-design products of the tech industry is the smoking of our generation. As with smoking, the tech industry comes up with fake solutions that do not actually make things safe. In the 1950s, it was filters on cigarettes, and now it is the supposed parental filters on social media. Just like with smoking, there is unfortunately a powerful social gradient to unmonitored internet access, with the worst effects on the poorest.

I do not know what Ministers will do about our new clause this time round, and I do not know what they will do as the Bill goes through the other place, but I hope that they will end up implementing this idea at some point. I will take my hat off to them when they do.

Munira Wilson: I come at this new clause first and foremost as a parent before I look at it as an MP. Looking at it with both hats on, though, I have long supported the previous Government's guidance to schools to try to ban mobile phones during the school day. For a long time, I have needed convincing that a legislative ban was required, but I have finally concluded that we probably need to move towards one, partly for the reasons that the hon. Member for Harborough, Oadby and Wigston outlined. Some heads and school staff come under a lot of pressure from parents to allow the use of phones during the school day, but if this were a statutory requirement, the Government would have to provide the support needed to implement it.

Just this week, I talked to the headteacher of a secondary school in my constituency. He is very keen to implement a ban on phones during the school day, and he is trying, but kids are getting their phones out at various times and not staying off them. It is a fairly new school, but for some reason it was built without lockers, so there are no lockers. He has looked into purchasing lockers or Yondr pouches—the phone pouches that I believe the Irish Government have bought wholesale for every school in Ireland—and he said that that would cost him about £20,000, which he did not have in his budget. Putting the ban into statute would give headteachers and teaching staff the clout they need with parents who particularly want their children to have their phones during the school day, and the Government would need to resource the ban so that schools could implement it.

I draw Members' attention to subsection (2) of the new clause, which deals with exemptions, because that is a very important point. Proper exemptions are important for young carers or children with health conditions that need monitoring via apps. School leaders and teachers know their children best, and they know which children need exemptions. I would be interested to know what the consequences would look like—would they fall on the school? I do not think the hon. Member for Harborough, Oadby and Wigston touched on that, but I would be interested in discussing another time how he thinks this ban could be enforced. It is just one of a suite of measures that we as policymakers need to take now, given the harm that phones and access to social media are undoubtedly doing to our children and young people.

Tom Hayes (Bournemouth East) (Lab): I have some sympathy with the point that the hon. Member for Harborough, Oadby and Wigston has made about the addictive quality of screen time. I also draw attention to the fact that the addictive nature of screen time is obviously a result of technology, but it is also due to a lack of competition from other uses of a child's time.

As such, it still staggers me that the first debate in eight years on playgrounds took place only because I secured it. The Conservative Government did not call a debate on playgrounds in their 14 years in government, and the only strategy ever on national play was launched by Ed Balls and Andy Burnham in 2008, with £230 million made available. Several years later, the coalition Government drew a red line through that strategy. We have also seen a hollowing out of children's centres and Sure Start centres—really, of the whole fabric of what a child's early developmental years could be. The places where parents could get support—not just to be parents alongside each other, but to raise their children and help them to develop—have all been hacked away. We need to look at children's wellbeing in that context.

I have reservations about the hon. Member's proposal, partly because I think we need a clearer distinction between a mobile telephone and a smartphone. As somebody who was born in the 1980s and grew up in the 1990s, I see mobile telephones as typically restricted to SMS—I think that is what the kids call it these days—voice calls and maybe an alarm. A smartphone is something far more advanced, which has destructive social media, addictive apps, games and the like. Greater clarity about the distinction between mobile phones and smartphones might be helpful as we navigate this debate.

It was interesting to hear the Conservative spokesperson call for collective action. I am always a fan of that, and I encourage him to continue down that path. I am happy to have a cup of coffee with him as we discuss it.

3.30 pm

This new clause is interesting in the context of the many Bill Committee sittings in which Conservative Members have accused the Labour Government of using a centralising hand. Rather than sticking with the previous Conservative Government's guidance to schools, the new clause proposes a ban. The approach feels much more centralising, with far less trust placed in teachers and headteachers, than we might expect based on the last few weeks of discussion.

Neil O'Brien: I anticipated that the hon. Member would say something of the sort. His argument is perfectly reasonable, and I tried to answer that exact point in my speech. We think that aspects of the Bill are too micro-managing, but we want central Government to take the heat for schools on this issue. That is both to make it easier for schools and, as the hon. Member for Twickenham said, because there should be a proper plan to roll this out at scale, as is happening in other countries in Europe.

Tom Hayes: I understood the point that the hon. Member made in his speech, and I understand his clarification. I still struggle to see how the new clause fits in with what I regard as the Conservative party's ideology around schooling and children's wellbeing. It feels anomalous to ask headteachers and teachers to work within a ban, rather than trusting them to use the flexibility that the previous Government gave them.

One highlight of the Committee's debate over the last few weeks has been the recognition that our teachers and headteachers know their students best. It is important that we give them all the trust and support that they deserve. I sympathise with what the hon. Member says about addictive apps, but for me it is not about banning, per se; it is about creating a viable and better alternative that gives children and teenagers much better things to do with their time.

Damian Hinds: I rise to speak in favour of the new clause. Unusually, I will start by saying what the new clause will not do, and the limits of the change it proposes.

The truth is that the vast majority of online harm does not happen at school. Banning phones or social media in school will not necessarily reduce the total amount of time that children spend online or address schools' worries about kids being online, such as the concern about the increasing number of children who turn up to school having not slept sufficiently to be ready for the day. Nor does the new clause address the wider problems—not day to day, but more chronic—with attention span and eyesight. We have recently heard a lot about the greater prevalence of myopia.

Rules in this area are still important, however, and behaviour in school is crucial for teacher recruitment and, particularly, retention. Three big things have changed in schools in the last few years. The first is an attitudinal shift that came about around the time of covid, and that it will take us some years to understand. The other two are vapes and phones. It cannot be overstated how much those three things affect what happens in a school, the feel of the school and what teachers and headteachers report back.

The first thing that schoolchildren need for learning is to be able to concentrate. There is good reason to believe that even when a child is not using a phone, the fact that it is in their pocket—that it could buzz, vibrate or whatever at any point—can distract them. I think it is an important principle that the entire school day, including break time and lunch time, should be reserved for what school is about: learning, developing and being with friends. The question, as always, is whether we leave that to individual schools or have a national rule, and the hon. Member for Bournemouth East was right to speak about the tension between the two. I confess that that is a question I have personally had to grapple with on more than one occasion, and there is not a single, simple answer.

In the Bill, there are many national rules for things that arguably do not need a national rule, and that could be left to individual schools so that they can do what is best for their school community—from the precise number of school uniform items to the exact length of breakfast. The hon. Member is right that the Labour instinct is to say, "Let's have a national rule on everything; we like consistency." There is nothing wrong with consistency. He is also right that our instinct is to say, "Leave those rules to the schools wherever possible." There are, however, times when an overriding national rule is beneficial and makes sense.

In 2019, when I was at the Department for Education, this question came up for me. At the time, we decided not to put a national rule in place. Politicians are always expected to have a firm and clear view on everything, and Ministers are expected to be absolutely certain about every decision they make, but it does not always work like that. Things can often be argued both ways. I was never 100% sure at the time that I was doing the right thing, but I thought I was. In 2024, we introduced non-statutory guidance on how the use of mobile phones should be prohibited throughout the school day, which, crucially, included breaks. We were also clear that there was the option to make the guidance statutory if necessary.

The world has continued to change since then. As my right hon. Friend the shadow Minister described, when it comes to mobile phone use and our worries about children, that change has not made things slightly less bad than they were before. Worries have only deepened and intensified.

Tom Hayes: Will the right hon. Gentleman give way?

Damian Hinds: If the hon. Member has counter-examples, let us hear them.

Tom Hayes: That is not the point on which I am intervening. I was going to say that by using the language of mobile phone and smartphone interchangeably, we are confusing the debate. If our debate is confused, I am not sure how we can arrive at a certain policy.

I called for agreement with the Government around national rules. I want to clarify that I did not mean on everything, but only on the things in the Bill that I think need national rules. I agree with the right hon. Member that that is what provides consistency.

Damian Hinds: The hon. Member is right about the difficulty with defining the term smartphone. People talk about a brick phone, a feature phone, a basic phone, a Nokia, a smartphone and an iPhone, but the truth is that there is no definition; smartphone is just a term.

It originally came about when people did not want to use the brand name iPhone, because Samsung phones and other types of phone were available. It just means a smarter phone; it has more stuff on it. Some of the things that people worry about are not necessarily only available on smartphones. I looked recently at iMessage, and it is starting to look more like WhatsApp. Anything that can be used for a group chat has some of the issues that we find in schools that cover the teenage and sub-teenage years.

There are other things that people can get on a smartphone but not on a Nokia that are perfectly benign. Some parents are quite keen for their kids to be able to look at the weather. Some are keen to be able to use the tracking device to follow their child, or for their child to be able to use the mapping device to find their way home, so I agree with the hon. Member.

Neil O'Brien: Will my right hon. Friend give way?

Damian Hinds: This is in danger of turning into a much longer speech than I anticipated.

Neil O'Brien: It is good to have this point of clarification. The clause uses the rather quaint phrase "mobile telephones" to capture everything, because the distinction between these devices is blurred. Among those who are interested in the smartphone issue, there is a separate debate about the use of dumbphones for things like walking to and from school, but there is no reason why even a dumbphone cannot cause massive distraction if it is out in class. A child could be texting somebody, for example, and, as my right hon. Friend pointed out, the distinction between these things is blurred these days. That is why we have this catch-all term. It is clear, and it is possible to legislate on that basis, notwithstanding our other discussions outside the scope of this debate.

Damian Hinds: I am grateful to my hon. Friend the shadow Minister for refocusing what I was saying, and he is absolutely right. Some of our worries in relation to children apply regardless of the piece of technology. Anything that demands our attention and is ever-present brings such risks.

Tom Hayes: Will the right hon. Gentleman give way? I promise that this will be my last intervention.

Damian Hinds: On that promise, I will give way.

Tom Hayes: I want to labour this point, as it were, because I understand entirely the point that the hon. Member for Harborough, Oadby and Wigston made. It is important to do so, because there are parents and children who wish to retain the option of being in contact with each other for safeguarding or wellbeing reasons. Such parents typically draw the distinction between a mobile phone, which allows for SMS and voice calls; and a smartphone, which typically has addictive social media or games, or particular apps that might cause wider safeguarding concerns. That is why I am trying to draw the right hon. Gentleman into focusing on mobile phones—brick phones, Nokia phones or the ones that Snake can be played on—as opposed to more sophisticated phones.

Damian Hinds: I appreciate what the hon. Gentleman says. I had my most recent constituency session with parents on the matter last Friday, and with some things, there is a bit of a grey area. Lots of parents say, "I don't really mind so much about this", but others do mind. With tracking technology, for example, some parents say that they really do not like being able to know where their child is. There is some variance, but the one imperative that is common to almost every parent is, "I want my child to be able to call me if they are in trouble, and I want to be able to call them on the way to and from school." Parents want to hear from children if a club has been cancelled and they will be coming home at a different time, or if they are worried, or whatever it is. It is possible to do that on essentially any phone on the market, from the highest iPhone—I do not know what number they are up to these days—down to the most basic sub-Nokia brick phone.

There are other questions about functionality, and about what social media is. The Australians are having a bit of a debate about that at the moment, because to ban social media, they have to know what they are trying to ban. However, to address directly the point that the hon. Member for Bournemouth East made, much of this discussion relates to all manner of electronica that a child might have in their pocket or bag.

Ellie Chowns: Are we not getting a bit distracted? The new clause is about banning things from the start of the first lesson to the end of the last, not on the way to or from school when children might want to call their parents.

Damian Hinds: The hon. Lady is quite right. I was only going to speak about this for three minutes or so, but the hon. Gentleman tempted me into other areas. On the promise that he was making one last intervention, I indulged him, and I am grateful to him.

In an earlier intervention on the Minister for School Standards, I mentioned the NHS mental health of children and young people survey, which shows us what has happened over time to children's mental health. There is an inflection point and it comes, contrary to what most people believe, before the covid pandemic. That is the first critical data point to understand.

The second critical data point is that when we look beyond that study at other countries' studies, we see that none of them are perfectly comparable, but studies in countries such as Germany, France and the United States follow basically the same pattern. There is an increase in the prevalence of mental ill health conditions in all the published data that I have seen for other countries. Whatever people say about domestic politics, whichever party was in Government here and whatever they did, that cannot explain what happens in France or the United States. The fact is that there is a global trend, or at least a trend in the western world, of an increasing prevalence of mental ill health conditions among children.

3.45 pm

Catherine Atkinson (Derby North) (Lab): Will the right hon. Member assist me in identifying where the new clause makes it clear that it is only in relation to children, as opposed to anyone in our schools?

Damian Hinds: Can the hon. Member please explain what she means?

Ellie Chowns: "Are you going to ban teachers from carrying phones?", I think is what she means.

Catherine Atkinson: I am grateful—

The Chair: Order. Can we not have this back and forth across the Committee?

Damian Hinds: We can have the classic, "Oh, the wording is technically flawed" argument—which to be fair to the Government, they have not deployed in this Bill Committee yet. We hope the amendment will be subsumed into the Bill, but the Government would never say, "Oh, we'll just take that amendment and put it in." Whoever is in Government never says that; they say, "Right, we accept this point. Now we'll work on the detailed wording".

Neil O'Brien: To answer the question that the hon. Member for Derby North asked directly, subsection (2)(b) says the policy

"is to be implemented as the relevant school leader considers appropriate."

I think this is—

Catherine Atkinson *rose—*

Damian Hinds: You cannot intervene on an intervention.

The Chair: Order. There is only one speaker at a time and there can be one intervention—I also say to the right hon. Member that there is only one Chair, so let us get it right.

Damian Hinds: I am very grateful—

Catherine Atkinson *rose—*

Damian Hinds: Go on.

Catherine Atkinson: Does the right hon. Member agree that when we are looking at proposed new clauses in Committee, it is absolutely fundamental that what is written is capable of making meaningful legislation?

Damian Hinds: Yes, of course; we are legislating, and that is the case. It is also the case that, in my experience in Committee, the Government side never just accept an amendment put forward by the Opposition or another opposition party—or indeed by their own Back Benchers. If that has ever happened in modern history, it has yet to come across my bows. What we do is we debate what we are trying to do. If the new clause—which was drafted with expert help from the House of Commons—was accepted by the Government, as I very much hope it will be, they would without doubt say, "Oh, well, you need to change this, that and the other, and we'd do it slightly differently." They would then bring forward their own Government new clause, and we would then vote on that on Report. We can have an elongated discussion about this, but I would rather just get to the end of what I was going to say about banning mobile phones in schools, and then—I believe I am right in saying—the hon. Lady may also speak. That is probably the easiest way to do it.

The increasing mental ill health of children and young people should be a matter of very serious concern for all of us. We should remember that it is something that is mirrored in other countries as well. Now, it is entirely scientifically invalid to infer from a correlation of two things—the increasing prevalence of social media and electronica, and the increasing prevalence of mental ill health—that one caused the other. Even if we cannot find any other potential cause that would have affected all those countries in the same way over the same timeframe, it is still scientifically invalid to directly infer causality. Logic has its limits, and I know a few people who seriously contest the idea that the spread and use of, and the very high amounts of time devoted to, mobile phones and social media has been a significant causal factor in that.

There are lots of different ways that one might address that and there are lots of things going on. The Online Safety Act 2023 was a landmark piece of legislation, and how it now gets implemented by Ofcom is very important. There is also the private Member's Bill from the hon. Member for Whitehaven and Workington (Josh MacAlister)—I think he became a Parliamentary Private Secretary overnight, so we hope there is still a good future for that private Member's Bill. That is one part of what is going on. I also mentioned Australia, where there is a ban of some type to come in.

The school phones ban also plays a part. To be clear, it is not a ban on children carrying a mobile phone of any sort, brand or functionality to and from home and school. Nor does it preclude children who need to use a phone because of special educational needs, medical conditions, monitoring requirements or some other reasons from carrying one. Those things can be determined locally by the school. It is not a panacea—far from it—but it will make a difference in schools.

It is often said that mobile phones are already banned in the vast majority of schools, so a ban is not needed and will not have any effect. That is true to an extent. There are virtually no schools without policy. Clearly no one is allowed to whip out a phone and make a call in the middle of a maths lesson—in fact, we never actually see teenagers use a phone to make a call—and there are going to be some rules to some extent. In the Internet Matters survey, 43% of schools reported having an "out of sight" policy. It is true that lots of schools allow phone use in breaks and at lunch—I know that because I visited a lot of schools where kids had been using their phones in breaks and at lunch.

There is sometimes a bit of a hierarchy in how people assess these bans. One gets a slightly different assessment of the situation from Ministers, headteachers, classroom teachers and kids. According to the Youth Endowment Fund survey, which is huge—I think it surveys 7,500 13 to 17-year-olds—53% of children said they used mobile phones in break times, and one in six said they used their phone in lessons.

Having a national policy does not solve everything—kids still break rules sometimes—but it does make it easier for everyone. As I say, it does not preclude carrying a phone to and from school, and it does not preclude children with whatever additional needs from carrying them, but it supports leaders and teachers in what they are doing. It also makes it clear to parents that they cannot contact children during the school day—they can, but they do so through the school office, just as would have

been the case in the old days. As my hon. Friend the Member for Harborough, Oadby and Wigston said, a national policy would set a firm norm.

More widely, the Government will have to return again and again to all the issues around online safety, social media use and the use of electronics, and they must study the mental health aspects in more detail. However, I suggest that, pending proof—the smoking example speaks to this—it is necessary to take a precautionary approach. When we put things in the hands of children, we tend not to say, "Let's wait to see if it's dangerous"; we test them first to make sure they are safe. I hope also that the Minister can speak with colleagues in the Department of Health and Social Care about the provision of more NHS guidance on safe and reasonable levels of mobile phone use for children's early brain development.

I have gone on a long time, and much longer than I anticipated. I will stop there.

Amanda Martin (Portsmouth North) (Lab): I thank the right hon. Gentleman for his comments.

We have spent a great deal of time in Committee hearing from Opposition Members about autonomy: headteachers' autonomy, school autonomy, and school leaders knowing exactly what is best for their pupils and communities. Subsection (2)(b) of the new clause states that the policy

"is to be implemented as the relevant school leader considers appropriate",

but that means that the school leader could choose not to ban mobile phones for anybody in their school; there are exemptions, and they could decide that that is what they need. But that was not what I was going to talk about.

The use of mobile phones in schools should be decided at school level. It should reflect school values, processes and procedures, and not be decided in a directive or legislation from Government. Deciding it at school level would allow for the reasonable use of phones and technology, and it would allow for a balanced approach to technology. It could involve the school community in a discussion about what the phones and technology are being used for—a simple ban would not do that—and could include conversations about digital wellness and promoting healthier relationships, both offline and online, and a healthy approach to using technology at school, in the workplace and in the wider world. If we banned kids from using phones in school, we probably should ban people in their offices and in meetings from using them, because they do not pay attention either. Given how often we look up and see people not even bothering, how on earth can children learn while using mobile phones and technology in a measured and supportive way?

I want to draw the Committee's attention to the Birmingham study from February, which was mentioned previously. It found that banning smartphones in schools did not directly improve student academic performance or mental health. However, that research indicated that excessive phone use correlates with negative outcomes, yet there were no significant differences between the kids who had bans in their school and those who did not. It is about the wider picture, which has been talked about. I also draw the Committee's attention to a survey conducted in November 2024 of over 1,000 teachers. One in five believed that a school-wide ban would not improve the relationships and attainment levels of children, and 41% agreed that they used smartphones as a teaching tool within their classrooms.

Neil O'Brien: The hon. Lady talks about the use of pupils' own smartphones as a teaching tool in class. Does she have any worries about the equity of that? What happens to the kids who do not have smartphones in those situations?

Amanda Martin: That is a good point. Although we have to resource our schools properly to ensure appropriate iPads and computers that can be used, we would not want the situation the hon. Member described to continue either. We must ensure that schools are resourced.

We have talked about disruption in classrooms, and 20% of teachers said that the unauthorised use of mobile phones was one of the main causes. However, chatter and not sitting still accounted for 80% and 75% respectively, and disrespect to other pupils was much higher than the use of mobile phones. When asked whether a whole-school ban would improve learning, 18% felt that it would, but actually 57% felt that a class size reduction would improve behaviour much more. We need to give our schools the autonomy to have that conversation with their communities and to involve their students. We have student councils and we have parent groups, and we must involve them in the conversations on mobile phone use in schools so that we can teach digital wellness now and for the future.

Catherine Atkinson: Call me a lawyer—that increasingly seems to be a term of abuse in this place—but I want to be clear that voting for this new clause would be voting to enable the banning of adults, including staff, parents and visitors, from using and carrying mobile phones in schools. I thought that scrutinising line by line was literally our job in this Committee.

Stephen Morgan: New clause 48 would prohibit the use and carrying of certain devices during the school day. I thank the shadow Minister and my hon. Friends the Members for Bournemouth East, for Portsmouth North and for Derby North for their contributions, as well as the hon. Member for Twickenham and the right hon. Member for East Hampshire. I appreciate the thoughtfulness with which Members have contributed to the debate on the new clause.

We recognise the negative impact that mobile phones can have on children's learning. Every pupil deserves to learn in a safe, calm classroom, and we will always support our hard-working and dedicated teachers to make that happen. That is why the Government's "Mobile phones in schools" guidance is already clear that schools should prohibit the use of mobile phones throughout the school day, including during lessons, the time between lessons, break times and lunch time. It is for school leaders to develop and implement a policy, while ensuring that they adhere to the public sector equality duty and the Equality Act 2010.

New clause 48 lacks the flexibility required to accommodate some individual needs, such as a mobile phone as an adaptation for a disabled child. We know that schools are already prohibiting the use of mobile phones, including through outright bans. Even before guidance was published, around 97% of all schools in

[Stephen Morgan]

England had policies restricting mobile phone use in some way. There are a range of ways in which a mobile phone-free school can be achieved. We trust headteachers to develop a mobile phone policy that works for their own schools and for the school community.

4 pm

More broadly, given the points made by a number of Members, I stress that everyone—including parents, schools and providers—is responsible for ensuring that children are aware of the importance of internet safety. With the use of mobile phones already subject to restrictions in most schools, it is outside of school that children are using those devices and spending time online. That is why we want to encourage schools to consult with and build support from parents to develop a policy that works in context and keeps children and young people safe.

Moreover, we can do more to protect children and young people from risk of harm online and on social media when they walk out of the school gates. We have been clear as a Government that our priority is the effective implementation of the Online Safety Act, so that children can benefit from its wide-ranging protections as soon as possible—and be able to safely benefit from technological advances for years to come. I therefore recommend that the hon. Member for Harborough, Oadby and Wigston withdraw the new clause.

Neil O'Brien: We have had an important and interesting debate, and we have heard a mix of arguments—some better than others, I think. The argument about drafting does not hold water. Subsection (2)(a) talks about students, subsection (4) talks about pupils, and subsection (2)(b) would allow a policy to be implemented in a sensible way. If Members do not agree with the new clause, they can just say so, rather than find lawyerly arguments against it.

However, there were some good points made. More than one thing can be a problem at a time, and this new clause is not the silver bullet. There are lots of problems with smartphone use outside of schools, as well as other things on top of that that we need to do. That is why I talked about this as a beachhead—as the first thing we should do. It is interesting that all over the world things are changing. In the US, the overwhelming majority of states either already have a ban or are on their way legislatively to getting one. The US is ground zero for a lot of these problems, and it is interesting that it is moving to take decisive action. I think we will, too.

For Ministers, there will always be a load of people who want to come to them and say that, "It's all very complicated—I have been working with the industry," "It's correlation not causation," or, "We should just let be." There are things in the Bill where the Opposition have been critical of the Government for being more directive than we think is appropriate for the subject. On this issue, however, we think the subject is so important. In this House, we now all talk constantly about the mental health crisis among young people—it is such a big thing. It seems to be pretty incontrovertible that one of the main causes of that is the rise of the smartphone-based childhood. This provision could be an important first step towards tackling that massive national crisis.

I hope that at some point Ministers will think again about the provision when they have more time to reflect. The guidance on its own is not working; we can see from the data that it is not changing things enough. That is why I will press the new clause to a Division.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 10.

Division No. 24]

AYES

Chowns, Ellie	Sollom, Ian
Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 49

REPORT ON BEHAVIOUR IN SCHOOLS

"(1) The Secretary of State must publish an annual report on the behaviour of pupils in mainstream primary and secondary state funded schools.

(2) This report must—

(a) consider evidence gathered and published by the National Behaviour Survey;

(b) include information about action taken by the Government to support schools to create a culture of high expectations of behaviour."—*(Neil O'Brien.)*

This new clause would require the Secretary of State to report annually on behaviour in schools and to use the National Behaviour Survey to create the evidence base for this report.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 70—*Appointment of Anti-Bullying Leads*—

"In section 89 of the Education and Inspections Act 2006 (Determination by head teacher of behaviour policy), after subsection (2A) insert—

"(2B) For the purposes of preventing bullying under subsection (1)(b), the head teacher of a relevant school in England must appoint a member of staff to be the school's Anti-Bullying Lead.

(2C) The Anti-Bullying Lead will have responsibility for developing the school's anti-bullying strategy, which must—

(a) outline the steps which will be taken by the school to prevent all forms of bullying among pupils, particularly in relation to those pupils with protected characteristics;

(b) state how incidences of bullying are to be recorded and acted upon by the school; and

(c) detail the training relating to bullying awareness and prevention which will be made available to school staff.""

This new clause would require headteachers to appoint Anti-Bullying Leads, to lead on the development of anti-bullying strategies.

Neil O'Brien: We have a run of new clauses here—49, 50 and 51—and I will speak about them at the appropriate moment. I will not move new clause 50 in the interests of time. During lockdown a lot of parents, including me, gained an even greater respect for the teaching profession, yet we do not treat teachers like other professionals. We do not expect doctors or lawyers to put up with the kind of abuse that is sadly still far too common for schoolteachers. The Bill does many things, some of them good, but as an editorial in the *TES* pointed out, it is strangely silent on discipline and the right of teachers and pupils to have a safe place to work. To fix that, we have tabled these new clauses, which can be taken together.

The first concerns properly managing and measuring the situation. What gets measured gets managed, but at the moment we have far too little data on the state of discipline in our schools and in alternative provision. That is why new clause 49 provides for an annual report, and it locks in the current national behaviour survey, which is so important and creates wider and regular reporting of Government action on this subject. Endless polls show that it is one of the top issues facing teachers. It is one of the most important things to them, and we know that it drives good people out of this most valuable profession.

New clause 50, which I will not move today, would create an annual report on alternative provision for exactly the same reason, as well as for reasons concerning achievement and behaviour in AP. I will speak about new clause 51 at the appropriate moment, but it is about encouraging Ministers to go further on the discipline agenda, which I know they want to do. It is so vital to academic achievement in our schools, but it is also vital to a decent childhood, to not having to live in fear and to an orderly society.

Ellie Chowns: New clause 70 concerns anti-bullying work in schools. Bullying is a serious and a widespread problem. Each year, one in five children report being bullied. It has devastating effects on children's mental health, their sense of belonging and their ability to thrive. It is a leading cause of school refusal, failure to attend school and disruptive behaviour.

Children who are afraid to attend school miss opportunities to learn and grow. Bullying creates long-term harm. Victims of bullying often suffer lasting consequences into adulthood, including poor mental health, unemployment and a lack of qualifications. People who are bullied may also struggle with relationships and lack life chances. Bullying has unequal effects; it affects different groups unequally. Some groups are significantly more at risk, including children with special educational needs and disabilities, those living in poverty and young carers. Bullying also costs the economy an estimated £11 billion annually due to its impact on education, health and productivity, so it is a serious problem.

The new clause would require the appointment of anti-bullying leads in schools. Evidence shows that a whole-school approach is the most effective way to tackle bullying, but that requires co-ordination by a senior staff member. Appointing an anti-bullying lead potentially alongside and within existing roles such in safeguarding or pastoral support ensures a focused and effective strategy. It is important to record bullying. Systematically recording incidents helps schools to identify patterns, implement interventions and measure progress. This duty, which is already in place in Northern Ireland, can be streamlined with digital tools. Transparent reporting fosters trust, supports accountability and creates safer and more inclusive schools without burdening staff.

It is also important to look at teacher training. Currently, there is no requirement for trainee teachers to receive anti-bullying training, and nearly half—42%—of teachers report feeling ill equipped to address bullying. The new clause will require schools to outline what anti-bullying training is provided to staff. Short, targeted training equips teachers to prevent and respond to bullying effectively, creating safer schools and improving wellbeing and learning outcomes for all pupils.

This matters because of the effects that I talked about on children and young people. We hear heartbreaking stories all the time. The Anti-Bullying Alliance collects testimonies from children and young people. One young person said,

> "All the way through year 10 and 11, I ate my lunch in the toilet."

Another child said that it "scars you for life." Bullying has devastating effects, but it is not inevitable. With the right systems and the right leadership in place, we can make a difference and make schools safe for everyone. I look forward to hearing the Minister's response to this new clause.

Stephen Morgan: New clause 49 sets out a requirement to publish an annual report on the behaviour of pupils in mainstream state-funded schools, and I will explain why the hon. Member for Harborough, Oadby and Wigston should withdraw it. The Department for Education already publishes the data from the NBS—the National Behaviour Survey—in an annual report. That is publicly available on the gov.uk website.

Neil O'Brien: This is a very positive moment. Will the Minister commit to continuing that survey, which is, as he says, so important?

Stephen Morgan: I will certainly take that point away.

The NBS reports provide an accurate, timely and authoritative picture of behaviour across England. The surveys allow us to build up a national picture over time, and act as a signpost to what schools need. By triangulating the views of professionals, children and parents, Government officials can gain better understanding of behaviour and of what is needed to support teachers and school leaders in practice. My Department will continue to use data from the NBS to inform future strategy and policy improvements on behaviour in schools.

Mr Betts, you will be pleased to hear that this is the last new clause that I expect to respond to. I conclude by thanking you and all the Chairs for expertly chairing the Committee; all Clerks and civil servants who have supported the smooth running of our proceedings; and all Committee members who have contributed so diligently to this landmark legislation. As a Government, we are determined to break down barriers to opportunity for every child in every part of the country. This Bill is one step further in our plan for change for children and families.

New clause 49 creates a redundancy and we do not believe it is necessary to legislate on this issue. I therefore ask the hon. Member for Harborough, Oadby and Wigston to withdraw the clause.

The Chair: I thank the Minister for his kind words.

Neil O'Brien: I echo those words, Mr Betts, and I thank the Minister for them.

I was pleased to hear the Minister's positive comments about the National Behaviour Survey, though we have a paucity of data about this most vital issue, and it would be better to go much further. I also agree with the comments made by the hon. Member for North Herefordshire, who spoke so powerfully about the impact of bullying. One can never be too much on that absolutely vital issue. We will not press the new clause today, but we look to the Government to go beyond what already exists, and at least to maintain what exists now. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 51

DUTY FOR SCHOOLS TO REPORT ACTS OF VIOLENCE AGAINST STAFF TO THE POLICE

"(1) Where an act listed in subsection (2) takes place which involves the use or threat of force against a member of a school's staff, the school must report the incident to the police.

(2) An act must be reported to the police where—

(a) it is directed towards a member of school staff or their property; and

(b) it takes place—

(i) on school property; or

(ii) because of the victim's status as a member of a school's staff.

(3) The provisions of this section do not require or imply a duty on the police to take specific actions in response to such reports." *—(Neil O'Brien.)*

This new clause would create a duty for all schools to report acts or threats of violence against their staff to the police. It would not create a requirement for the police to charge the perpetrator.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

This new clause is a continuation of the debate we were just having. It is time to ensure that all acts and threats of violence against teachers are reported to the police. It is very clear from the drafting of the clause that we are not looking to criminalise children, but we should not expect teachers to suck up abuse that we would never expect other professionals to. If we log what is going on, we have a chance of avoiding things that can escalate over time.

At the moment in Scotland, members of NASUWT are taking industrial action because of the failure of authorities to create discipline. The unions say that teachers

"report being told at debriefing meetings that their lessons are 'not fun or engaging enough'"

That is absolutely extraordinary. NASUWT notes:

"A culture where there are no consequences for poor behaviour is not setting up pupils well for adult life and fails the employers' duty of care towards its staff".

It also says:

"The wholesale adoption of the restorative approach to pupil discipline has definitely been a problem".

Mike Corbett of NASUWT said:

"You can't offer a quiet chat and no serious consequences for this level of disruptive behaviour."

We find ourselves, on this matter, in total agreement with the teaching unions and their wise words on this subject. In England, a Channel 4 exposé sadly showed the incredible extent of the problem and why we need to do far more to address it.

We want those who would lift their hands to a teacher and engage in an act of violence, intimidation or threat to know that it will absolutely be reported to the police. It is sometimes good to make a credible pre-commitment to things, and people need to know it is never acceptable to do those things. They need to know that there will be automatic consequences and that they should not expect that people will just turn the other cheek. People who are trying to help them—dedicating their lives to helping them—should not be used as punch bags. That is only one of the things we need to do, but this new clause is about resetting expectations around behaviour. If the Government will not support the new clause as drafted, we hope that they will support some version of it.

4.15 pm

Catherine McKinnell: I agree with the sentiments behind the new clause. Any form of violence in school is completely and utterly unacceptable and should not be tolerated. By law, schools must have a behaviour policy. In the most serious cases, suspensions and permanent exclusion may be necessary to ensure that teachers and pupils are protected from disruption.

Schools or trusts as employers already have a statutory duty, outlined in the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999, to protect the health, safety and wellbeing of school staff at work. Where violence is involved on school premises, schools should take immediate and appropriate action. Should the incident constitute a potential criminal offence, it is for the school as an employer to consider involving the police, having followed the advice contained in the "When to call the police" guidance for schools and colleges by the National Police Chiefs' Council, written in partnership with the Department for Education and the Home Office.

There are already appropriate provisions and guidance for schools to prevent and respond to violence on their premises. That includes guidance on when to involve the police, so the new clause is likely to impose an additional administrative burden on school leaders. Clearly, important points have been made, but, on the basis I have outlined, I invite the hon. Member to withdraw the clause.

Neil O'Brien: I absolutely agree with the Minister's sentiment—of course she wants only the right thing for pupils and teachers. However, I will push the new clause to a vote, because we want to think about how we can go further on all these things to create the safe workplace that both teachers and pupils deserve.

In another part of the forest, there is an argument about non-crime hate incidents and logging them. The arguments made by the Government about logging them is that one thing leads to another. As I said before, we do not wish to criminalise children, but logging where actual acts of violence are taking place is an important resource for the police and other social services. We think that something along those lines would be useful, and I am keen to push this to a vote, but I know the Minister will think about everything extra that she can do to try to create a safe workplace.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 10.

Division No. 25]

AYES

Chowns, Ellie	Sollom, Ian
Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	Wilson, Munira

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 55

INDEPENDENT REVIEW IN RELATION TO ORDERS UNDER SECTION 87(3)(B) OF THE EDUCATION ACT 2002

"In the Education Act 2002, after subsection (3) insert—

"(3A) Where the Secretary of State proposes to make, revise or replace an order under subsection (3)(b) for any subject included in the National Curriculum, the Secretary of State shall appoint an independent review body ("the National Curriculum Review Body") to develop recommendations for any such proposed order.

(3B) The Secretary of State shall set the scope of the National Curriculum Review Body's review, which may include specifying the subjects or programmes of study to be considered and the timescale for producing recommendations.

(3C) In preparing its recommendations, the National Curriculum Review Body shall consult such persons as it considers appropriate, including (but not limited to) teachers, school leaders, parents, professional bodies, and subject experts.

(3D) Where the National Curriculum Review Body submits recommendations in accordance with subsection (3A), the Secretary of State must lay any proposed order with a statement of any modifications the Secretary of State proposes to make to the recommendations before Parliament.

(3E) A statutory instrument laid under subsection (3D) shall be subject to approval by resolution of each House of Parliament before it may come into force.

(3F) Any modifications made by the Secretary of State under subsection (3D) to the recommendations of the National Curriculum Review Body shall be subject to the same procedure for approval as set out in subsection (3E).""—*(Neil O'Brien.)*

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

The Government are obviously reviewing the national curriculum at the moment. During our earlier debates in Committee, my right hon. Friend the Member for East Hampshire pointed out that control of the national curriculum is an incredible power, yet, to date, it has operated really on precedent, custom, tradition and everyone being reasonable. This new clause aims to formalise that process a bit more.

At the moment, of course, the Government are taking advice from an independent review—very sensibly—but, legally, they do not actually have to take account of that; they could make whatever decision they wanted. In another Bill—the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Bill—the Government are centralising control over a whole bunch of stuff about qualifications and standards.

This new clause just sets up, for the first time, a proper process to formalise how the national curriculum is revised. It is an incredibly strong power and yet it is one that has operated—in one sense, nobly—on the assumption of everyone just behaving reasonably and people being "good chaps", as it were, in the old parlance. This measure would put an actual formal legal process around such hugely important changes.

Catherine McKinnell: The current system for reviewing the curriculum works well, as the ongoing independent curriculum and assessment review shows, and has stood the test of time for successive Governments. The legislation gives Ministers the flexibility to review and develop the curriculum in the most appropriate way for the circumstances of the time, while requiring them to consult, and to provide Parliament with appropriate levels of scrutiny.

Requiring the creation of new organisations and processes is rarely the best way to improve outcomes. The proposed system would be inflexible and bureaucratic rather than helpful. New clause 55 would mean that, following any review of whether to change the national curriculum, such as through our curriculum and assessment review, the Secretary of State would have to set up another independent review to advise how to change the programmes of study.

Also, by requiring a positive, rather than negative, resolution of changes, and of any changes beyond the review's recommendations, this measure could add unnecessary delays and uncertainty for teachers about what was going to be changed in the curriculum and when. On that basis, I invite the hon. Member to withdraw his amendment.

Neil O'Brien: While our concerns remain, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 58

RIGHT TO REVIEW SCHOOL CURRICULUM MATERIAL

"Where requested by the parent or carer of a child on the school's pupil roll, a school must allow such persons to view all materials used in the teaching of the school curriculum, including those provided by external, third-party, charitable or commercial providers."—*(Neil O'Brien.)*

This new clause would ensure that parents can view materials used in the teaching of the school curriculum.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

Over recent years, we have been in an absolutely extraordinary situation. Very controversial materials from various third party private providers have been

[Neil O'Brien]

used in RSE—relationships and sex education—lessons, yet parents have been denied access to the materials that are being used to teach their children, even though it is them paying, as taxpayers, and it is their children who are being exposed to these materials. That is obviously unacceptable.

Various private providers of this material, including for-profit companies, have tried to hide behind copyright law, or have tried to make parents sign agreements, such as that they can see the materials, but only on the strict conditions that they do not quote from them or talk about them, effectively crippling and ending public debate about them. Parents need to see, and to be able to act upon what they see, including discussing it in public and making formal complaints. That requires having a copy of the material and being able to refer to it openly.

An important case brought by the campaign group "No Secret Lessons" may establish such rights, but, despite a hearing five months ago, we are still—strangely—awaiting a verdict in its case. I pay tribute to its work in trying to bring back some common sense here.

New clause 58 seeks to put into statute the right to have access to the materials that are being used to educate our children about controversial subjects. That, itself, should not be a controversial idea. The intent is that this right, in primary legislation, would cut through the issues around copyright and prevent the industry from trying to stop public discussion that actually needs to happen.

The context is that the Government's response to the consultation on gender-questioning children and RSE is long overdue, and we look forward to hearing the outcome of those processes soon. I hope that the Minister may be able to say some more about when we can expect to see those things.

However, whatever the outcome of those reviews, I hope that we can agree on an important principle: that parents should be allowed to know what their children are being taught, and that there should be no secret lessons.

Tom Hayes: I wish to speak briefly about the new clause, mainly to test the waters with the hon. Gentleman who tabled it. Does he, like me, have concerns that, if parents and carers are able to access teaching materials, they may meet with the teachers who drew up the materials and raise significant concerns, which may not always be well founded?

For instance, a teacher I spoke with recently raised concerns about a parent who had demanded to see their teaching materials on the basis that they cited Marcus Rashford as an example of somebody campaigning for social justice, which the parent was deeply concerned about. The teacher raised with me their concern that the conversation with the parent had had a chilling or stifling effect on their willingness to cite Marcus Rashford as a social justice hero in the future.

Would it not be a better way forward for teachers to be held accountable for their materials by the headteacher and the school's governing body? That would protect parents or guardians from the minority of parents or carers who raise concerns based on unfounded reasons that have a wider impact on the teaching that is delivered.

Neil O'Brien: I am grateful to the hon. Member for giving way so that I can directly answer the question he posed to me. The problem is not schools, which are bound by freedom of information, but a bunch of private for-profit providers that are inappropriately hiding behind copyright law to deny people the right to even see what is being taught. Different people can have different opinions on what is being taught—that is reasonable in a democracy, and it is important that we have sensibly founded conversations and all those things—but does the hon. Member agree that, given that a parent is paying for their kid's education, they should have the right to see what they are being taught?

Tom Hayes: I welcome that clarification. I continue to have concerns, because whether or not somebody is paying for their child's education—I would obviously wish that they were not paying—I still think it is important to have quality education and critical thinking and to potentially use inspirational figures and history to make points. That goes across all types of educational provider, so my concern remains. Thinking back to the conversation I had recently with a teacher, the last thing I want is for them to go into a classroom feeling wary or in any way diminished in their ability to freely and critically educate and provide children with access to all kinds of information, and not just narrow viewpoints.

Catherine McKinnell: It is right that parents and carers should be able to access and understand what their child is taught at school, so that they can continue to support their child's learning at home and answer questions. However, that should be achieved in a way that does not increase school and teacher workload.

The new clause could require schools to maintain and collate a substantial number of materials across various platforms, covering all subjects and school years, down to every single worksheet, presentation, planning document or text. That is not necessary. There are already many ways in which parents can engage with their child's curriculum that would not add to teacher workload. The national curriculum, which will be taught in academies and maintained schools, is published on gov.uk. Maintained schools and academies are required to publish details of how a parent can access further information about the school's curriculum.

Schools must also have a written policy for relationships and sex education, which must be developed in consultation with parents. The statutory guidance is clear that this should include providing examples of the resources they intend to use, to reassure parents and enable them to continue conversations at home. We will make sure that that is reinforced when we update the guidance. Finally, parents can be reassured that Ofsted reviews curriculum materials to ensure that they support pupils to achieve good outcomes.

The new clause is a sledgehammer to crack a nut. There is no evidence of a widespread problem that would justify the extra burden and bureaucracy it would create for schools. If parents have concerns, there are ways of dealing with them. On that basis, I urge the hon. Member to withdraw his new clause.

Neil O'Brien: I listened to the hon. Member for Bournemouth East and, broadly speaking, agree with everything he said. I am absolutely in favour of a balanced diet and the free exchange of different ideas,

and nothing we are proposing in any way speaks against that. What we propose is in fact a way to ensure that that happens, by allowing parents to see what their children are being taught.

I find myself out of sympathy with the Minister's argument that this is somehow a massive bureaucratic requirement. With state schools, there is FOI, so parents are able to access these materials. The problem has come with private providers using copyright law to escape the same transparency that we expect of schools normally, which is not right.

I do not accept that the new clause would require people to have 20 years-worth of materials. It simply states that

"a school must allow such persons to view all materials used in the teaching of the school curriculum".

That is in the present tense, so this is not some huge bureaucratic burden. The school has the materials, and the only question is whether the parents can see them, take them away and talk about them to other people.

At the moment, free debate on such things is being stifled, and a hugely important principle is being denied to people. We have a right to see what our kids are being taught in schools. For that reason, we will press the new clause to a vote.

4.30 pm

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 26]

AYES

Hinds, rh Damian	Spencer, Patrick
O'Brien, Neil	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 59

KINSHIP CARE LEAVE

"(1) The Secretary of State must, by regulations, entitle an individual to be absent from work on care leave under this section where—

(a) the individual is a kinship carer, and

(b) the individual satisfies conditions specified in the regulations.

(2) Regulations made under subsection (1) must include provision for determining—

(a) the extent of an individual's entitlement to leave under this section; and

(b) when leave under this section may be taken.

(3) Provision under subsection (2)(a) must secure that—

(a) where one individual is entitled to leave under this section, they are entitled to at least 52 weeks of leave; or

(b) where more than one individual is entitled to leave under this section in respect of the same child, those individuals are entitled to share at least 52 weeks of leave between them.

(4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last—

(a) at least one year, and

(b) until the child being cared for attains the age of 18.

(5) For the purposes of this section, a 'kinship carer' has the meaning given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.

(6) Regulations made under this section may make provision about how leave under this section is to be taken."—*(Munira Wilson.)*

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

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

New clause 60—*Kinship care allowance*—

"(1) A person is entitled to a kinship care allowance for any week in which that person is engaged as a kinship carer in England.

(2) For the purposes of this section, a 'kinship carer' has the meaning given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.

(3) A person is not entitled to an allowance under this section unless that person satisfies conditions prescribed in regulations made by the Secretary of State.

(4) A person may claim an allowance under this section in respect of more than one child.

(5) Where two or more persons would be entitled for the same week to such an allowance in respect of the same child, only one allowance may be claimed on the behalf of—

(a) the person jointly elected by those two for that purpose, or

(b) in default of such an election, the person determined by, and at the discretion of, the Secretary of State.

(6) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a child under an eligible kinship care arrangement.

(7) An allowance under this section is payable at the weekly rate specified by the Secretary of State in regulations.

(8) Regulations under subsection (7) may specify—

(a) different weekly rates for different ages of children being cared for, or

(b) different weekly rates for different regions of England.

(9) Regulations under subsection (7) must specify a weekly rate that is no lower than the minimum weekly allowance for foster carers published by the Secretary of State pursuant to section 23 of the Care Standards Act 2000."

New clause 61—*Extension of pupil premium to children subject to a kinship care arrangement*—

"(1) The Secretary of State must, for the financial year beginning 1 April 2026 and for each year thereafter, provide that an amount is payable from the pupil premium grant to schools and local authorities in respect of each registered pupil in England who is who is a child living in kinship care.

(2) The amount payable under subsection (1) must be equal to the amount that is payable for a pupil who is a looked after child.

(3) In this section—

'a child living in kinship care' is to be interpreted in the same manner as given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.

'looked after child' has the same meaning as in the Children Act 1989;

'pupil premium grant' means the grant of that name paid to a school or a local authority by the Secretary of State under section 14 of the Education Act 2002 (power of Secretary of State and Senedd Cymru to give financial assistance for purposes related to education or children etc)."

New clause 62—*Admissions arrangements relating to looked after children and children in kinship care*—

"(1) For section 88B of the School Standards and Framework Act 1998 (admission arrangements relating to children looked after by local authority) substitute—

'88B Admissions arrangements relating to looked after children and children in kinship care

(1) Regulations may require the admission authorities for maintained schools in England to include in their admission arrangements provision relating to the admission of children who are—

(a) looked after by a local authority in England, or

(b) living in kinship care as may be prescribed.

(2) Regulations under subsection (1) may in particular include provision for securing that, subject to sections 86(3), 86B(2) and (4) and 87, such children are to be offered admission in preference to other children.

(3) In this section, "children who are living in kinship care" is to be interpreted in the same manner as given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.'"

Munira Wilson: The end is in sight for all of us—we are on to the last column of the selection list. I will speak to new clauses 59 to 62, which are in my name and that of my hon. Friend the Member for St Neots and Mid Cambridgeshire. The new clauses all refer to support for kinship carers and children growing up in kinship care.

In clauses 5 and 6 in part 1 of the Bill, we discussed and agreed a number of encouraging provisions on defining kinship carers, setting out the support they are eligible for and providing additional educational support for the subset of children growing up in kinship care. However, what we have already agreed in Committee falls far short of the ambition that I heard the Secretary of State herself set out at a reception for kinship carers just a couple of months back.

At that reception, the right hon. Lady—unusually for a Secretary of State—called on campaigners and policymakers to keep pushing her. I think that that was in order to give her the clout in Government to go further. The four new clauses seek to do just that, and I hope Ministers will receive them in that spirit.

New clause 59 would ensure that kinship carers are entitled to paid employment leave. New clause 60 would put into statute an entitlement to an allowance on a par with that for foster carers. New clause 61 would extend pupil premium plus to all children in kinship care, based on the definition the Committee has agreed. Finally, new clause 62 would prioritise those same children for school admissions.

Kinship carers are unsung heroes, often stepping up at no notice to look after a child they are related to or know, because the parents can no longer do so. In oral evidence, Jacky Tiotto of the Children and Family Court Advisory and Support Service told us that

"the kinship carer's life will not continue in the way it had before, in terms of their ability to work, maybe, or where they live.

We know that local authorities are under huge resource pressure, so there is going to have to be something a bit stronger to encourage people to become carers, whether that is related to housing or the cost of looking after those children. People will want to do the right thing, but if you already have three kids of your own that becomes tricky."—[*Official Report, Children's Wellbeing and Schools Public Bill Committee,* 21 January 2025; c. 34, Q78.]

Time and again, we hear from kinship carers that they want to do the right thing—out of love for those family members—but financial and other barriers often stand in their way. One survey revealed that 45% of kinship carers give up work, and a similar number have to reduce their hours permanently, putting financial strain on the family. Those carers are disproportionately women and are over-represented in healthcare, education and social care, which simply exacerbates our workforce crisis in public services. Extending paid employment leave would enable more people to step up and provide a stable, loving home.

On allowances, there are not just long-term savings to be made in terms of the well-evidenced better health and education outcomes for children; there are also immediate cost savings to be had for the taxpayer. Compared to the cost of the alternative—local authority care—the saving is approximately £35,000 a year. Every child we manage to divert from local authority care into kinship care can deliver that saving for the taxpayer immediately. Surely Ministers can tempt their colleagues in the Treasury with that immediate spend-to-save argument?

In Kinship's 2022 "Cost of Loving" survey of more than 1,000 kinship carers, one third said they may not be able to continue caring for their child as a result of financial pressures. I spoke to one kinship carer in my borough who had avoided putting the heating on and skipped all sorts of things, including food for herself, so that she could put enough food on the table for her grandson. Her story is far too common. A national, non-means-tested allowance would end the system of patchy means-tested allowances that reflect the postcode lottery of support that councils can afford to provide.

Ministers have already recognised in the Bill the need for additional educational support for children in kinship care. Why are we not treating all children equally, so that it is not just those who were previously looked after who are entitled to additional pupil premium funding or priority admissions? The trauma and needs of children in kinship care are often similar to those of children who were previously looked after. We should extend the same provisions to all children in kinship care.

I know that Ministers understand the sacrifices that kinship carers make and the trauma that children in kinship care have been through. The Schools Minister herself headed up a parliamentary taskforce on kinship in the last Parliament, and she was very active in the all-party parliamentary group on kinship care. I know that she is very familiar with these issues, and I hope she is sympathetic to the call in these new clauses. I hope to hear something positive and that Ministers—even if, as we know, they never accept Opposition new clauses in a Bill Committee—will seek to address these inequalities and support these unsung heroes, kinship carers, and the children they look after.

Catherine McKinnell: I thank the hon. Members for Twickenham and for St Neots and Mid Cambridgeshire for these new clauses. I want to start by emphasising how much I value kinship carers, who come forward to provide loving homes for children who cannot live with their parents. We absolutely recognise the challenge that many kinship carers face in continuing to work while dealing with the pressures of raising a child unexpectedly.

The support offered by the Government to kinship carers is a floor, not a ceiling, and we encourage employers to go further, where they can. One example of that is the Department for Education, which employs more than 7,500 public sector workers and has recently joined a small number of private sector employers, including Card Factory, Tesco and John Lewis, in offering a paid leave entitlement to all eligible staff who become kinship carers.

Employed kinship carers may already benefit from a number of workplace employment rights that are designed to support employees in balancing work alongside caring responsibilities. Those rights include a day one right to time off for dependants, which provides a reasonable amount of unpaid time off to deal with an unexpected or sudden emergency involving a child or dependant, and to put care arrangements in place. There is also unpaid parental leave for employees who have or expect to have parental responsibility, which we are making a day one right through the Employment Rights Bill. An employee may not automatically have parental responsibility as a result of being a kinship carer, but may do if they have acquired parental responsibility through, for example, a special guardianship order. If they are looking after a child who is disabled or who lives with a long-term health condition, they would also be entitled to carer's leave, which would allow them to take up to a week's leave in a 12-month period.

All employees also have a right to request flexible working from day one of employment. The Government will make flexibility the default, except where it is not feasible, through measures in the Employment Rights Bill. We have also committed to a review of the parental leave system to ensure that it best supports all working families. Work is already under way on planning for its delivery.

On new clause 60, again, I am grateful for the opportunity to discuss financial support for kinship carers. In October 2024, the Government announced £40 million of new funding for a kinship financial allowance pilot, which will test the impact of financial support for kinship carers. This is the single biggest investment made by Government in kinship care to date. It could transform the lives of vulnerable children who can no longer live at home by allowing them to grow up with their families and communities, reducing the disruption in their early years so that they can focus on schooling and building friendships. The pilot will provide a weekly financial allowance to kinship carers to support them with the additional costs incurred when taking on parental responsibility for a child.

Our ambition is that all kinship carers get the support they need to care for their children and to help them thrive, but it is important that we build the evidence first to find out how best to deliver that financial support. Decisions about future roll-out will be informed by the findings of the evaluation. The Government will confirm the eligible cohort for the pilot as well as the participating local authorities soon, and we expect the pilot to go live in autumn 2025.

New clauses 61 and 62 would extend pupil premium eligibility to children living in kinship care, and provide those children admissions in preference to other children, in the same way as children who are or were looked after by a local authority in England are currently given preference. We are providing over £2.9 billion of pupil premium funding to improve the educational outcomes of disadvantaged pupils in England, including looked-after and previously looked-after children. Pupil premium is not a personal budget for individual pupils, and schools do not have to spend the funding so that it solely benefits pupils who meet the criteria. Schools can direct funding where the need is greatest, including to pupils with other identified needs, such as children in kinship care. They can also use pupil premium on whole-class approaches that will benefit all pupils, such as high-quality teaching. There are no plans to change the pupil premium eligibility at present. However, we will continue to keep it under review to ensure that the support is targeted at those who need it most.

All state-funded, non-selective schools are required to provide the highest priority in their admissions over-subscription criteria to looked-after and previously looked-after children. Those children are among the most vulnerable in our society, and wherever possible, they should be admitted to the school that is best able to meet their needs. Some children in kinship care may share some of those characteristics. Indeed, many children in kinship care may already be eligible for the highest priority for school admission—for example, where a child is looked after by their local authority and then fostered by a kinship carer, or where they were previously looked after. We think that this approach is the best way of ensuring that the most vulnerable pupils of this cohort, who would benefit most from priority admissions, are able to access the school place that is right for them.

It is also worth noting that the school admissions code provides another protection to children in formal kinship care, irrespective of whether they have spent time in local authority care. The admissions code ensures that such children are eligible to be secured a school place through the fair access protocol, which is the local mechanism for ensuring that those struggling to secure a school place via the usual admissions processes are found one.

Given those existing protections, we do not consider it necessary at this time to extend the existing priority for looked-after and previously looked-after children in England to include all children in kinship care. We are also extending local authorities' statutory duties to include promoting the educational achievement of all children living in kinship care within the meaning of new section 22I(1) of the Children Act 1989, which will be inserted by the Bill. We will also extend the duty of virtual school heads to provide information and advice to include all children living with a special guardian or under a child arrangement order where the child is living with a kinship carer within the meaning of new section 22I(6) of the 1989 Act. On that basis, I ask the hon. Member for Twickenham not to press the new clauses.

Munira Wilson: I thank the Minister for her response. It is obviously disappointing that Ministers will not go further, particularly on allowances. The pilots that were set out in a tiny number of local authorities with a very small subset of kinship carers were not ambitious enough. On that basis, I would like to press new clause 60 on allowances to a vote, but I am happy to leave the others. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 60

KINSHIP CARE ALLOWANCE

(1) A person is entitled to a kinship care allowance for any week in which that person is engaged as a kinship carer in England.

(2) For the purposes of this section, a "kinship carer" has the meaning given in section 22I of the Children Act 1989, as inserted by section 5 of this Act.

(3) A person is not entitled to an allowance under this section unless that person satisfies conditions prescribed in regulations made by the Secretary of State.

(4) A person may claim an allowance under this section in respect of more than one child.

(5) Where two or more persons would be entitled for the same week to such an allowance in respect of the same child, only one allowance may be claimed on the behalf of—

(a) the person jointly elected by those two for that purpose, or

(b) in default of such an election, the person determined by, and at the discretion of, the Secretary of State.

(6) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a child under an eligible kinship care arrangement.

(7) An allowance under this section is payable at the weekly rate specified by the Secretary of State in regulations.

(8) Regulations under subsection (7) may specify—

(a) different weekly rates for different ages of children being cared for, or

(b) different weekly rates for different regions of England.

(9) Regulations under subsection (7) must specify a weekly rate that is no lower than the minimum weekly allowance for foster carers published by the Secretary of State pursuant to section 23 of the Care Standards Act 2000.—*(Munira Wilson.)*

Brought up, and read the First time.

The Committee divided: Ayes 3, Noes 10.

Division No. 27]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 63

EXEMPTION FROM EDUCATION LEGISLATION FOR THE PURPOSE OF RAISING EDUCATIONAL STANDARDS

(1) On the application of one or more qualifying bodies ("the applicant"), the Secretary of State may by order make provision—

(a) conferring on the applicant exemption from any requirement imposed by education legislation;

(b) relaxing any such requirement in its application to the applicant;

(c) enabling the applicant to exercise any function conferred by education legislation on any other qualifying body (either concurrently with or in place of that other body); or

(d) making such modifications of any provision of education legislation, in its application to the applicant or any other qualifying body, as are in the opinion of the Secretary of State consequential on any provision made by virtue of any of paragraphs (a) to (c),

for the purposes of facilitating the implementation of innovative projects that may, in the opinion of the Secretary of State, contribute to the raising of educational standards in England.

(2) In forming an opinion as to whether a project may contribute to the raising of educational standards in England, the Secretary of State shall—

(a) have regard to the need for the curriculum for any school in England affected by the project to be a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development of children,

(b) consider the likely effect of the project on all the pupils who may be affected by it.

(3) The Secretary of State shall refuse an application for an order under this section if it appears to the Secretary of State that the proposed order would be likely to have a detrimental effect on the education of children with special educational needs.

(4) An order under this section shall have effect during a period specified in the order which must not exceed three years.

(5) Before making an order under this section, the Secretary of State shall, if they consider it appropriate to do so, consult the Chief Inspector.

(6) Where the applicant is or includes a qualifying foundation, references in paragraphs (a) to (d) of subsection (1) to the applicant (so far as they would otherwise be read as references to the qualifying foundation) are to be read as references to the governing bodies of all or any of the foundation or foundation special schools in respect of which the applicant is the foundation.

(7) For the purposes of this section—

"the Chief Inspector" means His Majesty's Chief Inspector of Education, Children's Services and Skills;

"children" means persons under the age of nineteen;

"education legislation" means—

(a) the Education Acts (as defined by section 578 of the Education Act 1996),

(b) the Learning and Skills Act 2000, and

(c) any subordinate legislation made under any of those Acts;

"maintained school" means—

(a) a community, foundation or voluntary school,

(b) a community or foundation special school, or

(c) a maintained nursery school;

"qualifying body" means—

(a) a local authority,

(b) an Education Action Forum,

(c) a qualifying foundation,

(d) the governing body of a maintained school,

(e) the head teacher of a maintained school,

(f) the proprietor of an Academy, a city technology college or a city college for the technology of the arts,

(g) the proprietor of any special school that is not maintained by a local authority but is for the time being approved by the Secretary of State under section 342 of the Education Act 1996, or

(h) the governing body of an institution within the further education sector;

"qualifying foundation" means the foundation, as defined by subsection (3)(a) of section 21 of the School Standards and Framework Act 1998, of any foundation or foundation special school that for the purposes of that section has a foundation established otherwise than under that Act;

"subordinate legislation" has the same meaning as in the Interpretation Act 1978.—*(Neil O'Brien.)*

This new clause would enable the Secretary of State to exempt certain bodies from certain requirements of existing education legislation for the purpose of implementing projects which may raise educational standards in England

Brought up, and read the First time.

4.45 pm

Neil O'Brien: I beg to move, That the clause be read a Second time.

As Ministers look at new clause 63, they may think it seems strangely familiar, and I must confess that it is a piece of stolen intellectual property. As you will recognise, Mr Betts, it is a rip-off of new Labour's Education Act 2002. Funnily enough, it is a part of that Act that was passed as legislation but never commenced. It is a good thing in itself, as it enables Ministers to set up areas of innovation in our schools, and it is a part of a wider good thing: the spirit of innovation and reform in our schools of the early Blair years, which we want Ministers to return to.

In the health service, there has been a 40-year discussion about why innovation is so hard and why innovations do not spread in the NHS. In schools, although the situation is not perfect, it is definitely better because of parental choice and the reforms under Lord Baker, Lord Adonis, the coalition and beyond. I commend to all members of the Committee Lord Adonis's superb book "Education, Education, Education: Reforming England's Schools", which brilliantly captures the spirit of that era and what that Government were trying to achieve.

Although we think this would be a useful power, our purpose of drawing attention to it is as much about the spirit of what we want to see in our schools. There have been some changes of tone from Ministers during the course of this Bill Committee, and we hope we can persuade them to go further in the same direction. That is why we have discussed this new clause, but we will not be pressing it to a vote.

Catherine McKinnell: Things really can only get better—*[Laughter.]*

I thank the hon. Gentleman for drawing attention to the existing provision in part 1 of the Education Act 2002, and his open admission that the new clause draws its inspiration from it. That Act, in the early days of academies, introduced powers to facilitate innovation that were designed to encourage schools to consider barriers to raising standards for their pupils in their particular circumstances, and to explore innovative options that might not previously have been considered. It provided a means of promoting school freedoms and flexibilities, and was an effective strategic tool that enabled schools, local authorities and the Department for Children, Schools and Families, as it was, to test new ideas. It encouraged schools and local authorities to re-examine their existing practices and make use of freedoms and flexibilities that they already had. It was not designed to allow long-term flexibility, as this new clause is; rather any exemption is time limited.

The Act provoked consideration of real and perceived barriers to raising standards, and many schools discovered that not all innovative ideas require an exemption from legislation, because the necessary freedoms and flexibilities already exist. Annual reporting shows that only 32 orders were made between 2002 and 2010 using the power. We understand that the last order under the power was made in 2012. Since then, schools and trusts have innovated and tested ideas without the 2002 powers being necessary or used. Evidence-based practice and innovation is now the norm in many of our schools and trusts. There is a range of programmes, such as curricular hubs, behaviour hubs and teaching schools, geared to driving schools towards spreading evidence-based practice, and away from doing other things.

The Department works closely with the Education Endowment Foundation, which is independent from Government and trusted by the sector, to understand which interventions and approaches are most effective in terms of school improvement and raising attainment, and to provide guidance and support to schools on that. As part of that, it carries out trials of new approaches that look to have a high potential to improve outcomes. Where a new and innovative practice works, we want schools to be able to implement it. For example, based on robust EEF evidence of impact, programmes such as embedding formative assessments and mathematics mastery are being provided to the sector at greater scale, supported by Department for Education funding that subsidises the cost of participation.

The Bill guarantees a core provision for all children. Through it, we are providing a floor, not a ceiling, and the measures do not prevent schools and trusts from innovating and adapting above that framework. Our vision for driving high and rising standards centres on expert teaching and leadership in a system with wide freedoms, high support and high challenge, backed up by the removal of barriers, so that every child can achieve and thrive. We believe that more of the flexibility currently offered to academies should be offered to all schools, and we are working with teachers, leaders and the sector to design our wider reforms. If attempts to innovate are prevented by legislation, we want to hear about it, because we want all children to benefit from the best the system has to offer. On that basis, I ask the hon. Member for Harborough, Oadby and Wigston to withdraw his new clause.

Neil O'Brien: It is nice to hear the Minister praising the resources that are there for school-led improvement, so we hope that Ministers will look again at the recent decision to cut or curtail things such as mathematics, physics, Latin, computing and the like. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 64

Pay and conditions of school support staff in England

"(1) A School Support Staff Negotiating Body shall be created to make recommendations to the Secretary of State about the pay and conditions of school support staff in England.

(2) The Secretary of State may by order set out the recommended pay and conditions for school support staff in England based on the recommendations of the School Support Staff Negotiating Body.

(3) The Secretary of State may by order make provision requiring the remuneration of support staff at an Academy school to be at least equal to the amount specified in, or determined in accordance with, the order.

(4) Subsection (5) applies where—

(a) an order under this section applies to a member of school support staff at an Academy, and

(b) the contract of employment or for services between the member of school support staff at the Academy and the relevant proprietor provides for the member of school support staff to be paid remuneration that is less than the amount specified in, or determined in accordance with, the order.

(5) Where this subsection applies—

(a) the member of school support staff's remuneration is to be determined and paid in accordance with any provision of the order that applies to them; and

(b) any provision of the contract mentioned in subsection (4)(b) or of the Academy arrangements entered into with the Secretary of State by the relevant proprietor has no effect to the extent that it makes provision that is prohibited by, or is otherwise inconsistent with, the order.

(c) In determining the conditions of employment or service of a member of school support staff at an Academy, the relevant proprietor must have regard to any provision of an order under this section that relates to conditions of employment or service."—*(Neil O'Brien.)*

This new clause would mean that Academies could treat orders made by the Secretary of State in relation to pay and conditions for school support staff as a floor, not a ceiling, on pay, and would allow Academies to have regard to the conditions of employment for school support staff set out by the Secretary of State while not requiring Academies to follow them.

Brought up, and read the First time.

Neil O'Brien: I beg to move, That the clause be read a Second time.

The Minister just talked about the principle of having a floor, not a ceiling. Through our debates, we have now established that for teachers, but of course teachers are not a majority of the school workforce. The majority of the workforce are those who are sometimes called school support staff. These people are no less worthy than teachers of our praise and admiration. They fulfil all manner of roles, from the most essential to the most demanding.

Through this new clause, we ask that the same principles that are to be applied to teachers' pay—we hope that those will translate into reality—should apply to the majority of school staff: school support staff. Although trust leaders anticipated the school support staff negotiating body, some were surprised about the proposal for it to cut across academy funding arrangements, and not all had anticipated that it would apply to them. A number have said to me that they will be very concerned if their freedoms to pay more to retain the best school support staff were, in effect, taken away from them, because that would have a devastating effect on their schools.

Legislation on this issue is being considered in another place, but I hope that we can establish that Ministers will maintain that vital freedom to pay more, particularly in high-demand areas, to retain good people in our schools. A person does not have to be a teacher to play a crucial part in the education of our children, and what is sauce for the goose is sauce for the gander. We hope that the same principles that Ministers say will apply to teachers can also be established for the rest of the school workforce.

Catherine McKinnell: I welcome the hon. Gentleman's celebration of school support staff. He is absolutely right: they are the beating heart of schools up and down the country. For that very reason, provisions to reinstate the school support staff negotiating body are currently going through Parliament as part of the Employment Rights Bill. That Bill's clause 30 and schedule 3, which pertain to the SSSNB, were debated in Committee in the House of Commons on 17 December 2024, and the Bill is about to move to Report stage in the House. Any amendments relating to the school support staff negotiating body should therefore be considered as part of the Employment Rights Bill, and the issues that the hon. Gentleman outlined will be considered as part of the work of the school support staff negotiating body. I therefore ask the hon. Gentleman to withdraw his new clause.

Neil O'Brien: I am glad to hear the Minister endorse the principle of a floor, not a ceiling, for school support staff. We will withdraw the new clause but press it elsewhere, so that we can establish that principle, on which I hope we can all agree. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 67

REGISTRATION OF CHILDREN ELIGIBLE FOR FREE SCHOOL MEALS

"After section 512ZA of the Education Act 1996 (power to charge for meals etc.) insert—

'512ZAA Registration of children eligible for free school meals

(1) The Secretary of State must ensure that all children in England who are eligible to receive free school meals are registered to receive free school meals.

(2) The Secretary of State may make provision for children to be registered for free school meals upon their parents or guardians demonstrating the child's eligibility through an application for relevant benefits.'"—*(Munira Wilson.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 10.

Division No. 28]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	McKinnell, Catherine
Bishop, Matt	Martin, Amanda
Collinge, Lizzi	Morgan, Stephen
Foody, Emma	Paffey, Darren

Question accordingly negatived.

New Clause 68

GUIDANCE ON THE ADMISSION OF SUMMER-BORN CHILDREN WITH EHC PLANS

"(1) The Secretary of State must, within 12 months of the passing of this Act, publish guidance for local authorities and school admissions authorities on the admission of summer-born children with education, health and care plans.

(2) Guidance published under this section must—

(a) detail the factors which must be taken into account when considering a request for a summer born child with an EHC plan to be placed outside of their normal age group;

(b) include a presumption that requests relating to the placement or admission of summer-born children with EHC plans should be considered on no less favourable terms than requests relating to summer-born children without EHC plans; and

(c) outline circumstances when it may, or may not, be appropriate for a child who has been placed outside of their normal age group to be moved to join their normal age group;

(d) detail how parents may object to the placing of their child with their normal age group, and the process by which such objections will be considered.

(3) In developing guidance under this section, the Secretary of State must consult with—

(a) groups representing the interests of parents;

(b) individuals and organisations with expertise in supporting children with special educational needs and the parents of such children; and

(c) other such parties as the Secretary of State considers appropriate.

(4) For the purposes of this section, 'summer-born children' means children born between 1 April and 31 August."—*(Munira Wilson.)*

Brought up, and read the First time.

Munira Wilson (Twickenham) (LD): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 69—*Collection and publication of data relating to summer-born children*—

"(1) A local authority must collect and publish data on—

(a) the number and proportion of summer-born children who started school in the local authority's area outside of their normal age group;

(b) the number and proportion of summer-born children—

(i) with EHC plans, and

(ii) without EHC plans,

who started school in the local authority's area outside of their normal age group and who have been required to join their normal age group; and

(c) the number and proportion of summer-born children with EHC plans who started school in the local authority's area outside of their normal age group and who have been required to join their normal age group in a—

(i) special school;

(ii) mainstream school.

(2) The Secretary of State must annually—

(a) conduct a statistical analysis of, and

(b) publish a report on the data collected by local authorities under subsection (1)."

Munira Wilson: I am moving the new clause on behalf of my hon. Friend the Member for St Albans (Daisy Cooper), who has raised the issue that summer-born children with SEND are often placed in the following year group at school, often at the request of their parents, but when they transfer into or out of special or mainstream school, they are then placed back into their chronological year and, as a result, end up missing a whole year of education. Guidance exists for summer-born children who do not have EHCPs but not, strangely, for those who do. New clauses 68 and 69 would simply require guidance to be published for local authorities and school admissions authorities on the admission of summer-born children with education, health and care plans and would require local authorities to collect and publish data relating to summer-born children.

Catherine McKinnell: The Government agree with the hon. Member for Twickenham that local authorities have important and complex decisions to make when parents ask for a summer-born child with an EHC plan to be placed outside the usual year for their age. The Department's existing guidance for the admission of summer-born children without education, health and care plans sets out a recommended approach for those key decisions. Many of the considerations in that guidance will be similar for children with an education, health and care plan. Getting those decisions right can make a huge difference to the child's outcomes and their experience of school, so such decisions need to be made thoughtfully and fairly, with due consideration given to what the parents want for their child. That is why, in July last year, in response to a parliamentary question from the hon. Member for St Albans, I committed to consider whether we should publish guidance on how these decisions are best made. We have been doing just that, and will confirm our decision in the coming months. In the meantime, it would not be appropriate to pre-empt the content of any such guidance by confirming the details now. However, I can say that we have been giving careful consideration to many of the matters outlined in the new clause and deciding how best to proceed.

On new clause 69, the Department conducts a voluntary biennial survey of local authorities about the admission of summer-born children. That asks local authorities to include data, where they hold it, about all schools in their area. The Department publishes a report on the findings of the survey, those findings show that only a small proportion—1.5%—of parents of summer-born children ask for them to be admitted to reception at age five. The vast majority of such requests—nine out of 10—are approved. The first summer-born children admitted out of their normal age group are now transitioning to secondary school. Our next survey will ask local authorities for data about the number of children who remain out of their normal age group at that point. The survey does not currently ask local authorities to specify how many requests relate to children with an education, health and care plan but we regularly review the survey, and that is something that we may consider in the future. Given that the existing arrangements to collect data about the admission of summer-born children are working well, it would seem disproportionate to impose a new statutory duty to make the data collection mandatory. I therefore respectfully ask the hon. Member to withdraw the new clause.

Munira Wilson: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

5 pm

Proceedings interrupted (Programme Orders, 8 January and 21 January).

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

New Schedule 1

PAY AND CONDITIONS OF ACADEMY TEACHERS: AMENDMENTS TO THE EDUCATION ACT 2002

"SCHEDULE

1 Part 8 of the Education Act 2002 (teachers' pay and conditions etc) is amended as follows.

2 In section 120(2) (School Teachers' Review Body function: meaning of school teacher), for the words from 'the Secretary of State's' to the end substitute 'section 122 or an Academy teacher for the purposes of section 122A.'

3 In section 121(2) (bodies to be consulted by School Teachers' Review Body), after paragraph (b) insert—

'(ba) bodies representing the interests of proprietors of Academies,'.

4 In the heading of section 122, after 'conditions' insert 'of school teachers other than Academy teachers'.

5 After section 122 insert—

'122A Power to set minimum remuneration of Academy teachers etc

(1) The Secretary of State may by order make provision requiring the remuneration of an Academy teacher to be at least equal to the amount specified in, or determined in accordance with, the order.

(2) Subsection (3) applies where—

(a) an order under this section applies to an Academy teacher, and

(b) the contract of employment or for services between the Academy teacher and the relevant proprietor provides for the teacher to be paid remuneration that is less than the amount specified in, or determined in accordance with, the order.

(3) Where this subsection applies—

(a) the Academy teacher's remuneration is to be determined and paid in accordance with any provision of the order that applies to the teacher;

(b) any provision of the contract mentioned in subsection (2)(b) or of the Academy arrangements entered into with the Secretary of State by the relevant proprietor has no effect to the extent that it makes provision that is prohibited by, or is otherwise inconsistent with, the order.

(4) A person is an Academy teacher for the purposes of this section in any of the following cases.

(5) The first case is where—

(a) the person provides primary or secondary education under a contract of employment or for services,

(b) the other party to the contract is the proprietor of an Academy,

(c) the contract requires the person to carry out work of a kind which is specified by regulations under section 133(1), and

(d) the person—

(i) is not prevented by regulations under section 133(1) from carrying out that work, and

(ii) is not of a description specified in regulations made by the Secretary of State for the purposes of this paragraph.

(6) The second case is where the person—

(a)serves as the principal of an Academy, and

(b)is not appointed by the proprietor of the Academy as an executive leader of the proprietor.

(7) The third case is where the person would fall within section 122(5) but for the fact that the other party to the contract of employment or for services under which the person provides primary or secondary education is the proprietor of an Academy (and not a party mentioned in section 122(3)(c)).

(8) Regulations under subsection (5)(d) may, in particular, specify a description by reference to a person's duties or to any provision for a person's remuneration to be determined otherwise than under this section.

(9) Where the proprietor of an Academy is also the proprietor of a 16 to 19 Academy, a person ("P") is not an Academy teacher for the purposes of this section to the extent that a contract of employment or for services between P and the proprietor requires P to provide secondary education at the 16 to 19 Academy.

(10) In the application of subsections (2) and (3)—

(a) it is immaterial whether someone other than the relevant proprietor provides or is responsible for providing all or part of a teacher's remuneration;

(b) it is immaterial whether someone other than the relevant proprietor is treated wholly or partly as a teacher's employer for some or all purposes by virtue of an enactment.

(11) In this section "the relevant proprietor", in relation to an Academy teacher, means the proprietor mentioned in subsection (5)(b), (6)(b) or (7) (as the case may be).'

6 In section 122A (inserted by paragraph 5), after subsection (10) insert—

'(10A) In determining the conditions of employment or service of an Academy teacher, the relevant proprietor must have regard to any provision of an order under section 122 that relates to conditions of employment or service (and must also have regard to guidance under section 127(1) that relates to such conditions).'

7 In section 123 (scope of section 122 orders)—

(a) in the heading, after '122' insert 'or 122A';

(b) after subsection (1) insert—

'(1A) Subsection (1) applies in relation to an order under section 122A as it does in relation to an order under section 122 but as if—

the reference in paragraph (a) to a local authority or a governing body were to a proprietor of an Academy, and

paragraphs (f) to (h) were omitted.';

(c) in subsection (2)(b), after 'local authorities' insert ', teachers and proprietors of Academies';

(d) in subsection (3), after '122' insert 'or 122A';

(e) in subsection (4), after paragraph (c) insert—

'(d) that a payment or entitlement of a specified kind is or is not to be treated as remuneration for the purpose of section 122A(1).'

8 In section 124 (supplementary provision), after '122', in each place it occurs (including the heading), insert 'or 122A'.

9 In section 125(1) (requirement to refer matter before making order), after '122' insert 'or 122A'.

10 In section 126 (bodies to be consulted by the Secretary of State)—

(a) after '122' insert ', 122A';

(b) after paragraph (b) insert—

'(ba) bodies representing the interests of proprietors of Academies,'.

11 In section 127 (guidance issued by the Secretary of State)—

after subsection (2) insert—

'(2A) The Secretary of State may issue guidance about the determination of whether, for the purposes of section 122A, a person's remuneration is at least equal to the amount specified in, or determined in accordance with, an order under that section.

(2B) The proprietor of an Academy must have regard to guidance under subsection (2A).';

(b) in subsection (3), after '(1)' insert 'or (2A)';

(c) in subsection (4)—

(i) after '(1)' insert 'or (2A)';

(ii) after paragraph (b) insert—

'(ba) bodies representing the interests of proprietors of Academies,'.

12 After section 127 insert—

'*127A References to "Academy" and "Academy arrangements"*

In sections 121 to 127, a reference to an Academy—

(a) includes a reference to a city technology college and a city college for the technology of the arts, and

(b) does not include a reference to a 16 to 19 Academy.

(2) A reference in any of those sections to Academy arrangements includes a reference to an agreement under section 482 of the Education Act 1996 (city colleges).'

13 In section 210(6) (orders not subject to Parliamentary procedure), after '122' insert 'or 122A'."—*(Catherine McKinnell.)*

This Schedule provides for an Academy teacher's pay to be determined under their contract of employment unless the pay would be less than the minimum set under the Education Act 2002 (as amended by this Schedule). It also requires proprietors of Academies to have regard to conditions of employment set under that Act for teachers at maintained schools.

Brought up, read the First and Second time, and added to the Bill.

Bill, as amended, to be reported.

Committee rose.

Written evidence reported to the House

CWSB205 Agenda Alliance

CWSB206 Town & Country Planning Association

CWSB207 Autism Alliance UK

CWSB208 Michelle Clement-Evans: Child Employment and Entertainment Manager, Nottinghamshire County Council, member of the National Network for Child Employment and Entertainment (NNCEE) with responsibility for Child Employment

CWSB209 NAHT (National Association of Head Teachers) (supplementary)

CWSB210 The Traveller Movement

CWSB211 Children's Charities Coalition

CWSB212 Neil Gordon-Orr, Assistant Director for Education Access, Southwark Council Children's Services

CWSB213 nurtureuk

CWSB214 Professor Mike Stein, Emeritus Professor, Department of Social Policy and Social Work, University of York

CWSB215 Friends, Families and Travellers

CWSB216 Dr Naomi Lott, University of Reading

CWSB217 Rachel Hiller, Professor in Child & Adolescent Mental Health, UCL; Lisa Holmes, Professor in Applied Social Sciences, University of Sussex, former Director of the Rees Centre, co-founder of the Children's Social Care Data User Group; Katherine Shelton, Professor in Developmental Psychopathology, Head of the School of Psychology, Cardiff University; Robbie Duschinsky, Professor in Social Sciences, Head of the Applied Social Science Group, University of Cambridge; Pasco Fearon, Professor of Family Research, University of Cambridge and Director of the Centre for Family Research; Rick Hood, Professor in Social Work at Kingston University; David Trickey, consultant clinical psychologist, co-director of the UK Trauma Council; Matt Woolgar, consultant clinical psychologist, King's College London and the South London & Maudsley NHS Foundation Trust; Dinithi Wijedasa, Associate Professor in Child and Family Welfare at University of Bristol

CWSB218 Operation Encompass

CWSB219 The Michael Roberts Charitable Trust

CWSB220 Professor Lily Kahn, Head of Department, Hebrew and Jewish Studies, UCL; Dr Sonya Yampolskaya, Honorary Research Fellow, Department of Hebrew and Jewish Studies, UCL

CWSB221 Nathalie Heaselden

CWSB222 Hampshire County Council

CWSB223 Andrew Böber MSc CMIOSH FRSPH FRGS, Head of Health & Safety / Designated Safeguarding Lead, The All England Lawn Tennis Club (Championships) Limited

CWSB224 Association of School and College Leaders (further submission)

CWSB225 Action for Children

CWSB226 Charlotte Decaille

CWSB227 Dr Fadoua Govaerts PhD – AFHEA

CWSB228 Naftoli Friedman

CWSB229 An individual who wishes to remain anonymous

CWSB230 Joel Norris

CWSB231 Chris Llewellyn

CWSB232 Alexander Gluck

CWSB233 Willow Martin

CWSB234 Mark Kelly

CWSB235 The Association for Education Welfare Management (AEWM)

CWSB236 Anna Whitehead

CWSB237 The Reading Agency

CWSB238 The Association of Directors of Children's Services Ltd (ADCS)

CWSB239 Lindsay Kerton, Education Welfare Officer, Children and Young People's Service, Wakefield Council

CWSB240 SafeLives

CWSB241 Into Film

CWSB242 Chelsea Peace

CWSB243 Apphia Kemp

CWSB244 Naomi Moksha

CWSB245 Shirley Watson

CWSB246 Sherpas (Startup Sherpas Education Limited)

CWSB247 Claire & Nathan Imhasly

CWSB248 British Association of Teachers of Deaf Children and Young People

CWSB249 Twinkl Ltd

CWSB250 Bliss

CWSB251 Laura Skeldon

CWSB252 Lara Stafford

CWSB253 Michael Charles Sinclairslaw

CWSB254 Play England

CWSB255 National Network of Designated Healthcare Professionals

CWSB256 Sarah Bingham

CWSB257 Challenging Behaviour Foundation

CWSB258 Worcestershire County Council

CWSB259 Chella Quint OBE, Founder, Period Positive

CWSB260 Children's Commissioner's Office

CWSB261 M King

CWSB262 ATD Fourth World

CWSB263 British Psychological Society (BPS)

CWSB264 Youth Futures

CWSB265 The Parent Support Group

CWSB266 Wellchild

CWSB267 Support Not Separation and Disabled Mothers' Rights Campaign

CWSB268 An individual who wishes to remain anonymous