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GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Seventh Sitting

Thursday 30 January 2025

(Morning)

CONTENTS

CLAUSES 21 AND 22 agreed to, one with an amendment.

CLAUSE 23 under consideration when the Committee adjourned till this day at Two o'clock.

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

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The Committee consisted of the following Members:

Chairs: MR CLIVE BETTS, SIR CHRISTOPHER CHOPE, SIR EDWARD LEIGH, † GRAHAM STRINGER

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| † Atkinson, Catherine (<i>Derby North</i>) (Lab) | † Morgan, Stephen (<i>Parliamentary Under-Secretary of State for Education</i>) |
| † Baines, David (<i>St Helens North</i>) (Lab) | † O'Brien, Neil (<i>Harborough, Oadby and Wigston</i>) (Con) |
| † Bishop, Matt (<i>Forest of Dean</i>) (Lab) | † Paffey, Darren (<i>Southampton Itchen</i>) (Lab) |
| Chowns, Ellie (<i>North Herefordshire</i>) (Green) | † Sollom, Ian (<i>St Neots and Mid Cambridgeshire</i>) (LD) |
| † Collinge, Lizzi (<i>Morecambe and Lunesdale</i>) (Lab) | † Spencer, Patrick (<i>Central Suffolk and North Ipswich</i>) (Con) |
| † Foody, Emma (<i>Cramlington and Killingworth</i>) (Lab/Co-op) | † Wilson, Munira (<i>Twickenham</i>) (LD) |
| † Foxcroft, Vicky (<i>Lord Commissioner of His Majesty's Treasury</i>) | Simon Armitage, Rob Cope, Aaron Kulakiewicz,
<i>Committee Clerks</i> |
| † Hayes, Tom (<i>Bournemouth East</i>) (Lab) | |
| † Hinds, Damian (<i>East Hampshire</i>) (Con) | |
| † McKinnell, Catherine (<i>Minister for School Standards</i>) | |
| † Martin, Amanda (<i>Portsmouth North</i>) (Lab) | † 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 updated, and I know that schools in my constituencies were 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 Shanani. 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 Shanani 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.