

RM Forum

Children / well-being and schools bill. 2025

1. Second reading 8.1.25

Key points:

Unique identification – for each child

Uniform. The new law would ban primary schools from requiring more than three branded uniform items. Secondary and middle schools will also have to follow the same rule, unless one branded item is a tie, in which case they are allowed to require four.

Flexi-schooled pupils will need to be on council registers. The bill will create a duty on councils to create and maintain registers of children not in school, and to support children on those registers if councils seek that support.

School attendance orders. The bill will also reform the process by which school attendance orders are issued. There will be statutory timeframes for issuing and processing them, and the process for maintained schools and academies will be aligned.

It will become an offence for parents to withdraw children subject to school attendance orders, and those who breach an order can be prosecuted again if they continue to breach it without councils having to begin the process again.

This will also require councils to “consider the home and other learning environments when deciding whether education is suitable” for children subject to child protection processes.

Local authorities will be able to “request to see the child in their home”. Where this is refused, they can issue an attendance order.

Special school parents need council permission for home education

The government had already announced that the bill would require the parents of children subject to a child protection enquiry or plan to get council consent to home-educate their children.

But the bill and notes state that this will also apply to children at special schools.

“Children in special schools have complex needs and the removal of this school support could in some cases result in safeguarding issues or in a child not receiving a suitable education,” the government said.

New legal definition of full-time education

The bill sets out for the first time a legal definition of full-time education, which has been a grey area in the past.

A full-time education will now be defined as one where a child “could be expected to receive all or a majority of their education at the institution”.

Ofsted gets power to seize illegal schools evidence

As promised, the bill introduces a “more intrusive inspection regime” for suspected illegal schools.

Inspectors will get the power to enter any premises either with the agreement of the occupier or under a warrant “where they have reasonable cause to believe that an offence is being or has been committed on the premises or that evidence of an offence may be found on the premises”.

The powers will also allow inspectors to “take copies of documents, inspect any equipment, take measurements and take photographs, and make audio and video recordings on the premises”.

Teacher misconduct agency scope expanded

The draft law also seeks to extend the powers of the Teaching Regulation Agency to cover individuals who commit serious misconduct “when not employed as a teacher, but who have at any time carried out teaching work”.

QTS and national curriculum requirement for academies

The bill will make it a requirement for all new teachers entering the classroom to have or be working towards qualified teacher status and complete a statutory induction period.

This is currently the law for maintained schools, but not for academies. The induction requirement will only apply to teachers employed *after* the implementation date of September 2026.

Academies will also have to follow the national curriculum, but not until after the curriculum and assessment review has concluded and the government has responded.

New non-compliance directions for academy trusts

The government will also get a new power to direct academy trusts to require with legal requirements and “prevent trusts exercising their powers in an unreasonable way”. At present, academies breach their funding agreements when they fail to meet legal obligations, which may prompt a warning notice.

But the government said where “non-compliance is minor, termination may not be a proportionate response”.

The bill would give the government the power to issue a direction ordering trusts to “comply with specific duties or to prevent the unreasonable use of a power”. Examples given include not adhering to uniform rules or failing to deal with a parental complaint properly. In these cases, government would write to a trust to say it is “minded” to issue a direction. Where it was not satisfied with the trust’s response, a direction would be sent.

No automatic academy orders

As revealed earlier this week, the education secretary will no longer have a duty to issue an academy order to a school “causing concern”, though she will retain it as a power.

Councils can open new schools (Secretary of State decision)

The government is also scrapping the “free school presumption”, which required councils wanting to open a school to first seek an academy.

This will “enable proposals for all types of schools, including local authority proposals for community and community special schools, where they choose to put these forwards”.

When the council does not put forward its own proposals to open a school, they will continue to decide which provider opens the new school. However, if a council does put forward its own plans to open a new school – the regional director will make the call on behalf of the secretary of state.

National pay rules extended to academies – not the same for CEOs

Already contentious.

Legal duty to co-operate on admissions...

There will be new duties on mainstream state schools and councils to co-operate on admissions, and for mainstream, special and alternative provision state schools to co-operate with local authorities on place-planning.

Examples where this would apply include over fair access protocols, councils asking schools to reduce or repurpose spare capacity or councils engaging with schools to create admission brochures for parents.

The new duties “will send a strong message to the school system about the importance of co-operation on admissions and place planning so that the local community’s needs, especially those of the most vulnerable and disadvantaged, are met”, documents state.

It will mean the education secretary can also “intervene to address serious failures to co-operate” and direct a council or school to comply with their duties.

Councils get power to direct academy admissions

Councils will also get the power to direct academies to admit a child who has been refused admission or been permanently excluded from every suitable nearby school.

At present, they can only request that the education secretary uses her power to direct academies, which “can create a further delay in getting the child into school”.

There is also no formal route of redress for academies that don’t agree with a direction.

The changes would also enable academies, like maintained schools, to appeal to the schools adjudicator where they do not agree with the local authority’s decision to direct its school to admit a child.

Councils can object to academies’ capacity

With school rolls due to fall in the coming years, the government is also seeking to change the law around objections to school’s published admission number, or PAN.

At the moment, any body or person can object to a PAN being reduced. But the government intends to change the law so councils can object “where the admission number has been increased or maintained at the same level as the previous year”.

This would “give local authorities a route to challenge the PAN which the admission authority has set for the school and help them to meet their sufficiency duty and manage the school estate effectively”.

Infor from Schools Week / Ofsted / Hansard/ House of Commons Library.

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