PARLIAMENTARY DEBATES

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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN'S WELLBEING AND SCHOOLS BILL

Twelfth Sitting

Thursday 6 February 2025

(Afternoon)

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not later than

Monday 10 February 2025

The Committee consisted of the following Members:

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

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

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

† attended the Committee

Public Bill Committee

Thursday 6 February 2025

(Afternoon)

[Sir Christopher Chope *in the Chair*]

Children's Wellbeing and Schools Bill

Clause 51

Amendments to invitation process for establishment of new schools

2 pm

Neil O'Brien (Harborough, Oadby and Wigston) (Con): I beg to move amendment 85, in clause 51, page 111, line 7, after "authorities" insert ", including academy trusts,".

The Chair: With this it will be convenient to discuss the following:

Amendment 48, in clause 51, page 112, line 4, at end insert—

"(5) After section 7A (withdrawal of notices under section 7), insert—

"7B New schools to allocate no more than half of pupil places on basis of faith

A new school for which proposals are sought by a local authority under section 7 must, where the school is oversubscribed, provide that no more than half of all places are allocated on the basis of or with reference to—

(a) the pupil's religious faith, or presumed religious faith;

(b) the religious faith, or presumed religious faith, of the pupil's parents.""".

Clause stand part.

Neil O'Brien: It is a pleasure to serve under your chairmanship, Sir Christopher. I will begin by asking a question up front, so that the Minister has time to confer with officials if she needs to in order to reply.

We learned during the debate on clause 50 that, as well as existing schools, local authorities will be able to go to the schools adjudicator regarding school openings. Will a local authority be able to object to the published admissions number of a school in another local authority, or is it limited to schools within its own area? Possible answers are: yes, they will be able to object about another authority; no, they will not be able to; or, the Government have not decided yet. As drafted, the Bill does not tell us what the Government's intent is.

I will now speak to our amendment 85 and clause 51. Local authorities can already establish local authority schools if there is really no one who wants to start a new school, although, as the Government's notes to the Bill rightly say, the current legal framework for opening new schools is tilted heavily towards all new schools—mainstream, special, and so on—being academies. As we have discussed, clause 44 repeals the requirement to turn failing local authority schools into academies; clause 51 is effectively the other half of that shift away from academisation. It ends the rule that new schools must be academies and allows local authorities to choose to set up new local authority-run schools instead. Both changes will reduce the flow of new schools into the best performing trusts. For that reason, we think it is a mistake.

Ministers keep saying that they want greater consistency—that seems to be one of the guiding principles of the Bill—but in the long term the combination of clause 51 and clause 44 will leave us with two types of school. That will sustain the confusion that we talked about in previous debates, where the local authority is simultaneously the regulator and a provider in the market it is regulating. The schools system is currently a halfway house: more than 80% of secondary schools are now academies, but less than half of primaries are, so just over half of all state schools are academies, and most academies are now in a trust.

I understand why Ministers have moved to find a legislative slot, and I know that anti-academies campaigners and people who do not like academies will welcome the clause. My question is where this is taking us in terms of a structure for the system as a whole. The Minister will say, "We want the flexibility to set up local authority schools," but the combination of clauses 44 and 51 means that, in the long term, we will continue to have two types of school, rather than continue the organic move of recent years toward a system that is clearly based on academies and trusts, and trusts as the drivers of overall performance. That became apparent during the Government's announcement the other day of their consultation on the new intervention regime. Ministers are now talking about RISE—regional improvement for standards and excellence—as one of the drivers of school improvement, leading to lots of questions about where the balance is between RISE and trusts, and what happens where the advice of a RISE team contradicts a trust's views about what should be done in the case of a school with problems.

We have rehearsed a lot of these issues before, but I am keen to get an answer from the Minister about whether, in the case of new school openings in a different local authority, another local authority would be able to send the question of that school's PAN to the schools adjudicator under clause 50. I am also keen to get the Minister's sense of the finality of the system. Are Ministers happy for us to have just local authority schools and academies in the long term, and do not think that that is a problem they need to address? Do they not have a vision for the final situation, or do they have some other vision that the Minister wants to set out?

Ian Sollom (St Neots and Mid Cambridgeshire) (LD): It is a pleasure to serve under your chairmanship, Sir Christopher. Broadly, the Liberal Democrats welcome clause 51 and its counterpart, not least because we desperately need new special schools. The previous Government approved fewer than half of the 85 applications from councils to open SEND free schools in 2022. This is a real part of unblocking that, so we agree with the Government. We tabled amendment 48 because a potential loophole is created in the now well-established rules on faith-based selection. Those rules apply to academies and will continue to do so, but under clause 51 not all new schools will be academies. The amendment would bring all new schools into line with the current established

principles of faith-based selection for academies. It is a very simple amendment. I think the error was made inadvertently during drafting, and hopefully the Government will support it.

Lizzi Collinge (Morecambe and Lunesdale) (Lab): I rise to speak to clause 51, because there are some points I wish to raise about this part of the Bill allowing new schools to have 100% faith selection.

Clause 51 allows new schools to be opened without ideological restrictions on their type; they could be academies, community schools or voluntary aided schools, which in my view is extremely welcome; but it also creates the ability to open new 100% faith-selective schools, which worries me. The current 50% cap on faith selection for academies was introduced by the Labour Government in 2007, and further embedded into free schools in 2010 by the coalition Government. The Education Act 2011 mandated that all new schools must be free schools, extending the cap's reach. That 50% limit was supported by all three main parties.

A scheme of local authority competitions similar to the one proposed in the clause operated from 2007 to 2012, in which we saw 100% faith-selective schools open. For example, Cambridgeshire county council ran a competition for a new school in which a 100% selective Church of England school won out over a proposal for a school with no religious character; the resultant school opened in 2017 and is still 100% faith selective. Another 100% religiously selective school was approved in the Peterborough council area. This has happened when the legislation has allowed for it.

We heard in the first evidence session that the Catholic Education Service would seek, in areas of oversubscription, to use 100% faith selection. We heard from the Church of England that nationally its policy is to stick to 50%, but its structure means that dioceses can put forward proposals for new schools, and they are not bound by that national policy. Members might be sitting here thinking, "So what? What is the problem with 100% faith-selective schools?" The problem is that 100% faith-selective schools are less socioeconomically diverse than might be expected for their catchment area, and less socioeconomically diverse than schools that are subject to the 50% cap. Compared with their 50% selective peers, 100% faith-selective schools are also less ethnically diverse than would be expected. Faith selective schools remain less inclusive across multiple factors. In my view, 100% faith selective admissions only exacerbate inequalities in the school system.

The Sutton Trust found that faith schools are less inclusive of disadvantaged children. The Office of the Schools Adjudicator found that faith-selective schools are less inclusive of children in care. The London School of Economics found that faith-selective schools are less inclusive of children with special educational needs and disabilities. Faith-selective admissions also disproportionately favour wealthier families, because they are socioeconomically more selective than other types of school. Compared with other schools, faith-selective schools admit fewer children eligible for free school meals than would be expected for their catchment area.

Many faith-selective schools operate a system of scoring for religious attendance and volunteering. In my view, this activity is simply easier for those with more economic or social capital—those who do not work weekends, nights or shifts, and who have a professional background where one is very happy and comfortable going into a new environment; perhaps one went to church as a child. At least since the 1950s, data shows that church attendance is higher among wealthier people. This religious activity is less easy to take part in for those who work shifts or weekends and those who do not have the cultural or social capital to enter confidently a situation that is new or perhaps culturally alien. I am focusing on church attendance because the religious majority in our country is Christian, even though actual religious belief is low.

Faith-selective schools encourage and embed educational inequalities, and that is why I am concerned about lifting the 50% faith-selection cap. I merely ask Ministers to consider this.

Damian Hinds (East Hampshire) (Con): I rise to speak to amendment 48, which stands in the name of the hon. Member for Twickenham. There are two main reasons people seek to limit school admissions on the basis of faith. The first is that some people do not like religion, organised religion, or the involvement of the state with organised religion. That is a matter of belief for some people. The second is that it is sometimes said that faith-based admission policies shut out others from good schools. There is sometimes a sense that it is academic or social selection by the back door. The hon. Member for Morecambe and Lunesdale alluded to that. Some people—I am not saying this is the case with the hon. Lady—talk about the second issue when really they have in mind the first. One can be a proxy for the other.

Lizzi Collinge: Will the right hon. Gentleman give way?

Damian Hinds: Before the hon. Lady corrects me, I did not say she was doing that.

Lizzi Collinge: I do not wish to correct the right hon. Gentleman. I believe he is correct that the two get confused. I have both of those beliefs.

Damian Hinds: I know! *[Laughter.]*

Lizzi Collinge: However I am very clear the evidence I am quoting is on the second of those. I would happily provide the right hon. Gentleman with the sources of evidence, should he like to peruse them.

Damian Hinds: I understand, acknowledge and respect what the hon. Lady says but, believe me, I do not need to see any more evidence on this subject, on which I have in my time perused large volumes. It is one of those issues—we talked the other day about another one—where the answer one wants can be found in the data.

Let us step back a moment. All liberal democracies permit freedom of religious belief, but the way it manifests is different in different countries. There can be an approach such as that in the United States or in France, where secularism in education is written into law or the constitution. We in this country have taken a different

[Damian Hinds]

approach. We have always allowed denominational schools. In fact, we have not just "allowed" it; denominational schools and faith schools have always been a key part of the system. The biggest name in primary education in Britain is the Church of the England; the biggest name in secondary education in England is the Catholic Church.

It is not just in education that our country has this tradition. In international development, for example, the Government work closely with organisations such as Christian Aid, World Vision and the Catholic Agency for Overseas Development. In children's services, the Children's Society used to be called the Church of England Children's Society, and Action for Children, formerly National Children's Home, has its roots in Methodism.

Before there were state schools, there were faith schools, often attached to monasteries or cathedrals. The Education Act 1944 formalised this position, sometimes known as the dual system, whereby faith schools could be a full part of the state school system while retaining their religious character. There is a distinction between what are known as voluntary aided schools and voluntary controlled schools, and different degrees therefore of independence for those two. VA tends to be mostly associated with the Catholic Church, but there are lots of Anglican VA schools, and VA schools of five or six other religious denominations as well.

It is understood traditionally and generally, but not entirely correctly that with a VA school, the Church provides the land and the state provides the building, and that there is a sort of co-ownership—it is obviously minority ownership on the part of the religious organisation. In reality, over time that system was eroded and changed to a cash contribution in which, typically, 10% would come from the Church, which then became 5%. I think there were some cases in which it was 0%, but broadly that tended to be the situation. Sometimes Churches complain about that, saying, "Why should we have to contribute to this school, when any other school being created is fully funded by the state?" I think that is a good rule for two reasons. First, it is a privilege to be able to have a school that is fully state funded for pupils within a faith, but it is also a guarantee of independence. It means that no future Government can come along and say, "We are going to change all these schools into fully secular schools," because they are part-owned—albeit a small part—by that religious faith.

2.15 pm

Lizzi Collinge: Does the right hon. Gentleman agree that the question of schools having a faith element, being run by a Church or by any faith group, is different from the question of whether, in their admissions policy, a school may discriminate against one child and in favour of another based on the professed faith of their parents? Does he agree that those are two separate issues?

Damian Hinds: They are different but related issues. For the avoidance of any confusion, when we talk about schools being "run" by a Church, there was a time when clerics ran schools, but things are not really done in that way today.

Some of the top-performing schools in the country are denominational schools with faith-based admissions. There are some very poor-performing faith schools and some brilliantly performing non-faith schools, and obviously it varies from year to year, but on average, faith schools tend to slightly outperform the average. The hon. Lady can correct me if I am wrong, but there is a feeling that this is where she and others get the idea that that is possible only if there was some unfairness in the intake of children the schools accept.

Lizzi Collinge: Will the right hon. Gentleman give way?

Damian Hinds: I suppose, having said that the hon. Lady can correct me, I cannot really stop her.

Lizzi Collinge: The right hon. Gentleman is being very generous with his time. It is not a belief that the profile of faith schools is different from other schools: it is true. If we look at the rates of free school meals and the wealth profile of parents and compare them with peers—if we compare apples with apples—the data shows that. Does he recognise that?

Damian Hinds: As I said earlier, there are all manner of datasets. I do not have my full Excel complement with me today, but I can trade with the hon. Lady and counter what she said with other statistics. In particular, anybody who suggests that the intake of a Catholic school is higher up the socioeconomic scale than the average does not know a whole lot about the demographics of the Catholic population in this country. We have a remarkable amount of ethnic diversity because of immigration patterns.

By the way, there is no such thing as 100% faith selection; that happens only if a school is oversubscribed. If a state-funded school has spare places, at the end of the day, it is obliged to let anybody come along. However, if a school is oversubscribed and we lose the faith admissions criterion, the nature of the school will change. That goes to the heart of the hon. Lady's question. There is something intrinsic to having a faith designation and a faith ethos in a school. Some people—I accept that the hon. Lady is not one of them—believe that such things contribute to what happens to those children, their education and their wellbeing, and they are reflected even in that small average premium in terms of results.

Back in the days of the free schools and before them, as the hon. Lady mentioned, a 50% cap was put in place, known commonly as the 50% faith cap. That reflected the fact that with free schools there was a different situation, because now any group could come along and say, "We want to open a school." It seemed a sensible safeguard to have a cap. However, all the way through it has remained legally possible—not a lot of people know this—to open a voluntary aided school. That proposition was tested in law in 2012, after the coalition Government came into office, with the St Richard Reynolds Catholic college in the constituency of the hon. Member for Twickenham. Once a VA school is opened, it can convert to an academy.

Munira Wilson (Twickenham) (LD): I am listening carefully to the right hon. Gentleman's excellent speech. Amendment 48 does not seek to prevent faith schools

from opening. It would simply apply the cap to any type of school—academy, maintained, voluntary aided or whatever.

For me, the main driver for that safeguard is social cohesion and ethnic diversity. We have talked a lot about Church schools, but there are other faiths that seek to set up schools in certain areas of the country where, without the cap in place, they would not get much racial diversity. That is worrying for community cohesion. I say that as somebody who has a strong personal faith. I send both my children to a Church of England school—mainly because it is in front of my house, so they can leave the house 30 seconds before the gate shuts—but I feel uncomfortable with its level of faith selection. As we heard in oral evidence from Nigel Genders, it is important that state-funded schools be for the whole community and be open to everyone.

Damian Hinds: That is a view. It is a perfectly legitimate view that some people hold, but it is not a view that I hold, nor is it a view that we have held historically in this country. Going back to 1944, to 1870 and even further, we have said that we believe in diversity of provision. That includes the Church of England and the Catholic Church, but it also includes other faiths. Some of the top-performing schools in the country are Jewish schools or Muslim schools.

Munira Wilson: I think the right hon. Gentleman thinks I am arguing that we should abolish faith schools. I have not made that argument. He is saying that this is not how we have done things in this country, but since the coalition and before, we have had a 50% faith cap. All the amendment seeks is clarity in legislation that that 50% faith cap will remain in place for any new school that opens. I realise that it was the Liberal Democrats who forced the Conservatives to put the cap in place for free schools, which is probably why the right hon. Gentleman will oppose me. For me, it is about social cohesion and about honouring the fact that we should serve all our communities. I am not opposing the establishment of new faith schools; I am just saying that they should have a cap of 50% on faith-based admissions.

Damian Hinds: I assure the hon. Lady that on this occasion I am not holding her Liberal Democrat party membership card against her. That is not the basis on which I am making these points.

The hon. Lady said that whatever type of school opens, it should have a 50% cap. By definition, there is no such thing as a VA school with a 50% cap, because being a voluntary aided school means having control over admissions in that way. It is not true that we have necessarily had the 50% cap all the way through; I point to the VA school that opened in her very constituency, and there have been others since then. The reason why only a small handful of VA schools have opened over the past couple of decades is that there was no money for it. To get money to open a school, it had to be a free school.

In 2018-19, the then Secretary of State, fine fellow that he was, created a small capital fund for the voluntary aided schools capital scheme. The reason related to patterns of immigration, particularly Polish and eastern European immigration. In the old days, it was Irish immigration—that is where I come from—but there have been many other waves from different places. As a result of eastern European immigration, there was a demand for Catholic schools in certain parts of the country. Those people, who had come to this country and made their lives here, and of whom there were now generations, were not able to access such schools in the way they could have in other parts of the country. Under that scheme, there were applications from five different faiths; at the time, one was approved and one put on hold. I contend that it is a good system that we have the cap for that tranche of schools—they are not going to be free schools—to retain those safeguards, but it is still possible to open a denominational school, of whichever faith, in circumstances in which there is great need in a particular area.

We talked earlier about local authority areas and their difference in size. Birmingham, which is one massive local authority area, is very different from an individual London borough. For the consideration of faith school applications, it ought to be possible to look over a wider area, because travel-to-school distances are much longer on average.

I want to check with the Minister, the hon. Member for Newcastle upon Tyne North, that the Government's proposals will not preclude the opening of new voluntary aided schools. I am afraid I must conclude by saying that, for reasons that the hon. Member for Twickenham will understand and that have nothing to do with her party affiliation, I cannot support amendment 48.

Darren Paffey (Southampton Itchen) (Lab): It is a pleasure to serve under your chairship, Sir Christopher. I rise to support clause 51 and to question the nature of the amendments.

The block on new local authority-run schools could only have been introduced for ideological reasons. Its removal is hugely welcome. If one model were of substantially better quality than the other, there might be a basis for such a block, but the facts speak for themselves: that is not the case. There is now a statistically negligible difference between the number of good and outstanding academies and the number of good and outstanding schools of other models, including local authority schools. It is plain for all to see that they are as good as each other, so the argument no longer holds water that one model is worse than the other and that legislation is therefore needed to block it.

I fully relate to the experience mentioned by the hon. Member for St Neots and Mid Cambridgeshire, where the only option is a free school application that then gets shut down. In my Southampton constituency, we put forward an excellent bid—all the advice throughout the process deemed it excellent—for a free special school. We are all painfully aware of the need for extra places for those with special educational needs and disabilities. With a free school application as our only option, we dutifully engaged, only to have that option shut down to us in the end. That pushes the responsibility back on existing schools to expand, entirely at the cost of already cash-strapped local authorities.

The clause is a sensible restoration of parity of esteem between different school models. On the rationale for objections and scrutiny, I have to say that am left a little

[Darren Paffey]

confused by the Opposition's positions and arguments. They question the local authority's being both the regulator and provider of schools. If they do not support that, what is their solution? Is it for the local authority to become redundant and have no role in planning, so we therefore have centralisation back to the Department for Education? Or is it that we continue to prohibit local authority schools from opening, thereby reducing the mixed economy and maintaining their free school presumption, which got us into this situation in the first place?

I am glad that we have clause 51 in the Bill. It is a strong response to a real need. It takes account of the reality of quality and democratic accountability in school place planning and the opening up of schools. It reflects the fact that we have excellent teachers in local authority maintained schools, every bit as much as in other models of school where they choose to work. It opens up opportunities for multiple bids from school providers. That reflects the position set out in the preceding clauses, which is that we want to get back to a position of collaboration, not unbridled competition, in the provision of education for our children.

2.30 pm

The Minister for School Standards (Catherine McKinnell): I thank the hon. Member for Harborough, Oadby and Wigston for tabling amendment 85. When a local authority thinks that a new school is needed in its area, it will be required to seek proposals for a new school from proposers other than local authorities. That includes academy trusts, as well as other bodies such as charitable foundations and faith bodies. Local authorities will be required to seek proposals for different types of school, including academy schools, foundation schools and voluntary schools.

I appreciate that the hon. Member may be looking for assurance that proposals for new academies will be sought and welcomed as part of the new invitation process. I can absolutely reassure him on that. We are simply ending the presumption that all new schools should be academies and allowing proposals for all types of school, so that the proposal that best meets the needs of children and families in an area is taken forward. All types of schools have an important role to play in driving the high standards that we want to see in every school, so that all children are supported to achieve and thrive.

I thank the hon. Member for Twickenham for tabling amendment 48, which seeks to restrict the proportion of places that can be allocated on the basis of faith to a maximum of 50% for all new schools established following a local authority invitation to establish one. In practice, it would only make a difference to a new voluntary aided foundation and a voluntary controlled school with a faith designation.

I recognise that the hon. Member is seeking to ensure that new schools are inclusive and that all children have access to a good education. That is very much a mission that we share. The Government support the ability of schools designated with a religious character to set faith-based oversubscription criteria. This can support parents who wish to have their children educated in line with their religious beliefs. However, it is for a school's admission authority to decide whether to adopt such arrangements.

The removal of the legal presumption that all new schools be academies is intended to ensure that local authorities have the flexibility to make the best decision to meet the needs of their communities. Decision makers will carefully consider proposals from all groups and commission the right new schools to meet need and to ensure that every child has the opportunity to achieve and thrive. On that basis, I hope that the hon. Member for Twickenham will not press her amendment.

Clause 51 will end the legal presumption that new schools should be academies. It will require local authorities to invite proposals for academies and other types of school when they think that a new school should be established and will give them the option to put forward their own proposals. The changes will ensure that new schools are opened by the provider with the best offer for local children and families. They will better align local authorities' responsibilities to secure sufficient school places with their ability to open new schools. We are committed to ensuring that new schools are opened in the right place at the right time, so that all children have access to a core offer of a high-quality education that breaks down the barriers to opportunity.

I turn to hon. Members' specific questions. There was quite a wide-ranging debate on the amendments, which is typical of this very assiduous Committee. As I said on the faith schools cap provision, we want to allow proposals for different types of school that will promote a diverse school system that supports parental choice. As the right hon. Member for East Hampshire said, we have a rich and diverse school system. Our priority is driving high and rising standards so that children can thrive in whatever type of school they are in. We will work in partnership with all types of school, including faith schools, as part of that mission.

Proposers, including faith groups, will be able to put forward a proposal in response to an invitation from the local authority and where the local authority thinks that a new school should be established in the area. As is already the case, faith groups can put forward proposals for a new voluntary or foundation school outside the invitation process, for example where they think that there is a need for particular places to replace an independent school or to replace one or more foundations or voluntary schools that have a religious character.

Although designated faith schools that are not subject to the 50% cap are not restricted in the number of places that they can offer with reference to faith when oversubscribed, it is for the admission authority to decide whether to adopt such arrangements. Indeed, there is real variation: some choose to prioritise only a certain proportion of their places with reference to faith in order to ensure that places are available for other children, regardless of faith, while many do not use faith-based oversubscription criteria at all. Regardless of the admissions policy set by the admission authority, faith schools remain subject to the same obligations as any other state-funded school to actively promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those of different faiths and beliefs, and to teach a broad and balanced curriculum. That will apply to all schools as part of the changes introduced by this Bill.[1]

1.[*Official Report,* 3 March 2025; Vol. 763, c. 4WC.] (Correction)

Let me say in response to concerns about faith schools being less socioeconomically and ethnically diverse that, to be fair, it is not true of all faith schools. Catholic schools are among the most ethnically diverse types of school. Faith schools tend to have intakes that reflect wider intakes; they draw from a much larger catchment area, which can often create a more diverse intake. The Department does not collect data about the admission policies of schools with a religious character, and we do not have any data on the proportion of children admitted to a school on the basis of faith or how many are able to access a preferred place on the basis of their faith. That means that there is no data to support capping faith admissions on the ground that they are restricting children and parents from accessing the school of their choice.

On the role of the adjudicator, which I think the hon. Member for Harborough, Oadby and Wigston asked about specifically, we will set out details in regulations, but it is our intention that local authorities will be able to object to the published admission numbers in another local authority.

I hope that I have responded to all the concerns that have been raised. I commend the clause to the Committee.

Neil O'Brien: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 48, in clause 51, page 112, line 4, at end insert—

"(5) After section 7A (withdrawal of notices under section 7), insert—

'**7B New schools to allocate no more than half of pupil places on basis of faith**

A new school for which proposals are sought by a local authority under section 7 must, where the school is oversubscribed, provide that no more than half of all places are allocated on the basis of or with reference to—

(a) the pupil's religious faith, or presumed religious faith;

(b) the religious faith, or presumed religious faith, of the pupil's parents.'"—*(Ian Sollom.)*

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 12.

Division No. 17]

AYES

Chowns, Ellie	Wilson, Munira
Sollom, Ian	

NOES

Atkinson, Catherine	Hayes, Tom
Baines, David	Hinds, rh Damian
Bishop, Matt	McKinnell, Catherine
Collinge, Lizzi	Martin, Amanda
Foody, Emma	Morgan, Stephen
Foxcroft, Vicky	Paffey, Darren

Question accordingly negatived.

Clause 51 ordered to stand part of the Bill.

Clause 52

CERTAIN PROPOSALS TO ESTABLISH NEW SCHOOLS: PUBLICATION REQUIREMENTS ETC

The Chair: With this it will be convenient to discuss the following:

Clauses 53 and 54 stand part.

Schedule 2 stand part.

Clause 55 stand part.

Catherine McKinnell: Clause 52 requires local authorities to publish proposals when they want to open a new maintained nursery school. It also sets out the circumstances in which local authorities or other proposers can publish proposals for other new schools outside of the invitation process described in clause 51.

Local authorities will be able to publish proposals for a new community, community special, foundation, or foundation special school to replace one or more maintained schools, or to establish a new pupil referral unit to replace one or more pupil referral units. They will not be required to follow the invitation process unless they choose to, or they have already launched an invitation process that they could publish the proposals in response to. It also allows other proposers to propose the establishment of a new foundation, voluntary or foundation special school at any time, unless there is a live invitation process that the proposals could be submitted in response to. Local authorities and other proposers will not need to obtain the Secretary of State's consent before publishing proposals, as they do now in certain circumstances.

The clause also enables regulations to set out the action that local authorities must take to publicise proposals that have been published under these arrangements.

These provisions give local authorities the flexibility to decide which route to establishing a new school is most appropriate when they are replacing an existing maintained school or schools. They also preserve the ability of other proposers to put forward proposals to the local authority for a new school, for example to meet the need for a particular type of place.

Clause 53 applies a restriction on opening new schools under section 28 of the Education and Inspections Act 2006 to pupil referral units, so that pupil referral units can be established only by following the same statutory procedures, introduced by clauses 51 and 52 of the Bill, that apply to other types of school maintained by local authorities. That means that, where a local authority thinks that a new alternative provision should be established, it will be required to invite proposals from proposers for an alternative provision academy, and will be able to decide whether to publish its own proposals for a pupil referral unit to be considered alongside any academy proposals received.

Clause 53, along with clauses 51 and 52, brings pupil referral units within the statutory arrangements for establishing new schools, providing clarity and transparency about the process by which new pupil referral units can be opened, putting them on an equal footing with alternative provision academies, and better aligning a local authority's responsibility for securing sufficient places with its ability to open new schools.

Clause 54 introduces schedule 2, which amends schedule 2 to the Education and Inspections Act 2006 to ensure that there are clear and fair processes for the consideration and approval of proposals made under sections 7 or 10 of the 2006 Act, as amended by this Bill, for the establishment of new schools.

Where proposals for a new school have been invited, schedule 2 will ensure that any proposals are considered equally, without the preference being given to academy

[Catherine McKinnell]

proposals that there is now. This will allow decision makers to select the best proposal that meets the needs of children and families, regardless of the type of school it is.

In situations where local authorities have chosen to put forward their own proposals alongside others, or there are proposals for a new maintained school to have a foundation that the local authority would have a role in, the Secretary of State will make the decision, to ensure a fair, unbiased outcome.

Schedule 2 also requires the local authority to refer any proposal to the Secretary of State that has not yet been determined, providing an effective backstop in case of concerns over any decision making or delay. Where a local authority put forward proposals outside of an interpretation process, or if there is a proposal outside the process where the authority would be involved in the proposed school's foundation, they will be required, as now, to refer the proposal to the schools adjudicator for decision.

Schedule 2 makes it clear that, before approving proposals for an academy, a local authority must consult the Secretary of State and seek confirmation that she would, in principle, be willing to enter into a funding agreement for that academy. That mirrors current arrangements and ensures that local authorities can be provided with all relevant information from the Department for Education on an academy trust making a proposal.

Clause 55 puts in place transitional arrangements for moving from the current arrangements for establishing new schools to the new arrangements. Where proposals for a new school have been sought by a local authority or published by a proposer or a local authority under the existing provisions under the Education Inspections Act 2006, and a decision on those proposals has not yet been made by the time the new provisions come into effect, the new arrangements will not apply and the proposals will be determined under the old arrangements. The clause also allows consultation that has been carried out under the requirements of the existing provisions of the 2006 Act, and before the new requirements come into force, to satisfy the requirements to consult under the amended provisions.

2.45 pm

These transitional arrangements provide clarity for local authorities and proposers as they move to the new arrangements. They ensure that proposals that have been sought or published under the current arrangements can be determined under those arrangements. They avoid duplication of effort by allowing consultation that has taken place before the new arrangements come into effect to meet the requirements of the new arrangements, where appropriate. I commend the clauses to the Committee.

Question put and agreed to.

Clause 52 accordingly ordered to stand part of the Bill.

Clauses 53 and 54 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clause 55 ordered to stand part of the Bill.

Clause 56

POWER TO MAKE CONSEQUENTIAL PROVISION

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clauses 57 and 58 stand part.

Amendment 11, in clause 59, page 115, line 18, at end insert—

"(2A) Section (Abolition of common law defence of reasonable punishment) comes into force at the end of the period of twelve months beginning with the day on which this Act is passed."

This amendment is consequential on NC10.

Clauses 59 and 60 stand part.

New clause 10—*Abolition of common law defence of reasonable punishment*—

(1) The Children Act 2004 is amended as follows.

(2) In section 58 (Reasonable Punishment: England), omit subsections (1) to (4).

(3) After section 58, insert—

"58A Abolition of common law defence of reasonable punishment

(1) The common law defence of reasonable punishment is abolished in relation to corporal punishment of a child taking place in England.

(2) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.

(3) Corporal punishment of a child taking place in England cannot be justified in any civil or criminal proceedings on the ground that it constituted acceptable conduct for the purposes of any other rule of the common law.

(4) For the purposes of subsections (1) to (3) "corporal punishment" means any battery carried out as a punishment.

(5) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.

(6) The power to make regulations under subsection (5) is exercisable by statutory instrument.

58B Promotion of public awareness and reporting

(1) The Secretary of State must take steps before the coming into force of section 58A to promote public awareness of the changes to the law to be made by that section.

(2) The Secretary of State must, five years after its commencement, prepare a report on the effect of the changes to the law made by section 58A.

(3) The Secretary of State must, as soon as practicable after preparing a report under this section—

(a) lay the report before Parliament, and

(b) publish the report.

(4) The Secretary of State may make regulations for transitory, transitional or saving provision in connection with the coming into force of this section.

(5) The power to make regulations under subsection (4) is exercisable by statutory instrument."

This new clause would abolish the common law defence of reasonable punishment in relation to corporal (physical) punishment of a child taking place in England, amend certain provisions of the Children Act 2004 relating to corporal punishment of children and place a duty on the Secretary of State to report this change.

Catherine McKinnell: Clause 56 contains a provision for the Secretary of State to make changes consequential on the provisions of the Bill to other legislation, as well as to existing primary legislation. It has been drafted to allow the Secretary of State to make consequential changes to other Acts preceding this Bill or those that are passing before Parliament in this Session. It is always possible that necessary changes to legislation may be identified after a Bill's passage. Given the breadth of legal areas that the Bill covers, it is prudent to provide a failsafe should anything have been missed. Without one, there is a risk to the coherence of the legislative landscape that the Bill creates. The clause sets out that regulations making changes to primary regulation are subject to the affirmative procedure, and that those making changes to other legislation are subject to the negative procedure.

Clause 57 contains a financial provision necessary to the provisions of the Bill that require expenditure. It sets out the expectation that Parliament will fund any expenditure and any future increase in it incurred by the Secretary of State in relation to this Bill.

Clause 58 sets out the territorial extent of the provisions in the Bill. It is a standard clause for all legislation. As the Committee is aware, Westminster does not normally legislate on devolved matters without the consent of the relevant devolved Governments. However, there are no provisions of this Bill that engage that process.

Clause 59 sets out when the provisions in the Bill come into force. The general provisions on extent, commencement and the short title come into force on the day of Royal Assent. Subsection (2) sets out the provisions that will come into force two months after the Bill is passed. All the provisions will come into force on a day or days to be appointed by the Secretary of State through regulations. Those regulations may appoint different days for different purposes or different areas. The Secretary of State may also make regulations that provide for transitional or saving provision in connection with commencement.

Clause 60 provides that the short title of the Bill will be Children's Wellbeing and Schools Act 2025. For the reasons outlined, I commend the clauses to the Committee.

On new clause 10, I am grateful for the opportunity to discuss removing the common law defence of reasonable punishment. Keeping children safe could not be more important to the Government. We are already taking swift action through these landmark reforms to children's social care. It is the biggest overhaul in a generation. The Government are committed, through our plan for change, to ensuring that children growing up in our country get the best start in life through wider investment in family hubs and parenting support. This landmark Bill puts protecting children at its heart.

To be absolutely clear, the Government do not condone violence or the abuse of children, and there are laws in place to protect children against those things. Child protection agencies and the police treat allegations of abuse very seriously. They will investigate and take appropriate action, including prosecution, where there is sufficient evidence of an offence having been committed. Local authorities, police and healthcare professionals have a clear duty to act immediately to protect children if they are concerned that a child is suffering, or is likely to suffer, significant harm.

This Bill will put children's future at the centre of rebuilding public services, requiring higher standards for all children in need of help and protection. It is a key step towards delivering the Government's opportunity mission to break the link between a young person's background and future success.

We do not intend to legislate on the defence at this stage, but we will review the position when we have evidence from Wales of the impact since it was removed. Wales will publish its findings by the end of 2025 and we will look at them carefully. We recognise that parents have different views and approaches to disciplining their children. We need to consider their voices, and those of the child, trusted stakeholders and people who might be disproportionately affected by the removal of the defence, in making any decisions.

Let us also be clear: those children who have been abused or murdered by their parents would not have been covered by the defence of reasonable punishment. Crown Prosecution Service guidance is very clear about what is acceptable within the law to justify reasonable punishment.

The Bill introduces many measures to keep children safe—for example, requiring local authorities to have and maintain children not in school registers; improving information sharing between agencies; making sure that education and childcare settings are involved in local safeguarding partnerships; and making it a requirement for every local authority to have multi-agency child protection teams. Nationally, we are rolling out the vital multi-agency family health and child protection reforms through the Families First partnership programme from April 2025, and we are delivering parenting support through our family hubs programme in several local authorities.

The protection of children is critical. The Bill takes important steps to improve safeguarding. On that basis, I invite the hon. Member for North Herefordshire not to press the new clause.

On amendment 11, I appreciate what the hon. Member has set out in relation to having a delayed implementation for the removal of the defence of reasonable punishment. As I mentioned in response to new clause 10, we do not intend to legislate at this stage, but we will wait for Wales to publish its impact report on removing the defence, which is due at the end of 2025. We will look at the evidence of the potential impact before making such a significant legislative change. When we review the position, we will ensure that due thought and consideration are given to ensuring that there is an appropriate implementation period. On that basis, I invite her not to press the amendment.

Neil O'Brien: I rise to speak only to clause 56, which is a big old Henry VIII power. I am sure that their lordships will want to explore it in detail. In the interests of time, I have not tabled an amendment to it at this stage and I will not go into lots of detail, but it is always important to note such things. It is no small thing to give the Government the power to amend primary legislation without coming back to the House. Of course, there are certain limits to what they could do by means of such measures, but it is a big deal.

I place it on the record that the Minister will be well aware of some of the concerns about the clause that are coming to us from civil society. I am sure that she will

[Neil O'Brien]

have seen the comments from Jen Persson, the director of Defend Digital Me, on the information powers in the Bill. When we make laws in this way, it relies on someone noticing and raising an objection to Parliament to get any kind of democratic debate, and we can only stop such things in hindsight.

As the Minister will know, Defend Digital Me has put forward 30 different areas and proposals that it has concerns about, particularly on the information side. On previous clauses, we debated the constant unique identifier and eventually using the NHS number for that, and other things that we have objected to, such as the requirement to give information about how much time a home-schooled child is spending with both parents.

I will not reconsider all the debates that we have already had, but all those important decisions will potentially be in the scope of this Henry VIII power. I am keen to move on to the new clauses, so I will not go any further now, but I am sure that the Government will receive lots of probing questions on this point as the Bill moves to the other place.

Munira Wilson: I rise to speak in support of new clause 10, adding the Liberal Democrats' support for putting equal protection into law for children. I do not understand why we would have a different level of protection for adults versus children. They are the most vulnerable children in our society. The Children's Commissioner and the National Society for the Prevention of Cruelty to Children have been very clear that children should be protected. This is not seeking to interfere with parents in terms of how they discipline their children; it is about protecting our most vulnerable. The Children's Commissioner has strongly called for this, particularly in the wake of the tragic case of Sara Sharif.

I really hope, when the Minister says that the Government will actively look at this during this Parliament, that that is the case. I suspect that there are Members in all parts of the House—I note that the new clause has cross-party support—who will continue to press her on this matter, because it is a basic issue of children's rights and equal protection in law.

Ellie Chowns (North Herefordshire) (Green): It is a pleasure to serve under your chairmanship, Sir Christopher. I rise to speak to demonstrate the cross-party support that has already been referred to for new clause 10 and consequential amendment 11 in the name of the hon. Member for Lowestoft (Jess Asato), and I would like to start by congratulating and thanking her for her important work on this issue over many years.

Giving children equal protection from assault cannot happen soon enough. Although we tabled amendment 11 as a probing amendment, I cannot urge the Government strongly enough to grasp this opportunity, in this Bill on children's wellbeing, to take this forward and put it into law.

Taking the essential step of giving children equal protection from assault has very widespread support not only among the general public, but among all sorts of organisations that advocate and work on behalf of children, including the NSPCC, the Royal College of Paediatrics and Child Health, the Parenting and Family Research Alliance and the Children's Commissioner, to name just a few. We heard from the Children's Commissioner herself in oral and written evidence just how strongly she feels about this matter. I share her view that it is totally unacceptable that in 2025, children have less protection from assault under English law than adults do. The existence of the "reasonable punishment" defence perpetuates ambiguity in the law. It leaves children exposed to potential harm and undermines efforts to safeguard their wellbeing. New clause 10 would remove this outdated defence and provide clarity, consistency, and equal protection for children under the law.

The Minister talked about wanting to wait until we have evidence from Wales, and of course, as she acknowledges, it is only in England and Northern Ireland that children do not have this protection. Scotland and Wales have already passed legislation on this matter—indeed, Scotland did before Wales, in 2020. The Minister mentioned waiting for evidence to come from Wales as to the impact of this. There is very clear evidence—worldwide, in fact—on the benefits of giving children the same protection from violence as adults. I believe there are 65 countries worldwide that give that protection, and there are decades of evidence on that topic. I am sure she has received that evidence and I warmly invite her to peruse it very carefully.

Many studies show that physical punishment is not only ineffective at managing children's behaviour, which is what some parents may intend, but actively harmful. It is associated with increased behavioural problems, increased risks of mental health issues and increased risks of more serious assault. The current, grimly outdated legal framework complicates the matter of addressing improving safeguarding efforts and makes it harder for professionals to assess and effectively address risks to children. The Minister referenced the roles of professionals in safeguarding children, and there is significant testimony from those professionals about how unhelpful this ambiguity in the law is. Fundamentally, there is an inequality here. If an adult hits an adult, it is assault; if an adult hits a child, they can claim the defence of reasonable punishment.

3 pm

New clause 10 would establish the clear principle that assault is never justifiable and align English laws with international human rights standards, including the UN convention on the rights of the child. As I have mentioned, the success of similar legislation in Scotland and Wales provides a compelling precedent in our country. Indeed, in Scotland the introduction of the Children (Equal Protection from Assault) (Scotland) Act 2019, which was led by my colleague, the former MSP John Finnie, contributed to a national dialogue on non-violent approaches to parenting. It also prompted the development of additional practical resources to help parents and caregivers to embrace positive parenting approaches, so it was very constructive.

New clause 10 is not complicated. Removing the current disparity between the protection in law of adults and children is about putting children first. A child's right to equal protection from assault comes before a parent's ability to potentially use a claim of reasonable punishment to defend themselves against a charge of assault. By removing ambiguity and aligning our legislation

with international standards and with the evidence, the new clause would underscore our commitment to ensuring every child's right to safety and equal protection.

I want to pick up one final point that the Minister made. She said we have laws in place to protect children against violence, but the point is that we do not have equal laws in place to protect children against violence. Why should children have less protection than adults? I strongly urge the Government to consider the new clause carefully and to look to incorporate it into the Bill.

Catherine McKinnell: I will respond initially to the question raised by the hon. Member for—

Neil O'Brien: Harborough, Oadby and Wigston. "Harborough" is fine.

Catherine McKinnell: On clause 56, it is always possible that necessary changes to legislation might be identified through a Bill's passage. As I said, it is therefore prudent to have a failsafe should anything have been missed. This power is limited and narrow: it can be used only to make amendments that are consequential on the Bill's provisions, which will be voted on, and it is in line with usual practice.

Regulations made under the power that amend or repeal any provision in primary legislation will be subject to parliamentary scrutiny. We have carefully considered the power, and we believe that it is entirely justified in this case. It is needed to ensure that we are able to deal with the legislative consequences that may flow naturally from the main provisions and ensure that other legislation continues to work properly following the passage of the Bill.

Damian Hinds: Will the Minister allow me?

Catherine McKinnell: Well—yeah.

Damian Hinds: I have never been so warmly welcomed. *[Laughter.]* We talked a few sittings ago about the NHS number and the database of children, and there are a lot of wide-open questions about the scope of that. Is that all children? How will it be used? In turn, that could potentially affect a lot of other pieces of legislation.

Bearing in mind the massive controversies we have had in this country in the past over ID cards, privacy and so on, will the Minister write to the Committee setting out specifically what some of the issues in relation to that might be? We do not want find ourselves having agreed to do something that we did not realise we were agreeing to do.

Catherine McKinnell: I think I can assure the right hon. Gentleman that that is not the case. The inclusion of similar powers is common and well-precedented in legislation. Powers to make consequential amendments can be found in several other Government Bills, such as the Renters' Rights Bill and the Employment Rights Bill, as well as in Acts presented under the previous Administration, such as the Health and Care Act 2022, which I am sure the right hon. Gentleman is fully supportive of.

I turn to new clause 10 and the contributions from hon. Members. I absolutely appreciate the case that is being made, which is why we are open-minded on the issue, but we do not intend to bring forward legislation imminently. The hon. Member for North Herefordshire spoke about the successful implementation in Wales. I am interested in how she knows that to be the case, because we are awaiting the publication of the impact assessment. We are very keen that legislation is evidence-based and has its intended effect. That is why we are waiting for the evidence that will come from Wales.

The hon. Member mentioned a number of international examples. I have an example from New Zealand, which removed the reasonable punishment defence in 2007. Data suggests that 13 cases were investigated between 2007 and 2009, with one prosecution. It is important that we look at how this measure works within the context of each country that it is applying it. Obviously, we will look very closely at the implementation in Wales—the impact it has and the difference it makes—and will also then look at how that will apply specifically within an England context before proceeding with legislation.

Ellie Chowns: There are two points that I would want to make. Is the Minister really arguing that whether we should protect children from violence depends on whether an impact assessment shows that there are a certain number of prosecutions or whatever? Is this not about the fundamental equality of protecting children in the same way that we give adults legal protection against assault?

Secondly, the impact of giving that equal protection is surely not something that should be measured in the sense of how many prosecutions there have been over how many years. This is not about getting more prosecutions; it is about shifting the culture as a whole to recognise that there is no justification for violence against children—none.

Catherine McKinnell: Keeping children safe could not be more important, and it could not be a greater priority for this Government. The question is how that is best achieved. That is the evidence that we are awaiting from Wales—to see how impactful the change made there has been.

I will give another example, from the Republic of Ireland, which removed the reasonable punishment defence in 2015. There is limited data on the impact, but a poll in 2020 suggested that a relatively high acceptance of slapping children remained.

Absolute clarity and an evidence-based approach is what the Government seek to take. That is why, within this legislation, we have absolutely prioritised real, tangible measures, which we can put into practice without delay, to significantly improve the chances of any harm coming to children being minimised. I listed those measures in my opening response on this clause. As the law stands, quite frankly, any suggestion that reasonable punishment could be used as a defence to serious harm to a child, or indeed death, as has been asserted, is completely wrong and frankly absurd.

Ellie Chowns: The Minister cited an example from Ireland. I do not think anybody is arguing that abolition of the defence of reasonable punishment will, in and of

[Ellie Chowns]

itself, stop all violence against children, but we are arguing that it is an important component of what must be done to stop violence against children. The Children's Commissioner and all the other people I have cited have made very powerful arguments to that effect. Professionals working in the sector have talked about how the ambiguity of the current law is actively unhelpful to them in offering support and intervention to families in which this might be an issue.

Going back to the point about needing to wait for an impact assessment, does the Minister think there is any universe in which it could be more beneficial for children to keep the defence of reasonable punishment than it would be to abolish it? Surely it is logical to expect that ensuring equal protection for children will move things in a better direction, alongside all the family support required to make a sustainable long-term change.

Catherine McKinnell: As I have said, we need to wait and look at the evidence before making such a significant legislative change. The protection of children is critical. The Bill takes significant steps to improve safeguarding. The context in England is different from Scotland and Wales. Therefore, the changes would need to be considered very carefully in the light of the evidence and how they would tangibly impact the protection of children in England. We are awaiting the impact assessment and will take action accordingly.

Abusive parents are caught under the existing legislative framework. The challenge in this area is that parenting is complex. I can attest that it is one of the most difficult jobs anyone can do. Parents know their children, and they want to get it right with their children. As the hon. Member for North Herefordshire acknowledges, parenting programmes and support is what we are focused on. We are putting in place support for parents to be good parents, because that is what the vast majority want to be. When that is not their intent, there are laws in place to prevent harm from coming to children. I absolutely accept the arguments being put forward today. We have an open mind and will look at the evidence and take a very careful approach to this. I commend the clause to the Committee.

Question put and agreed to.

Clause 56 accordingly ordered to stand part of the Bill.

Clauses 57 and 58 ordered to stand part of the Bill.

Clause 59

Commencement

The Chair: I call the Minister to move amendment 93 to clause 59 formally.

Catherine McKinnell: Are you sure?

The Chair: It is on the amendment paper—it is there for all to see. We debated it in a previous group, and I presume the Government now want to support it. If everybody is happy, I will call the Minister to move amendment 93 formally.

Amendment made: 93, in clause 59, page 115, line 17, leave out paragraph (h) and insert—

"(h) section (Pay and conditions of Academy teachers) and Schedule (Pay and conditions of Academy teachers: amendments to the Education Act 2002) other than paragraph 6 of that Schedule;

(ha) section 46;"—*(Catherine McKinnell.)*

This amendment is consequential on Amendment 92 and NC57.

Clause 59, as amended, ordered to stand part of the Bill.

Clause 60 ordered to stand part of the Bill.

New Clause 6

Care leavers not to be regarded as becoming homeless intentionally

"(1) In section 191 of the Housing Act 1996 (becoming homeless intentionally)—

after subsection (1) insert—

'(1ZA) But a person does not become homeless intentionally in a case described in any of subsections (1A) to (1C).';

in subsection (1A), for the words before paragraph (a) substitute

'The first case is where—';

after subsection (1A) insert—

'(1B) The second case is where the person is a relevant child within the meaning given by section 23A(2) of the Children Act 1989.

(1C) The third case is where the person is a former relevant child within the meaning given by section 23C(1) of that Act and aged under 25.';

in subsection (3), in the words before paragraph (a), after 'person' insert

', other than a person described in subsection (1B) or (1C),'.

(2) The amendments made by this section do not apply in relation to an application of a kind mentioned in section 183(1) of the Housing Act 1996 made before the date on which this section comes into force, except where the local housing authority deciding the application has not yet decided the matters set out in section 184(1)(a) and (b) of that Act."—*(Catherine McKinnell.)*

The Housing Act 1996 requires local housing authorities to assist persons with securing accommodation in certain circumstances and limits the requirement in relation to persons who have become homeless intentionally. This amendment would prevent the limitation applying in relation to certain young persons formerly looked after by local authorities.

Brought up, and read the First time.

3.15 pm

Catherine McKinnell: I beg to move, That the clause be read a Second time.

As I am sure colleagues will be all too aware, homelessness levels are far too high. Homelessness can have a devastating impact on those affected. The Government are determined to address that and deliver long-term solutions to get us back on track to ending homelessness. Care leavers are particularly vulnerable to becoming homeless, with the number of care leavers aged 18 to 20 becoming homeless rising by a shocking 54% in the past five years. Young care leavers are also more likely to be found to have become intentionally homeless by local authorities, meaning that local authorities are not required to secure them settled accommodation.

This Government take corporate parenting seriously, and recognise the key role that local authorities play in providing care, stability and support to care leavers—like any parent would. We are introducing the new clause to ensure that, where a council is their corporate parent, no care leaver can be found to have become intentionally homeless.[1] This is an essential step to ensure that those care leavers are not held back by their start in life and get the support they need to build a secure and successful future. I therefore recommend that the new clause be added to the Bill.

Catherine Atkinson (Derby North) (Lab): Become, the charity for children in care and young care leavers, strongly welcomes the new clause, as does the YMCA, which supports around 1,000 care leavers a year with housing.

In its written evidence to the Committee, Become pointed to a freedom of information request that it submitted to all tier 1 local authorities in England last year, which showed real variation in whether they disapplied homelessness intentionality assessments for care leavers. Become provided examples of hearing from care-experienced young people who have been assessed as intentionally homeless for moving away to university, not keeping in touch with their personal advisers or turning down offers of accommodation that was not appropriate for them. That contradicts local authorities' duties as corporate parents, and contributes to the disproportionate risk of homelessness that care-experienced young people are subject to.

I thank Become for its evidence, which provides powerful insight and an argument in support of the new clause. I hugely welcome it being added to the Bill.

Damian Hinds: Will the Minister confirm that the new clause will also apply to the small group of young people who are leaving the young justice system and returning to their home area?

Darren Paffey: Briefly, I warmly welcome the new clause. Colleagues will be aware of my interest in this area. From years of working alongside those who fall foul of laws and principles on paper that they never see, but that make a material difference to their lives and outcomes, I know that this will be a positive change. It builds on years of work, including not only the work of various charities already mentioned by my hon. Friend the Member for Derby North, but the work of my hon. Friend the Member for Whitehaven and Workington (Josh MacAlister) and no doubt countless others, and will be warmly welcomed. I am excited to be able to report to those in my constituency on the work of this Government in making sure that care leavers have better outcomes. I look forward to working with Ministers in the future to work out how we can get from this point to other areas that will make a positive material difference to their lives.

Catherine McKinnell: I thank hon. Members for their contributions, and absolutely agree on the importance of this measure and the difference it will make to children and young people as they move into the sometimes challenging transition to adulthood, having experienced care and on leaving care.

In response to the question from the right hon. Member for East Hampshire, the amendment will impact children classed under the Children Act 1989 as relevant children or former relevant children who present for homelessness assistance. That would cover young people aged 16 to 24 who have been looked after by a local authority for a period of at least 13 weeks, or periods that amount to 13 weeks, since their 14th birthday, at least one day of which must have been since they attained the age of 18.[1]

The answer to the right hon. Gentleman's question would, therefore, be subject to those parameters, but I imagine that in most cases it would apply to young people leaving the criminal justice system. He is right to raise that as a concern. Indeed, the purpose of the measure is to disapply the intentional homelessness test for care leavers who are within that scope. Care leavers who have left the youth justice system would quite rightly be included, given that they will experience similar challenges to other care leavers in establishing themselves in a secure adult life.

Tom Hayes (Bournemouth East) (Lab): I was struck by recent data that shows that care leavers are particularly vulnerable to homelessness, as we have heard in this Bill Committee. Latest Government data show that the numbers of care leavers aged between 18 and 20 becoming homeless have increased by 54% over the past two years. Can the Minister outline how this very welcome measure will enhance and strengthen joint working between the children's and housing departments, and outline a bit more some of the impacts of homelessness on care-experienced people and care leavers?

Catherine McKinnell: My hon. Friend makes an important point. It is worth looking at the data: in 2023-24 there were up to 410 households that included a care leaver who was found to be intentionally homeless. We appreciate that disapplying the intentional homelessness test means that local authorities will have much greater scope and ability to work with these young people and to support them into a more secure adult life. That clearly involves having a secure home, so I hope that hon. Members are willing to support this clause.

Question put and agreed to.

New clause 6 accordingly read a Second time, and added to the Bill.

New Clause 57

Pay and conditions of Academy teachers

"Schedule (Pay and conditions of Academy teachers: amendments to the Education Act 2002) amends Part 8 of the Education Act 2002 (teachers' pay and conditions etc) in relation to the pay and conditions of teachers at Academies (other than 16 to 19 Academies).

Part 8 of the Education Act 2002".—*(Vicky Foxcroft.)*

This clause replaces Clause 45 and introduces the schedule to be inserted by NS1.

Brought up, read the First and Second time, and added to the Bill.

1.[*Official Report,* 3 March 2025; Vol. 763, c. 5WC.] (Correction)

1.[*Official Report,* 3 March 2025; Vol. 763, c. 6WC.] (Correction)

New Clause 1

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

"(1) The Secretary of State must, within 6 months of the passing of this Act, take steps to implement each of the recommendations made in the final report of the Independent Inquiry into Child Sexual Abuse.

(2) The Secretary of State must, after a period of six months has elapsed from the passing of this Act and at 12 monthly intervals thereafter, publish a report detailing the steps taken by the Government to implement each of the recommendations.

(3) A report published under subsection (2) must include—

(a) actions taken to meet, action or implement each of the recommendations made in the final report of the Independent Inquiry into Child Sexual Abuse;

(b) details of any further action required to implement each of the recommendations or planned to supplement the recommendations;

(c) consideration of any challenges to full or successful implementation of the recommendations, with proposals for addressing these challenges so as to facilitate implementation of the recommendations; and

(d) where it has not been practicable to fully implement a recommendation—

(i) explanation of why implementation has not been possible;

(ii) a statement of the Government's intention to implement the recommendation; and

(iii) a timetable for implementation.

(4) A report published under subsection (2) must be subject to debate in both Houses of Parliament within one month of its publication.

(5) In meeting its obligations under subsections (1) and (2), the Secretary of State may consult with such individuals or organisations as they deem appropriate."—*(Munira Wilson.)*

Brought up, and read the First time.

Munira Wilson: I beg to move, That the clause be read a Second time.

I rise to speak to the new clause, tabled in my name and in the name of a number of my colleagues. Briefly, it goes without saying that, on all sides of the House, we are horrified by child sex abuse and what Professor Alexis Jay uncovered through her seven-year-long investigation. We are also horrified that so little progress has been made to date in implementing the 20 recommendations she set out. The new clause therefore seeks to create a legislative commitment, with clear timescales and regular reporting to Parliament, on progress in implementing that report. It is an attempt to approach the issue constructively.

I was disappointed, to put it mildly—in fact, pretty outraged—that Conservative colleagues sought to weaponise the issue on Second Reading to try to kill off the entire Bill. I hope that this is a much more constructive approach. However, I recognise that shortly after my tabling the new clause following Second Reading, the Government made further announcements, including that Baroness Casey will undertake a rapid review and that they will be setting out a timetable.

On that basis, I am happy to withdraw the new clause, but my party and I will continue to hold the Government's feet to the fire. These girls have been abused, and I am in no doubt that the abuse is ongoing. That needs to be tackled, and justice needs to be served, so I hope that the Government will implement the recommendations and set out a clear timescale.

Ellie Chowns: I rise to speak in support of the new clause, while recognising what the hon. Lady who tabled it has just said. In doing so, I am particularly mindful of a constituent of mine who came to see me in January to tell me that she had given evidence to the independent inquiry into child sexual abuse. Frustrated does not even cover how she felt—she was incredibly upset at the lack of progress on implementation under the previous Government, and she was frustrated to find that progress now is still not fast enough.

We have a huge responsibility to all who suffer child sexual abuse, and in particular to those who have been brave enough to come forward and give evidence, trusting that that evidence would help to make changes. I hope that the Minister can clarify timetables for implementation.

Catherine McKinnell: As the Prime Minister has made clear, we are absolutely focused on delivering justice and change for the victims on this horrific crime. On 6 January, the Home Secretary outlined in Parliament commitments to introduce a mandatory duty for those engaging with children to report sexual abuse and exploitation, to toughen up sentencing by making grooming an aggravating factor and to introduce a new performance framework for policing.

On 16 January, the Home Secretary made a further statement to the House that, before Easter, the Government will lay out a clear timetable for taking forward the 20 recommendations from the final IICSA report. Four of those were for the Home Office, including on disclosure and barring, and work on those is already under way. As the Home Secretary stated, a cross-Government ministerial group is considering and working through the remaining recommendations. That group will be supported by a new victims and survivors panel.

The Government will also implement all the remaining recommendations in IICSA's separate, stand-alone report on grooming gangs, from February 2022. As part of that, we will update Department for Education guidance. Other measures that the Government are taking forward include the appointment of Baroness Louise Casey to lead a rapid audit of existing evidence on grooming gangs, which will support a better understanding of the current scale and nature of gang-based exploitation across the country, and to make recommendations on the further work that is needed.

The Government will extend the remit of the independent child sexual abuse review panel, so that it covers not just historical cases before 2013, but all cases since, so that any victim of abuse will have the right to seek an independent review without having to go back to the local institutions that decided not to proceed with their case. We will also provide stronger national backing for local inquiries, by supplying £5 million of funding to help local authorities set up their own reviews. Working in partnership with Tom Crowther KC, the Home Office will develop a new effective framework for victim-centred, locally led inquiries.

This landmark Bill will put in place a package of support to drive high and rising standards throughout our education and care systems, so that every child can

achieve and thrive. It will protect children at risk of abuse and stop vulnerable children falling through the cracks in service. I acknowledge that the hon. Member for Twickenham is content to withdraw her new clause, and thank her for that. Allowing this Bill's passage will indeed go a long way to supporting the young people growing up in our system and to protect them from falling through the cracks that may leave them vulnerable to this form of abuse. Indeed, across Government, we will continue to work to take forward the recommendations and to reform our system so that victims get the justice they deserve.

Munira Wilson: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 2

PROVISION OF FREE SCHOOL LUNCHES TO ALL PRIMARY SCHOOL CHILDREN

"(1) Section 512ZB of the Education Act 1996 (provision of free school lunches and milk) is amended as follows.

(2) In paragraph (4A)(b), after 'year 2,' insert 'year 3, year 4, year 5, year 6'.

(3) In subsection (4C), after 'age of 7;' insert—

'"Year 3" means a year group in which the majority of children will, in the school year, attain the age of 8;

"Year 4" means a year group in which the majority of children will, in the school year, attain the age of 9;

"Year 5" means a year group in which the majority of children will, in the school year, attain the age of 10;

"Year 6" means a year group in which the majority of children will, in the school year, attain the age of 11;'" —*(Ellie Chowns.)*

This new clause would extend free school lunches to all primary school age children in state funded schools.

Brought up, and read the First time.

3.30 pm

Ellie Chowns: I beg to move, That the clause be read a Second time.

New clause 2 would extend the provision of free school lunches to all primary school children, from year 2 up to year 6. It was tabled in the in the name of the hon. Member for Stroud (Dr Opher)—I thank him for his work on this—and has been supported by 43 hon. Members across the House. In addition to this high level of support from MPs, the No Child Left Behind campaign, which underpins new clause 2, is backed by more than 250 civil society leaders, from unions to charities, from medical bodies to faith leaders, and from mayors to councils. This widespread backing is unsurprising, because the case for universal free school meals is, in fact, overwhelming.

Let us start with the need, which is acute. I am sure colleagues remember how during the pandemic Marcus Rashford ignited the campaign for free school meals, pointing out that we could fill 27 Wembley stadiums with the 2.5 million children who were struggling to know where their next meal was coming from—a shocking indictment.

That shameful legacy of child poverty from the last Government continues, with hunger in schools still endemic. University of Bristol research shows that one in five schools runs a food bank. That figure, I am told, is higher than the total number of community food banks being operated outside schools by organisations such as the Trussell Trust and the Independent Food Aid Network.

The National Education Union explained that its members see the struggles of children in poverty every day. Some 80% of teachers asked said that they had provided food for hungry children out of their own pockets—is that not extraordinary? One of those teachers said:

"So many of our children arrive tired and hungry. I find the issue with food so awful. I stock my school kitchen every week with fruit, cereal, milk, biscuits...the number of children who pop in to see me and then ask for food has grown over the last two years. It is heart-breaking."

It truly is.

New clause 2 is therefore a probing amendment to make the case for a universal approach as the best policy response for three key reasons. First, it is immediately good for children. Secondly, it is an effective long-term investment. Thirdly, it is basically just efficient. I will briefly explore those arguments.

Universal provision is good for children; it immediately helps children to learn, grow and thrive in school. For example, we have recently had the roll-out of free school meal provision to all children attending primary state schools in London. Initial research evaluating that roll-out, which was published a couple of months ago, found that the policy helped with children's readiness to learn and ability to concentrate. It helps children to do what they are supposed to be doing in schools—learning.

The Department for Education evaluation of the pilot undertaken by the last Labour Government found that pupils in schools where all children received free school meals made four to eight weeks' more progress in maths and English over two years. That is an extraordinary improvement in progress. In that pilot, the poorest children were those who made the most progress, reducing the attainment gap. In areas with means-tested provision, the effect on attainment was negligible, so we have strong evidence for the benefits of universality.

On the health benefits—this is really shocking—research by *The BMJ* found that less than 2% of packed lunches met the school food standards. That represents an extraordinary nutritional shortfall in what many children are eating. A policy of universal free school meals would be a major opportunity to increase healthy eating. Ensuring that every child in a school has access to the same food also helps to reduce the stigma and shame that comes from singling out pupils through means-tested provision, and gives pupils a better sense of belonging in school.

Those are the immediate benefits of universal provision, but there are also really strong long-term investment benefits from it. The evidence shows that these universal systems reduce inequality and deliver wider economic prosperity beyond the classroom. PwC—that well-known radical institution—produced an analysis showing that, for every £1 invested in universal free school meals, £1.71 is generated in core benefits, such as increased savings for the NHS and for schools, and increased lifetime earnings and tax contributions. Other expert research also shows that the provision of universal free school meals increases pupils' lifetime earnings, with

[Ellie Chowns]

the biggest increase again for the most disadvantaged children, thereby reducing inequalities for a generation after school. It is such a powerful policy for reducing inequalities.

I have banged on in other Commons debates about the value of public procurement for investing in our wider UK food and farming sector. When food is sustainably sourced, there is a huge potential benefit; work from Food for Life demonstrates that every £1 spent creates £3 in social, economic and environmental value, mostly in the form of jobs in the local economy.

The third key argument for universal free school meal provision is simply that it is more efficient. We know that providing free school meals helps to end a situation where children fall through the gaps. Means-testing is always going to miss some children and families and, in England, the genuinely draconian eligibility criteria for free school meals means that one in three children living in poverty are still considered too well-off to access free school meals. That is extraordinary. Restricted eligibility, complicated registration processes and stigma also block countless families from accessing support. A universal provision would end this situation where far too many children fall through the gaps.

Free school meals, by the way, would also be massively more efficient in reducing administration. Schools would be able to get back administration time with all children's meals being provided in the same way at the same time, as one mechanism, and we would get rid of problems around school lunch debts. These universal policies are also easier to defend and protect from erosion by future Governments, who might seek to freeze thresholds or restrict eligibility. In the UK, Wales and London are leading the way in the provision of free, universal, healthy meals at lunch time for every child in primary school as a means of reducing inequalities. England needs to catch up.

I sincerely hope that the Minister will consider new clause 2 ahead of Report to build on the excellent progress on breakfast clubs included in the Bill. Would it not be even more efficient and beneficial—nutritionally and economically, and for all the other reasons I have outlined—to ensure universal free school meal provision when children are already in school? It certainly would be at primary level, which is the case made by this amendment.

I and my party support a policy of extension of universal free school meals to all children, because hunger does not stop at age 11. This amendment focuses particularly on primary school-age children. We know children cannot learn effectively when they are hungry and school dinners help children to focus. They bring the community together and help children to connect with their peers and to build bright futures. Our children learn and play together—they should eat together, too.

Munira Wilson: Briefly, I very much support the ambition in this new clause. After all, it was the Liberal Democrats, in Government, who introduced universal infant free school meals; we have always had the long-term ambition of extending that to all primary school children. However, I recognise the cash-constrained environment that the Government are operating in. That is why, when we get to it, I will be speaking to new clause 31, which looks at increasing the eligibility for children to receive free school meals. However, I want to put on the record that we do support the intent of this provision in the long term, for all the reasons the hon. Lady has just laid out.

The Parliamentary Under-Secretary of State for Education (Stephen Morgan): It is a pleasure to serve under your chairmanship, Sir Christopher. I turn to new clause 2, tabled by my hon. Friend the Member for Stroud (Dr Opher), on the important topic of expanding eligibility for free school meals, specifically universal provision, which the hon. Member for North Herefordshire has moved today.

Under the current programmes, all pupils in reception, year 1 and year 2 in England's state-funded schools are entitled to universal infant free school meals. That benefits around 1.3 million children, ensuring that they receive a nutritious lunch-time meal. In addition, 2.1 million disadvantaged pupils—24.6% of all pupils in state-funded schools—are eligible to receive benefits-based free school meals. Another 90,000 16 to 18-year-old students in further education are entitled to receive free school meals on the basis of low income. Those meals provide much-needed nutrition for pupils and can boost school attendance, improve behaviour and set children up for success by ensuring that they can concentrate and learn in the classroom and get the most out of their education.

In total, we spend over £1.5 billion on delivering free school meal programmes. Eligibility for benefits-based free school meals drives the allocation of billions of additional pounds of disadvantage funding. The free school meal support that the Government provide is more important than ever, because we have inherited a trend of rising child poverty and widening attainment gaps between children eligible for free school meals and their peers.

Lizzi Collinge: Does my hon. Friend agree that the value of school meals is much more than the nutrition that they give, and even more than children's educational achievement when they are properly fed? It is also about building a set of behaviours, a sense of community and an ability to interact with others. It is absolutely vital that when children sit down for a school meal or a packed lunch, that is part of their social development.

Stephen Morgan: I know my hon. Friend is a real champion of children and young people in her constituency, and she is absolutely right. When I visit schools across the country, I see the benefits of school meals. Not only do children sit and eat together, but they learn how to use a knife and fork. She is absolutely right to point out the wider benefits that the free school meal programme brings.

The number of children in poverty has increased by over 700,000 since 2010, with more than 4 million now growing up in low-income families. We are committed to delivering on our ambitious strategy to reduce child poverty by tackling its root causes and giving every child the best start in life.

Tom Hayes: So eager am I to find out which schools in my area are the early adopters that I am currently on a little coach trip around all of them. I have visited four

in the last seven days, and I have spoken to people about their experiences and aspirations under this Labour Government. It is brilliant to speak to teachers who now feel that there is light at the end of the tunnel—teachers who have held on for so long in recent years, hoping things will get better. With a change of Government, they now have a change of education policy, and the provision of free breakfast clubs is a true indicator of that.

Teachers say that they want to go further and faster with the provision of breakfast clubs, but they also realise that they need to take time to get it right. Although I obviously welcome the intent of my hon. Friend the Member for Stroud, I believe that moving forward with free breakfast clubs and free school lunches could put too great a strain on schools at this point, because I recognise that the roll-out of free breakfast clubs is restricted to early adopters in the first phase.

Stephen Morgan: I know my hon. Friend is a real champion of children and young people in his constituency, and of the Government's ambitions on breakfast clubs. I hope that he will work closely with schools in his constituency as we roll out breakfast clubs in his patch and, indeed, across the country. He makes a number of really important points about the vital need to get the infrastructure in place for free school meals. We know that that is some of the learning from the work that the London Mayor has been doing.

Damian Hinds: I want to ask the Minister about two things. First, he talks about the disadvantage gap widening at the present time. Entirely coincidentally, I happen to have the numbers on key stage 2 and key stage 4. Of course, there are different ways that we can measure these things. I am looking at what is known as the "disadvantage gap index" for key stage 2 and key stage 4. I would be interested to know what definition he is using, from which he concludes that the Government inherited a widening disadvantage gap.

The second thing I want to ask him about is free school meal eligibility. We all absolutely recognise the value of free school meals. The Minister mentioned some of the extensions of eligibility that happened under the previous Government. The one that he did not mention was universal credit transitional protection. Even though unemployment came down from 8% to 4.5%, and the proportion of people in work but on low pay halved as a result of the increase to the national living wage, eligibility for free school meals went up, so the incoming Government have inherited one in three children being able to get a free school meal, as opposed to one in six when Labour were last in government. Notwithstanding this new clause, which the Government will not accept, what will they do to make sure that the same number of children as now can continue to get a free school meal?

3.45 pm

Stephen Morgan: I am referring to a persistently high disadvantage gap. I will point out that this Government take child poverty extremely seriously. It is a stain on our society. That is why I am so proud that this new Labour Government have introduced a child poverty taskforce led jointly by the Secretary of State for Education and the Secretary of State for Work and Pensions. We will end child poverty. It is a stain on our society, and we are committed to making sure that we do everything we can and are publishing a strategy in due course.

With regard to transitional protections, I say to the hon. Member for North Herefordshire that my Department recognises the vital role played by free school meals and encourages all eligible families that need support to take up that entitlement. To make it as easy as possible to receive free school meals, we provide an eligibility checking service. On transitional protections specifically, we will provide clarity to schools on protections ahead of the current March 2025 end date.

The new ministerial taskforce has been set up to develop a child poverty strategy, which will be published in spring 2025. The taskforce will consider a range of policies, including the provision of free school meals, in assessing what will have the biggest impact on driving down rates of child poverty.

I appreciate the continued engagement of my hon. Friend the Member for Stroud on the issue of expanding free school meal provision to more pupils and on school food more broadly. He has raised concerns about obesity in particular and will be aware that the school food standards, which other Members have mentioned, apply to all food and drink served on school premises and, crucially, restrict foods high in fat, salt and sugar.

We are taking important measures through the Bill to ensure that the standards apply consistently across all state-funded schools. We are also clear that breakfast clubs are in scope of the standards. We recognise how important this issue is and want to ensure that free school meals are being delivered to the families that most need them. However, given the funding involved, that must be considered through the child poverty taskforce and the multi-year spending review. We remain committed to ensuring that school food is prioritised within Government. That is most clearly demonstrated through our breakfast clubs manifesto commitment, aimed at state-funded primary school pupils, which we are working hard to deliver.

Ellie Chowns: I welcome what I believe I heard: that the Minister maintains a relatively open mind on this question and will continue to look into it. He said that the effectiveness of the free school meal policy would be evaluated in the light of whether it was an effective mechanism for tackling child poverty. I want to re-emphasise that my arguments are not just about impact on child poverty. In considering expansion of free school meals, will he evaluate their effectiveness in terms of the full range of their potential benefits—not just the impact on child poverty, but health benefits, wider economic benefits and so on?

Stephen Morgan: As with all Government programmes, we will keep our approach under review and learn from what the evidence and data tell us. I can assure the hon. Lady that I met with a number of stakeholders, including the London Mayor, to understand the impact that the roll-out in London is having on not only household incomes, but children's outcomes.

The hon. Member for North Herefordshire asked about specific points on the school food standards. It is important that children eat nutritious food at school.

[Stephen Morgan]

The school food standards define which foods and drinks must be provided and which are restricted. They apply to food and drink provided to pupils on school premises and during the extended school day up to 6 pm. As with all Government programmes, we will keep our approach to school food under continued review.

The hon. Member for North Herefordshire asked about the sustainable sourcing of food. This Government's ambition is to source half of all food served in public sector settings from local producers or from growers certified to meet higher environmental standards where possible. We have committed to supporting schools to drive up their sustainable practices on food. Schools can voluntarily follow the Government's buying standards, which include advice around sustainable sourcing. We mentioned earlier the Mayor of London's roll-out of universal free school meals, and we are looking closely at evaluations and new evidence emerging from the scheme, including Impact on Urban Health's recent evaluation. I have met with those stakeholders and heard of their experience of participating in the programme.

Finally, on whether the free school meals offer is more generous from devolved Administrations than in England, education, including free school meals policy, is a devolved matter. In England, we spend over £1.5 billion annually delivering free school meals to almost 3.5 million pupils across primary, secondary and further education phases. As with all Government programmes, we keep eligibility and funding for free school meals under review.

Ellie Chowns: I thank the Minister for his response. As I said at the start, I tabled this as a probing amendment and I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 3

REPORTING OF LOCAL AUTHORITY PERFORMANCE REGARDING EHC PLANS

"In the Children and Families Act 2014, after section 40 insert—

"40A Reporting of local authority performance

(1) Local authorities must publish regular information relating to their fulfilment of duties relating to EHC needs assessments and EHC plans under this part.

(2) Such information must include—

(a) the authority's performance against the requirements of this Act and the Special Educational Needs and Disability Regulations 2014 relating to the timeliness with which action needs to be taken by the authority in relation to EHC needs assessments and EHC plans;

(b) explanations for any failures to meet relevant deadlines or timeframes;

(c) proposals for improving the authority's performance.

(3) Information published under this section must be published—

(a) on a monthly basis;

(b) on the local authority's website; and

(c) in a form which is easily accessible and understandable.""

—(Ian Sollom.)

This new clause would require local authorities to publish their performance against the statutory deadlines in the EHCP process.

Brought up, and read the First time.

Ian Sollom: I beg to move that the clause be read a Second time.

I am moving new clause 3 on behalf of my hon. Friend the Member for Chelmsford (Marie Goldman). The Children and Families Act 2014 sets out timeframes for local authorities to decide whether to do an education, health and care plan needs assessment, and then for the resulting education, health and care plan to be issued. Local authorities have six weeks from application to decide whether to carry out an EHCNA, and a total of 20 weeks from application to issue an EHCP. Across England in 2023, however, only 50.3% of EHCPs were issued within that statutory 20-week deadline. Some places perform much worse than that—in Essex, only 0.9% were issued within the 20-week deadline.

New clause 3 is about reporting that. Transparency is a first key step in accountability, so publishing local authorities' performance in relation to those statutory deadlines is the aim of the amendment as that first step. It is essentially a free change because local authorities already have the information gathered, so there should not be any additional resources needed. It could in fact help, because it would cut down on freedom of information requests, for example, which are a burden on councils. It will also cut down on the level of communication required with concerned parents constantly contacting to ask when their child is going to receive their EHCP.

Also included within new clause 3, local authorities will have the opportunity to explain any reasons and lay out their plans for improving performance. That kind of transparency helps direct resources well, and I think it is a good, sensible step,

Catherine McKinnell: I totally agree it is vital there is publicly available data regarding local authority performance on EHCPs. That is why we publish annual data on each local authority's timeliness in meeting their 20-week deadline. Local authorities identified as having issues with EHCP timeliness are subject to additional monitoring by the Department for Education, which works with the specific local authority. Where there are concerns about the local authority's capacity to make the required improvements, we have secured specialist special educational needs and disabilities adviser support to help identify barriers to EHCP timeliness and put in place practical plans for recovery.

Furthermore, when Ofsted and Care Quality Commission area SEND inspections indicate there are significant concerns with local authority performance, the Department intervenes directly. That might mean issuing an improvement notice or statutory direction or appointing a commissioner, deployment of which is considered on a case-by-case basis.

We are clear that the SEND system requires reform. We are considering options to drive improvements, including on the timeliness of support and local authority performance. We do not believe increasing the amount of published data and reporting on EHCP timeliness alone would lead to meaningful improvements in performance. We are working closely with experts on reforms. We recently appointed a strategic adviser for SEND who will play a key role in convening and engaging with the sector, including leaders, practitioners, children and families, as we consider the next steps for future reform of SEND.

In response to the hon. Member for St Neots and Mid Cambridgeshire, I absolutely respect the intentions of his amendment and the desire to see much greater timeliness and support for children with SEND and their families. We are working incredibly hard—this is a priority within the Department for Education—to get much better outcomes. We do not believe that this amendment will achieve the desired outcome, although we share the intention behind the amendment.

Munira Wilson: I appreciate what the Minister is saying. I agree with her that this is not a silver bullet. This will not suddenly improve the system. This is about transparency and accountability where, as my hon. Friend the Member for St Neots and Mid Cambridgeshire pointed out, there are some councils that are missing the targets by such a long chalk, and is about setting out the reasons for doing so. We know in some areas that frankly NHS partners are not working constructively with local authorities to help deliver EHCPs on time.

As the Minister looks at reforming the system—and I know from my discussions with her and the Secretary of State that the Government are working hard on this—could I urge that they seriously consider this provision. It is about transparency and accountability for parents, which I think is really important.

Catherine McKinnell: I thank the hon. Lady for that intervention and the hon. Member for St Neots and Mid Cambridgeshire for the way in which he presented this clause. We share the ambition for children with special educational needs and disabilities to get much better service, from their local authority and on their education journey. We recognise there are significant challenges for those who seek to deliver that being able to do so, which is why we are looking at reform in a whole-system way. We are looking to drive mainstream inclusion within our school system and to reduce the waiting times for assessments, which we know is led by the Department of Health and Social Care. This is a cross-departmental effort involving the Ministry of Housing, Communities and Local Government, the Department of Health and Social Care, the Department for Work and Pensions, and clearly the Department for Education has a key role in achieving a much better outcome for children with special educational needs. We absolutely take away the intentions of this amendment, but would appreciate it not being pressed to a vote as part of the Bill. The conversation about special educational needs and improving the outcomes for children will, however, without doubt continue.

Ian Sollom: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Ordered, That further consideration be now adjourned. *—(Vicky Foxcroft.)*

3.58 pm

Adjourned till Tuesday 11 February at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

CWSB190 Liberty

CWSB191 Brighton & Hove City Council

CWSB192 The LEGO Group

CWSB193 Regulatory Policy Committee (RPC)

CWSB194 Defend Digital Me

CWSB195 Anita Patel-Lingam, Chair of the National Board for the Association of Elective Home Education Professionals (AEHEP); and Statutory Education Compliance Manager for Essex County Council

CWSB196 Krystena Jenkinson, Child Employment Officer for Dudley MBC and member of the National Network of Children in Employment and Entertainment (NNCEE)

CWSB197 Refugee Education UK and The Bell Foundation

CWSB198 A & J Designs (Staffs) Ltd

CWSB199 Coram

CWSB200 Dr Paul Andell, Associate Professor of Criminology, University of Suffolk; Dr Paul Nelson, Lecturer in Criminology, Anglia Ruskin University; and DI Kelly Gray, National County Lines Co-ordination Unit

CWSB201 Dr Joseph Mintz, Associate Professor in Education, University College London

CWSB202 National Counselling & Psychotherapy Society (NCPS)

CWSB203 Social Care Institute for Excellence (SCIE)

CWSB204 Dame Nicole Jacobs, Domestic Abuse Commissioner for England and Wales