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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Eighth Sitting

Thursday 30 January 2025

(Afternoon)

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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.[1] 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.

1.[*Official Report,* 12 February 2025; Vol. 762, c. 5WC.] (Correction)

(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)