Department for Education

Children's Wellbeing and Schools Bill

Child's Rights Impact Assessment

January 2026

Contents

Introduction 4

Screening 7

Assessing impact 8

Monitoring impacts 9

Child Rights Impact Assessments 10

Children's Social Care measures 10

Keeping families together and children safe 10

Family Group Decision Making (FGDM) 10

Strengthening the role of education in safeguarding (inclusion of childcare and education agencies in local safeguarding arrangements) 13

Multi-agency child protection teams (for English local authority areas) 16

Information-sharing and consistent identifiers for children 18

Employment of children 19

Supporting children with care experience to thrive 21

Kinship Local Offer Requirement (Information: children in kinship care and their carers) 21

Virtual School Heads (VSH) (promoting educational achievement) 23

Staying Close (provision of advice and other support) 24

Local offer for care leavers 25

Care Leavers not to be regarded as becoming homeless intentionally 26

Corporate parenting responsibilities 28

Making the care system child-centred 32

Use of accommodation for depriving a child of their liberty 32

Ofsted powers to issue monetary penalties 34

Children's social care agency workers 36

Protection for children from ill-treatment or wilful neglect 37

Provider Oversight Regime 39

Improve the children's social care placement market and tackle profiteering 40

Regional Care Co-operatives (RCCs) (regional co-operation arrangements) 40

Financial Oversight Scheme 43

Future children's social care profit cap 45

Schools measures 46

Removing barriers to opportunity in schools 46
Breakfast Clubs 46
School Uniform 48
Creating a safer and higher quality education system for every child 49
Children Not In School 49
IESS: Registration of full-time settings (expanding the scope of regulation) 59
Independent Education and School Safeguarding (IESS): Enforcement powers – power of suspension for independent educational institutions 60
IESS: Enforcement powers – appeals 61
IESS: Material change regime 62
IESS: Suitability of proprietors 63
IESS: Inspectorate (Ofsted) powers 64
IESS: Ofsted information sharing (inspections of schools and colleges) 65
Strengthening the Teacher Misconduct Regime 66
Driving high and rising standards for every child 67
School teachers' qualifications and induction 67
National Curriculum 68
Academy schools: educational provision for improving behaviour 69
Academy Directions 71
Academy Orders 72
Teacher Pay and Conditions 74
School Admissions 75
Establishment of new schools 78
Proposed new clauses 79
Temporary accommodation 79
Free School Meals 80
Multi-academy trust inspections 81

Introduction

The Children's Wellbeing and Schools Bill is a key step towards delivering the government's Opportunity Mission to break the link between young people's background and their future success.

It will better 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, stopping vulnerable children falling through cracks in services, and deliver a core guarantee of high standards with space for innovation in every child's education. The seven groups of measures in the Children's Wellbeing and Schools Bill are as follows:

1. **Keep families together and children safe** by requiring local authorities to offer family group decision-making so that families with children on the edge of care have an opportunity to form a plan of family-led care, improving information sharing across and within agencies and service providers where agencies engage others to provide services relating to safeguarding or promoting the welfare of children, such as primary care providers, strengthening the role of education in multi-agency safeguarding arrangements and implementing multi-agency child protection teams.

2. **Support children with care experience to thrive** by requiring local authorities to publish their local offer for children in kinship care and their carers, extending the virtual school head role to children in kinship care and those with a social worker, and strengthening our offer of support for care leavers by requiring local authorities to provide 'Staying Close' support to eligible care leavers where their welfare requires it – this gives support to help find and keep suitable accommodation and access services – and requiring local authorities to publish the arrangements it has in place to support and assist care leavers in their transition to adulthood and independent living.

3. **Make a government that puts children first** by facilitating a statutory framework to authorise the deprivation of liberty of children with complex needs in accommodation provided for the purposes of treatment and care; strengthening Ofsted's powers in relation to children's social care providers by giving them the power to issue fines for breaches of the Care Standards Act 2000, including to unregistered providers, and enabling them to hold provider groups to account for quality issues in the provision of care; regulating the use of agency workers in children's social care; and protecting children from ill-treatment or wilful neglect in children's social care settings and youth detention accommodation. The government also intends to table a new clause at Report placing a duty on local housing authorities to notify educational institutions, GP practices and health visiting services when a child is placed in temporary accommodation.

4. **Crack down on excessive profit making** by including a backstop law to potentially cap the profit providers can make; supporting the creation of regional care co-operatives to improve the forecasting and commissioning of placements; establishing a financial oversight scheme to increase financial and corporate transparency of 'difficult to replace' care providers and their corporate owners.

5. **Remove barriers to opportunity in schools** by delivering manifesto commitments on free breakfast clubs and limiting the number of branded uniform items that schools can require. The government also plan to table a new clause at Report that will expand free school meals to all children from households in receipt of Universal Credit.

6. **Create a safer and higher-quality education system for every child** by introducing Children Not in School registers to make sure help can be mobilised for every child that needs it. To help protect children who are most vulnerable, parents will have to obtain local authority consent to home educate in certain circumstances. It will also extend the registration requirements, already in place for independent schools, to more Independent Educational Institutions which could be expected to provide all or the majority of a child's education and make changes to improve arrangements for the regulation and inspection of independent schools, and the consideration of cases of serious teacher misconduct.

7. **Drive high and rising standards for every child** by delivering manifesto and Opportunity Mission commitments on school admissions, Qualified Teacher Status. Requiring academies to follow the statutory pay and conditions framework and a reformed National Curriculum. Removing the presumption that new schools will be opened as academies and instead allowing proposals for all types of new schools, including giving local authorities the choice of proposing their own new school. The government also plan to table a new clause at Report to introduce Ofsted inspection of academy trusts and linked powers for the Government to intervene at trust-level where necessary.

This document contains the 36 child's rights impact assessments for the measures in the Bill as introduced. It also contains two child's rights impact assessments for measures introduced in the Commons (Intentional Homelessness, Committee stage; Corporate Parenting, Report stage). Lastly, this revision includes a further three child's rights impact assessments for measures the government intends to introduce into the bill in the Lords, which are subject to the usual parliamentary processes.

To understand what each measure in the Children's Wellbeing and Schools Bill seeks to achieve, you can read the Bill's Policy Summary Notes: Children's Wellbeing and Schools Bill 2024: policy summary - GOV.UK

Other useful links include:

- Children's Wellbeing and Schools Bill - Parliamentary Bills - UK Parliament
- Children's Wellbeing and Schools Bill: impact assessments - GOV.UK
- Accountability consultation – GOV.UK

Screening

The UK Government has made a public commitment to give due consideration to the United Nations Convention on the Rights of the Child (UNCRC) when making new policy or legislation. Child Rights Impact Assessments should help ensure that the best interests of children are taken into consideration during the policy and legislation development process and what the impact will be. There is no statutory obligation to conduct this assessment.

We have used the following questions to undertake our assessment:

1. Will aspects of the policy/legislation affect children up to the age of 18 either directly or indirectly?

2. Are there particular groups of children and young people who are more likely to be affected than others?

Assessing impact

The Child Rights Impact Assessments have been undertaken for each measure in the Bill. We have only assessed UNCRC articles relevant to policy / measure, therefore if the analysis relating to a measure does not mention an article (by number or short title) it was deemed not to be relevant for this analysis.

A list of the UNCRC articles and short titles can be found below:

Article 1 (definition of the child)
Article 2 (non-discrimination)
Article 3 (best interests of the child)
Article 4 (implementation of the Convention)
Article 5 (parental guidance and a child's evolving capacities)
Article 6 (life, survival and development)
Article 7 (birth registration, name, nationality, care)
Article 8 (protection and preservation of identity)
Article 9 (separation from parents)
Article 10 (family reunification)
Article 11 (abduction and non-return of children)
Article 12 (respect for the views of the child)
Article 13 (freedom of expression)
Article 14 (freedom of thought, belief and religion)
Article 15 (freedom of association)
Article 16 (right to privacy)
Article 17 (access to information from the media)
Article 18 (parental responsibilities and state assistance)
Article 19 (protection from violence, abuse and neglect)
Article 20 (children unable to live with their family)
Article 21 (adoption)
Article 22 (refugee children)
Article 23 (children with a disability)
Article 24 (health and health services)
Article 25 (review of treatment in care)
Article 26 (social security)
Article 27 (adequate standard of living)
Article 28 (right to education)
Article 29 (goals of education)
Article 30 (children from minority or indigenous groups)
Article 31 (leisure, play and culture)
Article 32 (child labour)
Article 33 (drug abuse)
Article 34 (sexual exploitation)
Article 35 (abduction, sale and trafficking)

Article 36 (other forms of exploitation)
Article 37 (inhumane treatment and detention)
Article 38 (war and armed conflicts)
Article 39 (recovery from trauma and reintegration)
Article 40 (juvenile justice)
Article 41 (respect for higher national standards)
Article 42 (knowledge of rights)

The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children can enjoy all their rights.

In developing the Child's Rights Impact Assessments, we have used the following resources:

- The United Nations Convention on the Rights of the Child (UNCRC) articles;
- The Optional Protocols to the UNCRC (of which the UK has signed up to Optional Protocol 1 and Optional Protocol 2);
- The relevant Concluding Observations on the UK from the UN Committee on the Rights of the Child.

Monitoring impacts

The implementation and delivery of the bill provisions will be monitored as set out in the impact assessments, and through close workings with other government departments, the impact on children's rights will be considered.

Child Rights Impact Assessments

Children's Social Care measures

Keeping families together and children safe

Family Group Decision Making (FGDM)

We assess this measure will have an overall **positive** impact across the affected articles.

We assess the measure will have a **neutral** impact on non-discrimination. The Equality Impact Assessment demonstrated that there are **positive** equality impacts of this policy regarding advancing the equality of opportunity and fostering good relations between people of different protected characteristics. We do not think our measure will have an impact on non-discrimination, or unlawful discrimination.

We do not know the characteristics of all children entering pre-proceedings, but we know that certain children are overrepresented in the children looked after cohort (e.g. Black and Mixed ethnicity children[1]). This may mean that families with certain characteristics are disproportionately offered family group decision making (FGDM) because the mandated offer of a FGDM meeting comes at the pre-proceedings stage. However, we do not believe there will be a discrimination of outcome. The primary aim of the measure is to keep children living safely with their parents, where this is possible, by drawing on the strengths of their wider family network and, if successful, our policy of offering a FGDM meeting at the pre-proceedings stage will reduce the number of children in care, including children who are currently disproportionately represented in care.

We assess the measure will have a **positive** impact on the best interest of the child, as FGDM facilitates conversations and the creation of support plans around the best interests of the child. FGDM is a process to support adults in the child's life to consider the child's best interests and help the family network to form a family-led plan to support the child's safety and wellbeing, in addition to support from skilled professionals. The meeting facilitator must seek the wishes and feelings of the child (so far as is reasonably practicable and consistent with the child's welfare). This may include the child attending the FGDM meeting, finding age-appropriate ways of sharing their views ahead of the meeting or using an advocate during the meeting. Where it is in the child's best interests, FGDM will allow the family network to draw on their own strengths and resources to support the child to remain living safely with their parents. Where a child cannot remain living safely with their parents, FGDM can help to identify suitable adults in the child's life that could become their kinship carers.

We assess the measure will have a **positive** impact on the protection of identity, as a mandated offer of FGDM will increase the likelihood that the child will be able to stay

living safely with their parents with family network support, or increase the likelihood that a kinship carer could be identified within the family network. FGDM will be able to support the preservation of the child's identity as it facilitates greater engagement with the family network and therefore fosters better family relations between the child and the family network.

We assess the measure will have a **positive** impact on separation from parents, as FGDM will help both the child and interested parties to make their views heard. The legislation mandates that the child's wishes and feelings must be sought during the FGDM process (so far as it is reasonably practicable and consistent with the child's welfare), therefore FGDM meetings can allow children to express their views about their preferred living arrangements, or contact with, their parents depending on the circumstances. FGDM meetings facilitate children's engagement with family decision making and gives an opportunity for their voices to be heard.

FGDM will also allow all interested parties to participate in creating a plan for the child and make their views known. By mandating the offer of FGDM, LAs will be making it more accessible for interested parties to contribute their views.

We assess the measure will have a **positive** impact on the rights of children to express their views. The legislation mandates that the child's wishes and feelings must be sought during the FGDM process (so far as it is reasonably practicable and consistent with the child's welfare), therefore FGDM will allow children to discuss their experiences and express their views about the care and support they receive from the local authority and from their family network. FGDM meetings will allow the child to express their preference for who will be their carer and what they might need in terms of support.

We assess the measure will have a **positive** impact on freedom of expression. The legislation mandates that the child's wishes and feelings must be sought during the FGDM process (so far as it is reasonably practicable and consistent with the child's welfare), therefore FGDM allow children to discuss their experiences and express their views about the care and support they receive from the local authority and from their family network. FGDM meetings will allow the child to express their preference for who will be their carer and what they might need in terms of support. We understand that many local authorities encourage children and young people to express their views in writing or through art and other media in any age-appropriate way, which can then be presented at the FGDM meeting.

We assess the measure will have a **positive** impact on freedom of thought, belief and religion. FDGM is a family-led process which allows the family network to come up with their own culturally appropriate plan to support the child and parents, including where this relates to religion or belief. If the child cannot stay with carers who have the same religion, FGDM can help facilitate the child to continue engaging with their religion and

not disturb their worship/engagement. For example, a family member may not be able to provide a home for the child but they may be able to take them to their place of worship.

We assess the measure will have a **positive** impact on parental responsibilities and state assistance, as FGDM used at pre-proceedings will enable parents to meet their parental responsibility for the upbringing and development of their child whilst receiving support from their family network and the support of skilled professionals from their local authority. Research shows that in many cases FGDM at the pre-proceedings stage can help the parents draw on the family network's strengths and resources to enable parents to fulfil their parental responsibilities and improve the child's safety and wellbeing, reducing the number of children who enter the care system[1].

We assess the measure will have a **positive** impact on the family environment and entitlement to special protection from the state, as it encourages discussions on continuity of the child's upbringing. The primary purpose of the FGDM measure is to keep children living safely with their parents, where this is possible, by drawing on the strengths of their wider family network and, if successful, our policy of offering a FGDM meeting at the pre-proceedings stage will reduce the number of children in care. If a child cannot stay with their parents because it would not be in their best interests, FGDM can help identify potential kinship carers from the family network. FGDM can facilitate conversations around who could be the best alternative kinship carer for the child, and how others from the family network could support the child by considering continuity of the child's upbringing, and having due regard to the child's ethnic, religious, cultural and linguistic background.

We assess the measure will have a **positive** impact on children with a disability, as FGDM is a child-centric approach which promotes a child's wellbeing. Mandating the offer of a FGDM meeting will allow more families to put in place a family-led plan alongside support from skilled professionals. This will include recognition of the child's individual needs, including any disabilities, and recognising how the wider family network could best support the child to develop and thrive alongside the team around the child.

[1] RCT of Family Group Conferencing at Pre-proceedings stage

Strengthening the role of education in safeguarding (inclusion of childcare and education agencies in local safeguarding arrangements)

We assess this measure will have an overall **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on the best interest of the child. We want to create a strengthened role for education where education and childcare settings will be included and represented in multi-agency safeguarding arrangements (MASAs) automatically. This will mean that safeguarding partners will be able to communicate and raise awareness of all actions relating to the children who attend education and childcare settings, and these settings will be able to influence the decisions being made about key safeguarding practice and actions in the local area. This includes:

- Being able to input and have influence over how safeguarding partners agree to conduct serious case reviews, helping to identify barriers and improve outcomes for children of all ages.
- Having a greater role in multi-agency audits to analyse data and serious incident notifications and identify any themes to help protect children locally.
- Having clear operational and strategic infrastructure for the involvement and representation of education so that issues, learning and specific safeguarding topics can be at a strategic level to put in place preventative strategies and reflect on learning from serious case reviews in the yearly learning cycle.
- Having a two-way relationship with children's social care, health, and police, when key decisions are being made about a child, for example exclusions decisions, access to early help, and deciding on threshold criteria.

We assess the measure will have a **positive** impact on parental guidance, as it aims to enable children and families to access the right support at the right time and help to improve multi-agency child protection and safeguarding systems. The aim of the legislation is to ensure smoother access to help and support for children and families by improving multi-agency join-up.

The measure respects the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

We assess the measure will have a **positive** impact on the life, survival and development of vulnerable children and young people by improving early intervention, better system linkages and strengthening accountability for actors within the safeguarding system.

Several reports, including the national Child Safeguarding Practice Review Panel's report Child Protection in England[2] identified that in serious cases partnership working was not strong enough and that education needs a greater role in multi-agency child protection and safeguarding. This legislation aims to provide a clear role and representation for education at both operational and strategic levels of multi-agency safeguarding arrangements.

We assess the measure will have a **positive** impact on the respect for the views of the child, by recognising the crucial role that education and childcare settings play in the safeguarding and protection of children from harm, neglect, and exploitation. It is often education practitioners (teachers, Designated Safeguarding Leads, Special Education Needs Coordinators) who spend the most time with children out of all the multi-agency child protection professionals (i.e. social workers, doctors, police) and they often know the child and their family best. Education was the second largest 'referrer' of cases into children's social care after the Police in 2023, making close to 129,000 referrals nationally.[3]

We assess the measure will have a **positive** impact on children with a disability. Over 1.6 million children have a special educational need in England. The most common type of need for those with an Education Health and Care (EHC) plan is autistic spectrum disorder and for those with Special Educational Needs (SEN) support it is speech, language and communication needs.[4]

By strengthening the role of education in multi-agency safeguarding arrangements, education and childcare settings will have a clearer voice and expectations about how they and partners should work together to ensure the safety and wellbeing of children in a local area, including those with a disability. For children with a disability, the intersection and effective working between for example their nursery, school or college, the local authority, and health is key for ensuring their safety and wellbeing.

Safeguarding partners must make arrangements with relevant agencies to safeguard and promote the welfare of all children in their local area, including those with a physical or mental disability. This is particularly important when looking at the role education and childcare plays, as an early years setting, school or college will often be the thread that runs through the different services that a child with disabilities might access, and those professionals will often know that child best and be well placed to identify risks and help that child access support. This information is crucial for other services working to support a child. Giving education and childcare settings a clearer role within safeguarding arrangements will enable this joined up working.

---

[2] Child Protection in England

[3] Number of referrals by agency

[4] Special educational needs in England

We assess the measure will have a **positive** impact on health and health services, as it is expected to **positive**ly impact the right of the child to enjoy the highest attainable standard of health. The proposed legislation aims to enable better multi-agency working across the safeguarding system. An increased role of education and childcare settings in this space will facilitate early intervention and greater consistency of how these settings interact with health provision, and therefore how and when children access health support.

We assess the measure will have a **neutral** impact on the review of treatment in care as it will not directly impact on the right to a periodic review of the treatment of a child in their placement. However, if a child is also in education or childcare, the aim of the legislation is that the setting that the child attends will have better opportunities to get help and support for any safeguarding concerns, and therefore may be able to highlight any issues to multi-agency partners.

We assess the measure will have a **positive** impact on the right to education, as it aims to ensure that children in education settings are able to get the support they need by improving multi-agency safeguarding arrangements. If education settings are better integrated and represented in these systems, education practitioners and leaders should be able to more effectively address issues pertaining to a child's access to education that may be impacted by safeguarding issues. For example, we know that where education is involved effectively in multi-agency safeguarding arrangements there is a higher likelihood that an education professional will be around the table when a key decision is made about a child in their setting, and that children's social care, health and police are more effectively involved in decisions made by education settings, such as exclusions.

Multi-agency child protection teams (for English local authority areas)

We assess this measure will have a **positive** impact across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

Multi-agency child protection teams (MACPTs) will improve specialist expertise in child protection and will have a **positive** effect on multi-agency child protection assessment, decision-making and service provision to improve the outcomes of children where there is a likelihood of or actual significant harm. Improved multi agency arrangements will allow for joined up working and information sharing, analysis and learning which will keep children safe ensuring that decisions are made in the best interests of the child. This provision will strengthen existing statutory guidance which requires that the wishes and feelings of children should be taken into account when considering what action to take to protect them from harm (National multi-agency standards for child protection practice, *Working Together* 2023).

The principles which underpin the child protection system are enshrined in the Children Act 1989 (CA1989), which includes the principle that children are best raised in their family unless it is not in their best interests. The CA1989 ensures that the child can express their views in matters which affect them and that views of the child are given due weight in accordance with the age and maturity of the child. The proposed measures to introduce MACPTs intend to ensure children and families receive the right intervention at the right time and that information about a child's circumstances is reviewed by professionals with specialist child protection expertise. Better multi-agency child protection assessment, decision-making and service provision will improve the outcomes of children where there is a likelihood of or actual significant harm, avoiding a child becoming looked after where this is possible. Furthermore, MACPTs will be responsible for protecting children from all forms of abuse, neglect and harm, including harm that occurs outside the home and online, which should improve the protection of children.

In relation to children with a disability, multi-agency working will create strong, consistent and effective child protection practice for all children, taking into account their particular needs. The existing child protection standards state clearly that support must be provided to children who have specific needs in terms of disabilities and communication needs. We therefore expect a **positive** impact on disabled children and their families.

Our view is that the measure will also better protect children from exploitation. This is because our proposals for MACPTs include effective multi-agency child protection work between children's social care, the police, health and other partners. We want a consistently clear approach to harm outside the home, including exploitation, which acknowledges how protecting children in these circumstances can be different to responding to harm that occurs within the family, while recognising and responding to children who experience both types of harm. MACPTs will bring together experts across

agencies with specialist knowledge in addressing specific harms including sexual abuse and exploitation.

Information-sharing and consistent identifiers for children

We assess these measures will have a broadly **positive** impact across the affected articles. Where there may be negative impacts, such as in relation to right to privacy, we assess these to be offset by the broader benefits to children as a result of improving protection and welfare through addressing poor information-sharing practices.

We are confident that this measure will not lead to a discriminatory application of the Convention.

Introducing a clear legal basis to share information for the purposes of safeguarding and promoting the welfare of children will promote earlier identification of need. User research told us that practitioners sometimes lack confidence sharing information below the threshold of significant harm. These provisions will support practitioners to understand what life is like for a child, drawing on more information to make informed decisions that more effectively help to protect them from harm. This includes for children with a disability, where we consider that the new duty will support better provision of supportive services for those children and their families.

This Bill also introduces provision for a consistent identifier which has the potential to improve identity management, so practitioners are confident that they are talking about the same child.

Whilst improved information sharing will support better service provision, which is more effective at protecting children from harm, this will involve sharing more information about a child. We will set clear parameters as we design the duty and statutory guidance to ensure that only appropriate and proportionate information is shared that helps safeguard and promote welfare of children. We will also make it clear that this needs to be done in line with data protection legislation and UK GDPR. We will also look at how to inform children and their families about when and how information will be shared.

Employment of children

We assess this measure will have **positive** or **neutral** impacts across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

By setting out clearly in legislation when children can work, and the type of work they can be employed to do, this measure demonstrates a **positive** impact on the UK's commitment to develop policy in the best interests of the child.

In developing this policy, we have been mindful of the need to ensure that changes to child employment legislation do not interfere with a child's right to an education and that work can never be scheduled during the school day and that there is appropriate rest between work and education so that children can fully participate in their education.

While children might have more access to employment overall, current restrictions on not being able to work during the school day will remain and overall limits mean that children will not be working more than 12 hours, which is the case now.

At present, the maximum number of hours children are legally allowed to work cannot be met unless they work some of these hours on a weekday due to the Sunday working restrictions. The proposed changes have the potential to provide more choice as they will allow a child to work the maximum, or closer to the maximum, number of hours while not having to work on school days. This has the potential to benefit children who have commitments, hobbies or recreational activities during weekdays and thus are currently restricted.

Being able to work more of the permitted number of hours and earn more on weekends, if they cannot work on weekdays, could particularly benefit children living in low-income households.

This new flexibility might also mean employers are more likely to offer shifts to children as they become more able to fill a day's rota within the restrictions to children's working hours.

Furthermore, the measure is supportive of children's right to leisure, play and culture, by setting restrictions on the hours that children can work to ensure that there are adequate rest periods between working periods, as well as leave entitlements, to support a child's right to relax, play and take part in cultural activities. The flexibility provided by the proposed changes has the potential to increase children's right to leisure, play and culture, as they may be able to engage in activities on weekdays that they were not able to previously due to work commitments.

Children will still only be permitted to do ‘light work’ which means work that is not likely to be harmful to their safety, health or development or to their education or participation in work experience.

Supporting children with care experience to thrive

Kinship Local Offer Requirement (Information: children in kinship care and their carers)

We assess this measure will have **positive** or **neutral** impacts across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

This measure requires local authorities to publish a local offer for kinship carers, which aims to improve access to support for all children in kinship care and helping children remain within their extended family rather than entering the formal care system. Evidence from kinship care reports indicates that children in kinship arrangements maintain better family relationships, are more likely to be placed with siblings, and experience fewer placement changes compared to mainstream foster care.

We assess the measure will have a **neutral** impact on non-discrimination. Studies from the charity sector indicate that a significant number of kinship carers from a minoritised ethnic background have informal arrangements and may face barriers to accessing support. Targeted outreach will be necessary to address these disparities and promote non-discrimination, as set out under section 22H(6) as inserted by clause 5 of this Bill: “A local authority must take such steps as are reasonably practicable to ensure that children and other persons mentioned in subsection (1)(a) receive the information relevant to them.”

We assess the measure will have a **positive** impact on best interests of the child by promoting the stability and support of kinship carers. By providing more information about support services, such as financial aid, legal advice and mental health support, carers are better equipped to ensure the wellbeing, safety, and stability of children in their care.

We assess the measure will have a **positive** impact on:

- the right to life, survival and development
- the right to family life
- support for parents and guardians
- the right to special protection and assistance
- the right to an adequate standard of living

As a result of the publication of the kinship local offer, access to care and support for kinship children and for kinship carers should improve, making caregiving responsibilities more manageable and enabling carers to support the health, education, and social development of the children in their care. Access to information about financial support may also help kinship carers improve the standard of living for children living with them. Better access to support will also help children remain within their extended family rather

than entering the formal care system, helping children to maintain family bonds and cultural ties, which are important for their identity and well-being. Evidence from kinship care reports indicates that children in kinship arrangements maintain better family relationships, are more likely to be placed with siblings and experience fewer placement changes compared to mainstream foster care.

We assess the measure will have a **neutral** impact on Article 12, the right of children to express their views and have them given due weight in decisions that affect them. While the legislation primarily focuses on ensuring access to information for kinship children and carers, it does not explicitly require children's views to be sought in the decision-making processes regarding the type of support provided. However, local authorities are reminded to consider engaging with children to tailor services that meet their needs, which could enhance the child-centred approach in policy implementation; this is underpinned by statutory guidance that asks that kinship local offers are co-produced with users.[5]

[5] Kinship Care: Statutory Guidance for local authorities, October 2024: p. 37

Virtual School Heads (VSH) (promoting educational achievement)

We assess this measure will have **positive** or **neutral** impacts across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

This measure primarily affects two cohorts of children: children with a social worker and those who live in kinship care. The policy prioritises the best interests of children with a social worker by providing strategic oversight, enabling schools to provide more targeted educational support. This ensures their educational needs are met, contributing to their overall well-being and development. For children living in kinship care, the policy ensures that their best interests are considered by providing strategic support to help them achieve better educational outcomes.

The policy supports the role of social workers and caregivers by providing them with information and support to better support the educational needs of children. This assistance helps to fulfil their parental responsibilities more effectively. Kinship carers will be eligible to receive additional support and advice, helping them to provide a stable and supportive educational environment for the children in their care. The measure is expected to have a **positive** impact on children deprived of their family environment; for children living in kinship care, the policy recognises their unique needs and provides targeted support to help them thrive in their educational pursuits, even though they are not living with their biological parents.

It is expected that the extension of the VSH role will create a more equitable environment for children with a social worker or living in kinship care by supporting educational establishments to better understand the cohorts of these children and providing more targeted support. For children with a social worker, this is by providing them with the educational support and resources – including support that contributes to the recovery and reintegration of children with a social worker - needed to succeed academically and personally. For children living in kinship care, the policy offers the necessary support to aid their recovery and integration into a stable educational environment, promoting their overall well-being and academic success.

Staying Close (provision of advice and other support)

We assess this measure will have **positive** impacts across the affected articles.

We assess this measure will have a **positive** impact on non-discrimination on those children who will be former relevant children upon turning 18, ensuring that support is provided when they turn 18 and transition to independent living if their welfare requires it. We expect that the measure will provide greater stability in accommodation, and by consequence support better education and employment and mental health outcomes.

This measure will require local authorities to provide former relevant children[6] with the provision of Staying Close support where that is in the interests of that young person's welfare. Local authorities have a duty to have regard to the corporate parenting principles when carrying out functions in relation to children who are looked after by a local authority and former relevant children aged under 25. This measure supports and expands the availability of ongoing support from local authorities for these young people that matches their individual needs.

We anticipate that young people who receive this support will have better outcomes across education, employment, and wellbeing, as a result of the local authority supporting them to find and keep accommodation and access services they may require when necessary. We expect former relevant children's wishes to be considered as part of the assessment of whether Staying Close support should be offered and is in the best interests of the young person.

[6] Young people who have previously been looked after by the local authority and meet the definition of former relevant child in section 23C of the Children Act 1989 (up to age 25)

Local offer for care leavers

We assess this measure will have **positive** impacts across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

This measure will require each local authority to publish information about its internal processes and procedures to ensure a planned and supportive transition between care and independent living for care leavers[7]. We anticipate that local authorities will make clear how former relevant children under the age of 25 can access services related to health and well-being; relationships; education and training; employment; accommodation and participation in society.

We anticipate that the measure may encourage local authorities to think proactively about the services care leavers need information on to make informed decisions as they transition to adulthood and independent living, including in relation to accommodation. Through local authorities thinking proactively about this information, it could encourage cooperation with agencies and services (such as housing authorities) to improve the support care leavers have. We also anticipate that the measure, when implemented, will ensure that former relevant children under the age of 25 have greater clarity and advice around the support they can access to services, which will either directly or indirectly support us in improving the outcomes of care leavers across housing, health, and education. We anticipate that in publishing this information as part of their local offers, local authorities will highlight where care leavers can access financial/other support to help them achieve an adequate standard of living.

[7] As defined in section 2(7) of the Children and Social Work Act 2017

Care Leavers not to be regarded as becoming homeless intentionally

We assess this measure will have a **positive** or **neutral** impact across the affected articles.

We assess the measure will have a **neutral** impact on non-discrimination. Based on the data we have available on demographics at greater risk of falling into the category of becoming a care leaver experiencing homelessness, it is reasonable to conclude that there could be potential indirect positive impacts for care leavers with certain protected characteristics (which may include Black and Mixed ethnic groups, people with disabilities and LGBT people) within the in-scope cohort. Indirect positive impacts on certain groups are justified as they result from a policy that is not contingent on protected characteristics.

We assess the measure will have a **positive** impact on the best interests of the child, as it ensures that the best interests of care leavers are a primary consideration. Through recognising the vulnerability of care leavers, the unique challenges they face, and removing barriers to stable housing (through disapplication of the intentional homelessness test), this amendment to the Bill prioritises the well-being and future prospects of care leavers. It does so by ensuring that - providing in-scope care leavers meet other criteria - local housing authorities will have a duty under section 193 of the Housing Act 1996 to secure settled accommodation, with access to settled housing supporting a young person to transition successfully into adulthood.

We assess the measure will have a **positive** impact on the implementation of rights, as it is in support of existing statutory duties to support in-scope care leavers as set out in the Children Act 1989: transition to adulthood for care leavers, and the application of corporate parenting principles as set out under s.1 of the Children and Social Work Act 2017.

We assess the measure will have a **positive** impact on the right to life, survival and development of the child, as it ensures that - providing they meet other criteria - local housing authorities will have a duty under section 193 of the Housing Act 1996 to secure settled accommodation for in-scope care leavers. This supports both the inherent right to life and ensures to the maximum extent the survival and development of a child, by ensuring that in-scope care leavers have access to stable and secure housing.

Stable housing is a fundamental aspect of ensuring a safe and healthy environment. By removing barriers to accessing settled housing (via local housing authority services) the amendment helps increase the number of in-scope care leavers who can derive the benefits related to accessing settled housing, and the positive impact this has on their right to life, survival and development.

Our expectation is that the measure will have a **positive** impact on the right for children who are temporarily or permanently deprived of the family environment, to have special protection or assistance from the state, as it will mean that the duty to secure settled accommodation is not affected by any actions or inactions by them which might have contributed to or caused their homelessness, in recognition that the cohort needs more support to transition to adulthood than other young people.

In conjunction with other measures within the Children's Wellbeing and Schools Bill, including Staying Close and the Local Offer, we also anticipate the change in legislation will further strengthen joint working between children's and housing services and ensure that care leavers are able to access the special protection and assistance they are entitled to with this measure flowing naturally from the existing requirement on Local Housing Authorities to have regard to the corporate parenting principles under s.1 of the Children and Social Work Act 2017.

We assess the measure will have a **positive** impact on the right of a child to an adequate standard of living, as it ensures that - providing they meet other criteria - local housing authorities will have a duty under section 193 of the Housing Act 1996 to secure settled accommodation. We already expect all housing authorities, children's services authorities and other relevant departments within local authorities, to develop joint housing protocols and we anticipate this measure will further strengthen joint working between local and anticipate this will have a positive impact on care leaver's ability to access housing that is adequate for their development.

We assess this measure will have a **positive** impact on recovery and reintegration, as it will affect young people who are classed under the Children Act 1989 as relevant children or former relevant children and who present for homelessness assistance. This covers a large number of those leaving care and encompasses young people aged 16-to 24 who were looked after by a local authority in England or Wales for a period of at least 13 weeks or periods which amount to 13 weeks, since their 14th birthday, at least one day of which must have been since attaining the age of 16. Whilst the reasons for a child becoming looked after are varied and complex, we anticipate that a proportion of the children in scope of this measure will have been a victim of *'..neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts'.*

This measure recognises the specific vulnerability of this group, and supports a child's right to recover from these type of adverse experiences by ensuring that (where all other criteria are met) local housing authorities will have a duty under section 193 of the Housing Act 1996 to secure settled accommodation for in-scope care leavers, even in circumstances where their actions may have caused or contributed to their homelessness. With settled housing understood as an important factor in promoting physical and psychological recovery and social reintegration.

Corporate parenting responsibilities

We assess this measure will have a **positive** impact across the affected articles. The list of Corporate Parents can be found below:

- All Secretaries of State
- The Lord Chancellor
- Schools in England [8]
- Further Education Institutions in England[9]
- Ofsted
- NHS England
- Integrated Care Boards
- NHS Trusts and NHS Foundation Trusts
- Care Quality Commission
- Youth Justice Board for England and Wales

We assess this measure will have a **positive** impact on non-discrimination. Many care leavers report that they had experienced stigma and discrimination as a result of having been in care.[10] In responding to the duty, corporate parents may choose to change their use of language, seek opportunities to listen to and involve children in care and care leavers and other related actions to break down stigma.

We assess this measure will have a **positive** impact on best interests of the child. In responding to the duty, corporate parents are required to be alert to matters which would affect the wellbeing of children in care and care leavers and take action where appropriate to access opportunities, services and support. This would constitute acting in the best interests of children in care and care leavers to improve their wellbeing.

We assess this measure will have a **positive** impact on the implementation of the convention, as the measure would help promote the rights of children in care and care leavers across all corporate parents, creating a change in culture and systems to improve their outcomes.

We assess this measure will have a **positive** impact on life, survival and development of the child, as the measure should impact the development of children in care and care leavers through including corporate parents relating to health and educational development (e.g. Secretary of State for Health, NHS England, Care Quality

---

[8] This does not include independent schools

[9] This includes further education institutions defined by Further and Higher Education Act 1992 and special post-16 institutions listed on Section 41 of the Children and Families Act 2014. It does not include institutions that are not part of the statutory further education sector (i.e. independent training providers).

[10] Independent review of children's social care - final report p188

Commission, Secretary of State for Education, Schools and further education institutions).

We assess the measure will have a **positive** impact in relation to separation from parents, as the measure is designed to promote wellbeing through the steps taken by a ranges of services. In responding to the duty, corporate parents are required to be alert to matters which would affect the wellbeing of children in care and care leavers and take action where appropriate to access opportunities, services and support. This would constitute promoting the wellbeing of children in care and care leavers.

We assess the measure will have a **positive** impact on respect for the views of the child and freedom of expression. In responding to the duty, corporate parents are required to be alert to matters which would affect the wellbeing of children in care and care leavers and take action where appropriate to access opportunities, services and support. We anticipate that this action could involve corporate parents taking steps to allow children in care and care leavers to express their views and for those views to be respected through for example, surveys, engagement events, and inclusion on relevant boards.

We assess the measure will have a **positive** impact on the protection from violence, abuse and neglect. In responding to the duty, corporate parents are required to be alert to matters which would affect the wellbeing of children in care and care leavers and take action where appropriate to access opportunities, services and support. They are also required to collaborate where they consider this would safeguard or promote the wellbeing of children in care and care leavers.

We assess the measure will have a **positive** impact on children unable to live with their family. If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. The new corporate parenting duties would apply to this article in terms of giving ‘assistance’ through seeking to provide opportunities and access to support and services where appropriate.

We assess this measure will have a **positive** impact on children with a disability. From the latest data available in England, 30.8% of children looked after for 12 months or more had either a Statement of Special Educational Needs or an Education, Health and Care Plan, which is significantly higher than their peers in the general population (4.2%).[11] In Wales, where data was provided, 7% of children in care were disabled, which was higher than that for children in the general population (3%).[12] In Scotland, 10% of children in care were disabled. No data on disability is available from Northern Ireland. In being alert to matters which adversely affect the wellbeing of children in care and care leavers, we

[11] Outcomes for children in need, including children looked after by local authorities in England, Reporting year 2023 - Explore education statistics - GOV.UK

[12] Children looked after by local authorities: April 2022 to March 2023 [HTML] | GOV.WALES

anticipate corporate parents would consider how they can design and deliver services that take account of children in care and care leavers' needs and circumstances, including disability.

We assess this measure will have a **positive** impact on health and health services, and in relation to drug abuse, as the measure should positively impact the health outcomes of children in care and care leavers through corporate parents being required to seek to provide them with opportunities to participate in activities designed to promote their wellbeing. The list of corporate parents also includes corporate parents relating to health services (e.g. SoS for Health, NHS, Care Quality Commission) where positive impacts linked to this article would be realised more acutely including in relation to drug abuse.

We assess the measure will have a **positive** impact on review of treatment in care, as the measure should improve offers and opportunities to support wellbeing. Thus the 'wider circumstances' surrounding a child's treatment in care would be improved.

We assess the measure will have a **positive** impact on the goals of education, as the list of corporate parents includes those relating to educations services (e.g. Secretary of State for Education, Schools, further education institutions). The legislation should positively impact the goals of education for children in care and care leavers through greater attention to their needs and vulnerabilities which could be actioned through more tailored educational support.

We assess the measure will have a **positive** impact on leisure, play and culture, as corporate parents are required to seek to provide children in care and care leavers with opportunities to participate in activities designed to promote their wellbeing. The list of corporate parents also includes corporate parents relating to leisure and culture (e.g. Secretary of State for Culture, Media and Sport) where positive impacts linked to this article could be realised more acutely.

We assess the measure will have a **positive** impact in relation to sexual exploitation and other forms of exploitation, as part of being alert to matters which adversely affect the wellbeing of children in care and care leavers, corporate parents should be aware that children in care and care leavers have particular vulnerabilities in regard to sexual abuse and exploitation.[13] This is also the case with other forms of exploitation including criminal exploitation[14]. Corporate parents would be encouraged to be alert to these risks and would expect to provide support and protection where appropriate.

---

[13] The Report of the Independent Inquiry into Child Sexual Abuse | IICSA Independent Inquiry into Child Sexual Abuse

[14] New report warns thousands of vulnerable children at risk of criminal exploitation - Vulnerability & Policing Futures Research Centre

We assess the measure will have a **positive** impact on recovery from trauma and reintegration. 65% of children in England are in care due to abuse and neglect, with 58% in Wales[15]. As part of being alert to matters which adversely affect the wellbeing of children in care and care leavers, we would expect corporate parents to be alert to the impact of trauma on this cohort and could respond to this through supportive strategies such as trauma informed practice where appropriate.

We assess the measure will have a **positive** impact on juvenile justice. As part of being alert to matters which adversely affect the wellbeing of children in care and care leavers, corporate parents would need to be aware that children in care and care leavers are overrepresented in the justice system. Corporate parents may therefore seek to help take steps where appropriate to reduce criminalisation of children in care and care leavers.[16]

[15] While data for Scotland and Northern Ireland is not available we anticipate similar trends

[16] The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers

Making the care system child-centred

Use of accommodation for depriving a child of their liberty

We assess this measure will have a **positive** impact across the affected articles.

This measure will provide a statutory framework to authorise the deprivation of liberty of children, where required, to keep them safe in provision other than a secure children's home. This provision will provide care and treatment while being capable of being used to deprive a child of their liberty.

This legislation strengthens the decision-making process for when a child needs to be deprived of their liberty, since the majority of deprivation of liberty cases in future will be determined at the same level of the family courts, ensuring greater consistency. The family courts, along with the local authority applying for a section 25 order, will be best suited to making decisions regarding the best interests of the child.

We expect this legislation will help navigate more deprivation of liberty cases via a statutory scheme, with the benefits of clearer criteria and mandatory review points that will better promote and protect children's rights. In addition, our intention is that the capital investment to build more homes that we are legislating for will lead to a reduction in the use of unregistered provision – and, in parallel, allow children to benefit from the safeguards provided by the independent scrutiny afforded to children placed in registered children's homes.

The reforms will have a **positive** impact for children unable to live with their family; they will benefit from placements better suited to their needs and that maintain their community ties, long term pathway planning which ensures they are in the right placement for their needs at the right time, and a skilled workforce which is best suited to support them.

We assess the measure will have a **positive** impact on the right of children to express their views and have them be given due weight in decisions that affect them. As part of the wider work in this policy area, we commissioned the Office of the Children's Commissioner to lead a project to hear directly from children who have been deprived of their liberty, their parents and the professionals that support them. This work has given us a better understanding of children's experiences of the provision they have accessed and what works for them and will be integral to the next phase of this programme of work.

We are confident that this measure will not lead to a discriminatory application of the Convention. The legislative change will apply to all children and young people who may need to be deprived of their liberty, regardless of ethnicity, sex, religion, language, abilities or any other status. The legislation/wider policy changes, including capital investment to build new provision will have a **positive** impact for this cohort of children;

they will benefit from placements better suited to their needs and that maintain their community ties, long-term pathway planning which ensures they are in the right placement for their needs at the right time, and a skilled workforce which is best suited to support them. They will benefit from the safeguards afforded by a statutory scheme.

We assess the measure will have a **positive** impact on children unable to live with their family, as they will benefit from placements better suited to their needs and that maintain their community ties, long term pathway planning which ensures they are in the right placement for their needs at the right time, and a skilled workforce which is best suited to support them.

We assess the measure will have a **positive** impact on the review of treatment in care, as it will ensure that more children who need to be deprived of their liberty are deprived of their liberty via a statutory scheme, with the additional benefits this brings in terms of mandatory review points and clearer criteria. The section 25 order that the local authority will seek from the court will include review points (the details of which will be set out in secondary legislation), if the local authority needs to seek re-authorisation from the court should it determine that the continued restrictions that amount to a deprivation of liberty of the child are in the child's best interests. As part of that process, the local authority will need to satisfy the court that a continued deprivation of liberty is necessary and proportionate).

We assess the measure will have a **positive** impact on adequate standards of living, as the cohort will benefit from placements better suited to their needs and that maintain their community ties, long term pathway planning which ensures they are in the right placement for their needs at the right time, and a skilled workforce which is best suited to support them. The placements that this legislation supports will be able to adapt to the changing needs of the children accommodated there, including the ability to dial up and down restrictions, based on the level of presenting needs of the children accommodated.

Ofsted powers to issue monetary penalties

We assess that this measure will have a **positive** impact across all articles by increasing Ofsted's ability to enforce the Care Standards Act 2000. We are confident it will not have a discriminatory effect on the implementation of the convention.

We assess the measure will have a **positive** impact on non-discrimination, best interests of the child, life, survival and development, because it would provide assurance that all settings are run in line with expected standards, ensuring increased safeguarding and outcomes for all looked after children in line with their needs.

We believe there will be a **positive** impact on the below articles:

- right to privacy
- right to access information
- freedom of expression
- freedom of thought
- protection of identity
- belief and religion
- and leisure play and culture

The measure will ensure that children are in a setting that can be inspected in line with the relevant quality standard. The quality standards for children's homes, as set out in the 'Guide to the children's homes regulations, including the quality standards', (published pursuant to section 23 of the Care Standards Act 2000) include, but are not limited to, children in a children's home should have the freedoms to express themselves, in line with their beliefs and religion. They have a right to privacy and should be supported to develop and maintain hobbies and interests.

We believe there will be a **positive** impact on respect for the views of the child, as Ofsted will have increased capability to enforce care standards in setting that would otherwise be unregistered. This means that there will be assurance that social workers, Independent Reviewing Officers and advocates have the right level of access to the child and ensuring the voice of the child is being heard.

We believe there will be a **positive** impact on children with a disability, and those from minority or indigenous backgrounds. While this policy is not specifically targeted at children with disabilities, a child in care is three times more likely to have Special Educational Needs and Disabilities than their peers who are not in care.

We assess the measure will have a **positive** impact on the right of a child to an adequate standard of living, via an anticipated reduction in unregistered settings where the expected standard may not be followed, and children may not be in suitable and safe buildings as they are not subject to checks during the registration process.

The measure will have a **neutral** impact on the right to parental guidance. The proposals have no impact on decisions about whether children should come into care, instead they will impact on the quality of care once children are in care. Parents or legal guardians, have the primary responsibility for the upbringing and development of the child. As local authorities act as the corporate parent for looked after children, the policy supports local authorities in placing the child in an appropriate, and safe placement by reducing the number of unregistered placements.

Children's social care agency workers

We assess this measure will have a **positive** impact across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

This legislation introduces measures to ensure local authority procurement of agency workers in children's social care is consistent with social work values and promotes quality and stability in the workforce. This should support effective relationship-based practice with children.

Introducing quality assurance and governance measures for the procurement and management of agency workers in local authority children's social care will improve experiences of local authority services for children supported under s.17(10)(a), S.17(10)(b), s.47 of the Children Act 1989 (CA1989) and those children looked after under s.20 or s.31 (CA1989). This includes improving disabled children's experiences of local authority children's social care services under s.17(10)(c) (CA1989). This will reduce changes and/or abrupt departures of social workers, support workers or residential care workers, and improve the quality of the workforce leading to better outcomes for children in need, children at risk of serious harm and children looked after.

Protection for children from ill-treatment or wilful neglect

We assess this measure will have a **positive** impact across the affected articles:

- Non-discrimination
- Best interests of the child
- Life, survival, and development
- The right of children to express their views and be given due weight in decisions that affect them
- Protection from violence, abuse, and neglect
- Deprivation of family environment/entitlement to special protection from state
- Mentally or physically disabled children

We are confident that this measure will not lead to a discriminatory application of the Convention.

Currently, children aged 16 and 17 in regulated establishments are not covered by the offence of ill treatment or wilful neglect, meaning care workers cannot be prosecuted, even where there is evidence of them ill-treating or neglecting children in their care. Under this measure, 16 and 17 year olds will have new protections in place from (ill treatment or wilful neglect by care workers. We are also ensuring there is parity of protection between adult and children's social care, by extending the care provider offense to all under 18s. This means care providers will be held to proper account where there has been a gross breach of duties contributing to the ill-treatment of children within their care. This will have a **positive** impact on non-discrimination, protection for violence abuse and neglect, and protection for children deprived of family environment, as there will be equal protections for recipients of social care regardless of age.

It is of course in the best interests of the child not to be subject to any form of abuse within their care setting. This legislation will be another step in achieving that and will have a **positive** impact on this cohort.

We know that a child's development can be negatively impacted by traumatic and abusive events. This legislation will have a **positive** impact as it will ensure that the ill treatment or wilful neglect of children aged 16 and 17 in regulated establishments such as children's homes and youth detention accommodation will be an offence, supporting the development of the child to the maximum extent. It will also ensure that care providers are held to proper account for traumatic and abusive events occurring in their settings where there has been a gross breach of their duties.

We anticipate a **positive** impact on the right of children to express their views. This legislation covers the ill treatment or wilful neglect of children by care workers and providers who are failing to protect the person they are providing care or support to. This

change will support children to speak out against any ill treatment and know there are now protections in place for them, a key part of their views being respected.

We anticipate a **positive** impact on mentally or physically disabled children. While this policy is not specifically targeted at children with disabilities, a child in care is three times more likely to have Special Educational Needs and Disabilities than their peers who are not in care. Therefore, this change will have a disproportionately **positive** impact on children with disabilities, ensuring every child or young person in care is now protected against ill treatment or wilful neglect.

Provider Oversight Regime

We assess this measure will have overall **positive** impacts across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

Provider Oversight will strengthen Ofsted's powers at provider group level (organisation that owns the providers who run settings) and referred to in the Bill as parent undertakings. Where Ofsted reasonably suspects that standards are not being met in two or more settings owned by a provider group, they will be able to work with senior people in the provider group to ensure improvement in settings. This measure will also give the Secretary of State powers to make regulations which would allow Ofsted to refuse new registration applications from a provider, if their provider group owner has failed to comply with relevant requirements to make improvements in relation to their settings. Ofsted have existing powers to cancel a registration and close individual settings where there are breaches of requirements in relation to those settings. This will help improve quality of care for children and young people in residential settings.

We assess the measure will have a **positive** impact on non-discrimination, the best interests of the child, life, survival and development, protection from violence, abuse, and neglect, mentally or physically disabled children, the right of a child to adequate standard of living, protection and humanitarian assistance for child refugees: provider oversight will improve the quality of support for children in children's homes and other social care settings, thereby helping to safeguard and protect vulnerable children, reduce risks and improve their experience. It will enable Ofsted to act at pace and scale where quality of care is not good enough – for example where the best interests of the child are not being met. Where a child is at risk of violence, abuse or neglect, Ofsted have existing powers to act immediately, cancel a registration and close the setting.

We assess the measure will have a **neutral** impact on the right of children to express their views and have them be given due weight in decisions that affect them, parental responsibilities and state assistance, deprivation of family environment/ entitlement to special protection from state. The measure will have no change with regards to decisions on whether children should be placed in care. Instead, provider oversight will help drive improvements in settings by giving Ofsted powers to take action at scale and pace, where they have concerns that may give rise to them cancelling registration and closing a setting.

Improve the children's social care placement market and tackle profiteering

Regional Care Co-operatives (RCCs) (regional co-operation arrangements)

We assess this measure will have a **positive** or **neutral** impact across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

We assess the measure will have a **positive** impact on non-discrimination, by commissioning placements which are closer to home and better meet a child's needs, thereby ensuring these young people have greater stability of care. This in turn should give looked after children and care leavers more parity with their non-looked after peers.

We assess the measure will have a **positive** impact on the best interests of the child by promoting stability of care placements for looked after children, placing the interests of looked after children at the centre. This involves ensuring the child is in a placement that best meets their needs in an area best suited to achieving that goal. Stability helps to promote **positive** outcomes such as continuity of access to school and healthcare services.

We assess the measure will have a **positive** impact on life, survival and development by ensuring there is stability of care to assist these children and/or young people to develop to achieve and thrive.

We assess the measure will have a **neutral** impact on the right of children to express their views. We expect regional co-operation arrangements to lead to economies of scale, harnessing the collective buying power of individual local authorities. This should boost the amount of provision available locally and facilitate better commissioning with the aim of placing children as close to home as is appropriate and practical. Regional co-operation arrangements should have a **neutral** impact on article 12 because children should still be able to express their views regarding their care.

We assess the measure will have a **neutral** impact on parental responsibilities and state assistance. The proposals will have no change with regards to decisions about whether children should come into care, instead they will impact on the range and quality of care places once children are in care. Parents or legal guardians, have the primary responsibility for the upbringing and development of the child. As local authorities act as the corporate parent for looked after children, the policy supports local authorities to fulfil their sufficiency duties which are in the best interest of the child.

We assess the measure will have a **neutral** impact on protection from violence, abuse, and neglect. Regional co-operation arrangements will have no impact on decisions about whether to take children into care to protect them from violence, abuse or neglect – this

will continue to be the responsibility of individual local authorities. The regional co-operation arrangements will promote stability of placements for looked after children and therefore help keep children safe and secure.

We assess the measure will have a **positive** impact on deprivation of family environment/ entitlement to special protection from state. This is a key right which regional co-operation arrangements will seek to contribute towards, by ensuring that children deprived of a family environment are able to access special protection, in particular, a home which meets their needs. The regional co-operation arrangements will support local authorities to meet their statutory duties to ensure sufficiency of children's homes, supported accommodation and foster placements for looked after children. This will contribute to Article 20 (2) – States Parties' duty to ensure alternative care. The regional co-operation arrangements will play an active role in recruiting and supporting foster parents, enabling more children in care to live in a family environment where this is the best option to meet that individual child's needs.

We assess the measure will have a **positive** impact on protection and humanitarian assistance for child refugees. Unaccompanied asylum-seeking children are looked after by local authorities. As previously noted, we expect regional co-operation arrangements to have a **positive** impact on children in care, including unaccompanied asylum-seeking children, through providing a better range of places that can meet children's needs more effectively.

We assess the measure will have a **positive** impact on mentally or physically disabled children. The proportion of children in care with Special Educational Needs (SEN) is higher than the general population of young people. At 31 March 2023, 55.5% of looked after children (28,930 children and young people) had SEN compared to 17.1% of all pupils.[17] There is a strong correlation between pupils with a disability and those that have Special Educational Needs (SEN).

Section 22C of the Children's Act 1989 requires LAs to ensure that, as far as reasonably practicable, the local authority provides accommodation which is suitable to the child's particular needs if they are disabled. Local authorities have told us that they can struggle to find suitable places for children in care with more complex needs, and this can include many children with SEN. A key aim for regional co-operation arrangements is to ensure more homes are available that better meet children's needs, including through partnership working with health colleagues.

We assess the measure will have a **positive** impact on the right of a child to adequate standard of living. When a child becomes looked after, local authorities become their

[17] Step 2: Select a data set or featured table - Create your own tables (explore-education-statistics.service.gov.uk)

corporate parent. Local authorities have a statutory duty to provide sufficient placements for children in care, and to place the child in the most appropriate placement available that best meets their needs and safeguards the child's welfare (this could be foster care, children's homes or supported accommodation). The regional co-operation arrangements will support local authorities to meet their statutory duties.

Financial Oversight Scheme

We assess this measure will have **positive** impacts across the affected articles. We are confident that this measure will not lead to a discriminatory application of the Convention.

The Financial Oversight Scheme will mean the Department must issue an advance warning to local authorities where there is a real possibility that risk to financial sustainability could lead a provider to cease operating, so they can take swift action and minimise disruption to children. This promotes stability of placements for looked after children (LAC).

We assess the measure will have a **positive** impact on non-discrimination, specifically on giving looked after children greater parity with their non-looked after peers by promoting stability of placements for these children.

We assess that the measure will have a **positive** impact on best interests of the child. The Financial Oversight Scheme promotes stability of care placements for LAC. The Scheme supports local authorities to meet their statutory duties in the event of a 'difficult to replace' provider suddenly exiting the children's social care placement market due to financial failure, so they can minimise disruption to children. This helps to promote **positive** outcomes for children living in those placements.

We assess the measure will have a **positive** impact on life, survival, and development. The scheme will improve the lived experience of LAC by promoting stability of placements in the event of sudden market exit of a 'difficult to replace' provider. This will assist these children and/or young people to achieve and thrive.

We assess the measure will have a **positive** impact on parental responsibilities and state assistance. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. Local authorities act as the corporate parent for LAC. The policy supports local authorities to fulfil their statutory sufficiency duties, which are in the best interests of the child.

We assess the measure will have a **positive** impact on protection from violence, abuse, and neglect. The scheme will minimise disruption to LAC in the event that a 'difficult to replace' provider closes suddenly due to financial failure. This will support in keeping children safe and secure. The scheme will include information sharing agreements between DfE and Ofsted. This will bring together financial and quality indicators to get an overall picture of a provider's health. Having joined up intelligence sharing will be in the interest of children living in provision monitored by the scheme, as better information sharing will help prevent incidents of poor care quality, which could include abuse and neglect.

We assess the measure will have a **positive** impact on deprivation of family environment/ entitlement to special protection from state. Local authorities have a statutory duty to ensure sufficiency of children's homes, supported accommodation and foster placements for LAC. The scheme, through its advance warning notice, will support local authorities to meet this duty, giving them more time to respond where it may be necessary to make alternative arrangements for the care of a child and ensure any new placement is sustainable and meets the needs of the child.

We assess the measure will have a **positive** impact on protection and humanitarian assistance for child refugees. The scheme will apply to residential children's homes, supported accommodation providers and independent fostering agencies (IFAs) who may be housing unaccompanied asylum-seeking children. The scheme will therefore promote more stable placements for LAC who are unaccompanied asylum-seeking children.

We assess the measure will have a **positive** impact on mentally or physically disabled children. Some LAC have mental or physical disabilities. The scheme will minimise disruption to these children should a difficult to replace provider who houses them fail financially. The scheme will apply to 'difficult to replace' dual registered residential special schools and therefore promote stable placements for LAC who are disabled.

We assess the measure will have a **positive** impact on the right of a child to adequate standard of living. When a child becomes looked after, the local authority become their corporate parent. Local authorities have a statutory duty to ensure sufficient places for children in care in their area, and to place the child in the most appropriate placement available that best meets their needs and safeguards the child's welfare (this could be foster care, children's homes or supported accommodation). The scheme supports local authorities to meet this duty.

Future children's social care profit cap

We assess this measure will have a **positive** or **neutral** impact across the affected articles.

We assess this measure will have a **positive** impact on the following articles:

- Best interests of the child
- Life, survival, and development
- Parental responsibilities and state assistance
- Protection from violence, abuse, and neglect
- Deprivation of family environment/ entitlement to special protection from state
- Protection and humanitarian assistance for child refugees
- Mentally or physically disabled children
- Right of a child to adequate standard of living

We have assessed this measure to have **positive** impacts because, if these powers are used in the future, it should result in a reduction in the amount of resource being taken out of the children's social care system through profiteering by some providers. This, in turn, should mean that prices are lowered, placement quality improves or both. This will promote better outcomes for children and allow more to be invested in preventative services to safeguard and promote the welfare of children in their area.

As local authorities act as the corporate parent for LAC, it would also support LAs to fulfil their sufficiency duties and their duties to safeguard and promote the wellbeing of children. Both of these support LAs to act in the best interests of the child.

Schools measures

Removing barriers to opportunity in schools

Breakfast Clubs

This measure has a **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on children's health, particularly for those who either do not eat breakfast or eat unhealthy options. By offering access to a nutritious meal in the morning, breakfast clubs help alleviate hunger and contribute to better health outcomes, supporting children's right to health.

For children who start their day with unhealthy food choices, such as sugary or processed meals, the risks of obesity, energy fluctuations, and other long-term health issues are higher. Research suggests that breakfast clubs may encourage healthier eating habits and a greater willingness to try new foods among children[18], aligning with Article 24 of the UNCRC by increasing children's access to nutritious food that supports their physical well-being.

Most (77%) headteachers who took part in a National School Breakfast Programme (NSBP) survey (2023) reported that they were aware of children arriving at school with, or having had, inappropriate breakfast food choices prior to starting their NSBP-supported breakfast. The majority of schools (93%) had seen a reduction in inappropriate food choices since joining the NSBP[19]. (The National School Breakfast Programme currently provides funding to subsidise breakfast clubs in c. 2,700 schools that meet disadvantage criteria).

We assess the measure will have a **positive** impact on the rights to an adequate standard of living, as it addresses food insecurity and supports overall well-being. Over a third (38%) of state school teachers reported an increase in numbers of pupils coming to school hungry. Pupils arriving at school hungry could be related to rising levels of poverty in the UK. In 2021/22, 1.7 million people in relative poverty before housing costs lived in food insecure households, including 600,000 children[20]. Rising levels of poverty have increased families' dependence on food banks and school meals and is likely related to increasing numbers of children coming to school hungry.

Breakfast clubs provide indirect benefits that also contribute to an adequate standard of living. For many parents, breakfast clubs are a reliable form of childcare, especially for

---

[18] Gibson-Moore H., Spiro A. & Stanner S. (2023), 'No food for thought–How important is breakfast to the health, educational attainment and wellbeing of school-aged children and young people?', Nutritional Bulletin, vol. 48, pp. 458-481.

[19] NSBP (2023) Headteacher Survey Report

[20] House of Commons Library (2023) Food poverty: Households, food banks and free school meals.

those who are employed or studying. Research by Shemilt (2004) and Graham et al. (2015) highlighted that breakfast clubs give parents more flexibility, allowing them to work or study while knowing their children are in a safe, structured environment. This flexibility can boost employability by allowing parents to work or pursue further education without worrying about early-morning childcare.

In addition, the National School Breakfast Programme (NSBP, 2024) found that both pupils and their parents reported that breakfast clubs enable parents to go to work on time, or even at all. Some parents noted that they were unable to provide breakfast at home due to their work schedules, making breakfast clubs essential. For these families, breakfast clubs not only address food insecurity but also reduce childcare barriers, supporting parents' ability to enter and remain in the workforce, further enhancing household financial stability.

An analysis of CEYSP 2018 data by the Institute for Fiscal Studies (IFS) found that one in twelve parents expressed a desire for more breakfast club provision. The availability of breakfast clubs, therefore, has the potential to meet this demand, providing vital support to families struggling with food insecurity and balancing work commitments, thus improving the overall standard of living for both children and parents.

We assess the measure will have a **positive** impact on children's right to education. An impact evaluation of the Magic Breakfast scheme (2019) found that KS1 pupils' average attainment improved in maths, reading and writing when provided with a free, before-school breakfast club, when compared to pupils who did not receive provision. This was equivalent to additional 2 months' progress. There was no evidence of improved average attainment for KS2 pupils. A teachers' survey also indicated that there was a perceived improvement in pupil behaviour for those who received breakfast provision, compared to those pupils who did not. Teachers also perceived a positive effect on pupils' concentration and behaviour in the classroom.

Beyond the classroom, breakfast clubs can also create an opportunity for children to socialise in a relaxed setting before lessons begin, helping to develop social skills and a sense of community. Qualitative feedback from school staff, pupils, and parents indicate that breakfast clubs were seen as a "positive start to the school day". BCs provided a social opportunity for children to engage in informal interaction with peers and staff before the start of the school day. Children perceived breakfast clubs to be "fun" and believed that they helped to prepare them for the school day by making them feel more alert. The NSPB survey of headteachers[21] (2023) found that almost all (97%) respondents reported an improvement in pupils' wellbeing, headteachers also reported positive impacts on pupils' social skills.

[21] NSBP (2023) Headteacher Survey Report

School Uniform

This measure will have an overall **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on the best interests of the child, by reducing the cost of school uniform for parents of children attending state funded schools in England and supporting all children to access school and PE/sport activities in school, which will support their best interests.

We assess the measure will have a **neutral** impact on respect for views of the child. Statutory guidance already states that schools should engage with parents and pupils and to take account of their views when developing their school uniform policy. This policy does not change that requirement.

The policy also takes account of learnings from DfE research carried out with parents of school aged children into the cost of school uniform and of stakeholder intelligence – including from charities representing the views of parents and children (for example The Children's Society, Parentkind).

We assess the measure will have a **neutral** impact on children with disabilities. When making decisions about uniform policies, schools must comply with existing obligations under the Human Rights Act 1998 and the Equality Act 2010. A school will need to consider the impact of their uniform policy on pupils who share a protected characteristic – including children with disabilities. Governing boards should aim for their uniform policy to be as inclusive as possible, and schools should be considerate in the implementation of their uniform policy so that all pupils are able to wear the uniform.

The limit on the number of branded items could potentially support disabled pupils as it gives parents more opportunity to choose uniform items that better meets their child's specific needs (such as choosing particular fabrics in the case of sensory issues). However, schools also already have a duty to make reasonable adjustments where something a school does places a disabled pupil at a disadvantage – and we do not feel this additional choice is a significant change.

We assess the measure will have a **positive** impact on the right to education, by tackling the cost of school uniform as a barrier. It supports all children to access school and take part in PE/sport activities in school, and the policy thus aligns with the principle that every child has the right to education.

Creating a safer and higher quality education system for every child

Children Not In School

We assess the Children Not in School (CNIS) measures will have an **overall positive** impact across the affected articles.

We assess that the measures will have a **positive** impact on the best interests of the child. All children, regardless of their background, are entitled to feel safe and to receive a suitable education that will enable them to achieve and thrive. The CNIS measures proposed in the Bill will aid local authorities to undertake their existing responsibilities to safeguard children and ensure they receive a suitable education. The measures will help ensure that home educating families are well-supported to ensure that their child receives a high standard of education, and will also help ensure that children who may be at risk of harm are visible to the services that are there to protect them.

The information gathered from local authority registers will also help inform policy development, for example in relation to the types and level of support needed by families and the resources of local authorities to deliver that support, and whether particular groups need more support than others and why. We will also be able to assess the challenges faced by families in accessing support and those in the local authority to deliver it. We will use the data to understand the reasons why parents home educate and identify any trends or common issues. This could help improve understanding of SEND or issues like off-rolling and bullying. Additionally the government amendment to pilot mandatory meetings in certain local authorities whereby parents must attend a formal meeting with the local authority if they wish to withdraw their child from school for home education. During these meetings, local authorities would share information, respond to questions, and direct families to useful resources, helping parents feel confident and well-informed before deciding on home education. They would also give local authorities the opportunity to identify any additional needs at an early stage, ensuring families receive appropriate support and that wider factors affecting a child's wellbeing are taken into account. The local authority will also explore the reason the parents are withdrawing their child from school.

Specific components of the legislation ensure that the best interests of the child are a primary consideration when local authorities are undertaking their duties/ exercising their powers. For example, if the parent of a child subject to a child protection plan, or previously on a child protection plan or enquiry, or a child who attends a special school under arrangements by the local authority, seeks local authority consent for the child to be withdrawn from school to be home educated, the local authority must refuse to grant consent if it would be in the child's best interests to receive education by regular attendance at school. Where these children are already being home educated, the local

authority must commence the school attendance order process if they consider it to be in the child's best interests to attend school.

Additionally, local authorities and the Secretary of State can only exercise their power to provide information from the registers to other specified professionals if it is appropriate to do so for the purposes of promoting or safeguarding the education, safety or welfare of the child (i.e. is in the best interests of the child).

We assess the measure will have a **positive** impact on implementation of the Convention. Currently, local authorities do not have a legal duty to maintain registers of CNIS. Whilst some local authorities voluntarily keep registers, there is little consistency in how data is recorded across authorities. This means that children who are educated otherwise than at school in some areas may be more visible and better able to be supported by local authorities than those living elsewhere. Therefore, introducing a mandatory system of registration for CNIS is the most effective way of supporting the implementation of rights for every child, such as the right to education.

Under existing legislation, parents (unless their child attends a special school arranged by a local authority) can withdraw their children from school for the purposes of home education without any oversight. In some cases, children who have been withdrawn from school purportedly for home education have suffered significant harm or died due to abuse or neglect. The measures to require local authority consent may mean that children on child protection plans, or have previously been on child protection plans or who are subject to child protection enquiries will have their rights better protected (for example, the right to life, survival and development). We believe placing a consent requirement on parents of these children is a proportionate solution which focuses on the most vulnerable[22]. Other measures in the Bill, such as the power for local authorities to request to visit the child inside their home and the strengthening of multi-agency safeguarding arrangements will help local authorities identify and take action where children's rights are being denied to them.

We assess the measure will have a **positive** impact on parental guidance and a child's evolving capacities. By creating registers and mandating local authority support for home educators, parents can seek assistance from local authorities. The legislation does not reduce the rights of parents to provide direction to their child; parents retain the duty for ensuring that their child receives a suitable education and are able to provide this education in a manner of their choosing (provided that it is suitable). The child's increasing capacity to make their own choices is not covered in our legislation but should be considered by home educating parents and local authorities as appropriate; for

[22] The measures also include the requirement for parents to seek local authority consent before children can be removed from special schools for the purposes of home education. Whilst these children are not any more likely to come to harm, their inclusion will ensure that these children's right to development continues to be protected by ensuring continuity of education provision.

example, if education is deemed to be unsuitable, local authorities who are considering issuing a school attendance order should take the views of the child into account, if known and if appropriate, in determining whether it is expedient for the child to attend school. Where a local authority is considering whether to grant consent for home education, we would expect them to take the child's view into account as to whether this would be in their best interests, if appropriate to do so.

Similarly, we assess the measure will have a **positive** impact on respect for the views of the child. Our policy will have a positive impact on the implementation of this article as the measures include a new power for local authorities to request to visit the child inside any home in which they live. Local authorities engaging with children is one of the ways local authorities can assess whether a child is in receipt of suitable education, but it is not compulsory. Unless extenuating circumstance apply, we expect parents to bring the child they are withdrawing from school to the mandatory meeting with the local authority in the pilots areas. This may give local authorities the opportunity to identify the views of the child and any additional needs they may have at the early stage possible.

We assess the measure will have a **positive** impact on life, survival and development. The intention is that these measures will help minimise the time children spend in harmful environments and therefore we believe the policy will have a positive impact on implementing this article. Additionally the introduction of the local authority considering the suitability of the home and other learning environments at first registration may lead to more home visits by Home Education Officers to ensure that the child's home and other learning environments are safe and meeting their needs. This will ensure that children remain visible to services that are there to support them.

Children Missing Education are children not in school who are not receiving a suitable education. These children are not only at risk of underachieving academically, but also at significant risk of safeguarding harms such as being victims of exploitation or radicalisation. Therefore, maintaining a system of registration for CNIS will allow local authorities to safeguard vulnerable children who are currently not visible to them or other safeguarding services.

Children in social care, including those on child protection plans, experience poorer educational outcomes at Key Stages 2 and 4 than the overall general pupil population. Education settings can be a protective factor for children, particularly those at risk of harm.

When children at special schools are withdrawn from school to be home educated, this can be a major upheaval in the child's life. In some cases, the loss of support that they received in the special school could negatively impact the child's development. Therefore, the requirement for parents of these children to seek consent from the local authority before the child is removed from the school will act as a safeguard against the

child being removed from home education if it is not in their best interests or if there are no suitable educational arrangements in place.

Additionally, the new power for local authorities to request to visit a child inside their home will result in local authorities being better equipped to identify children who are in unsafe environments, and to take action – for example, by issuing a school attendance order to require that child to attend school. In statutory guidance, we will look to provide advice to local authorities on how to conduct these visits – with a particular focus on how local authorities should be sensitive to the needs of children with SEND or children who are, or have been, known to social care. We will also consider whether additional training would be beneficial for local authorities in this respect.

We assess the measure will have a **positive** impact on freedom of expression. Every child must be free to express their thoughts and opinions and to access all kinds of information that will have a **positive** impact on their development and wellbeing. Whilst the proposed CNIS measures in the Bill do not include additional powers for local authorities to monitor the content of education, the measures will aid local authorities to carry out their existing statutory duties to safeguard children and ensure they are receiving a suitable education. Therefore, the legislation will have a positive impact on those children who are not currently able to freely express their thoughts, opinions, or access information by making them more visible to local authorities. These are likely to be the minority of CNIS, where we know that many home educating families educate in the best interests of their child and give priority to a child's right of freedom of expression.

We assess the measure will have a **neutral** impact on freedom of thought, belief and religion. Every child has the right to think and believe what they choose and to practice their religion, and governments must respect the rights and responsibilities of parents to guide their child as they grow up. The legislative measures will have a **neutral** impact on this right as we are not providing additional powers to local authorities to monitor or decide the content of education. Local authorities have existing guidance which they should use to determine whether children are in receipt of a suitable education.

We assess the measure will have a **positive** impact on freedom of association. Children have the right to meet with other children and join groups and organisations. The Department's existing Elective Home Education guidance is clear that marked isolation from a child's peers can be a factor of an unsuitable education; and that a suitable education should involve socialisation. Additionally, the Bill introduces a new duty on local authorities to provide support to home educating families on registers, where it is requested; parents may request that the local authority provide them with information on opportunities for children to socialise.

We assess the measure may have a partial **negative** impact on right to privacy, but we believe this will be outweighed by the **positive** impact on children's rights under Article 3, 6, 13 and 28. The law should protect the child's private, family and home life. The

requirement on parents of eligible children to provide certain prescribed information to local authorities for their CNIS registers may mean that more individual-level information is held on those children whose data is not currently collected by local authorities or the department. However, we envisage that the data collected through the CNIS registers will be similar to the level of data collected on children in mainstream education by education settings and the department for the National Pupil Database. Furthermore, this data will only be used to undertake local authority duties related to education, welfare and safeguarding, and the CNIS data will not be available publicly and so personal data is protected.

The collection and recording of this information from families will be important to support local authorities to identify all children not in school, and in particular Children Missing Education; and to help local authorities discharge their existing duties to ensure children in their area are receiving a suitable education and to undertake their safeguarding duties.

As with any data collection, there is a risk that personal data could be incorrectly released. The department will ensure data protection is a strong focus in the new local authority statutory guidance and will continue to engage closely with stakeholders on this topic to ensure appropriate safeguards are in place to protect the data of children and their parents, including for example, in instances of domestic abuse where information such as a child's home address is extremely sensitive.

To mitigate any potential negative impact, we will ensure that only necessary information is required to be provided by parents, and that any more sensitive information such as the protected characteristics of the child is voluntary for parents to disclose. The proposed duty on parents to provide necessary information to local authorities for inclusion on their registers is not intended to undermine privacy, nor will it interfere with parents' right to educate their child in a way and with methods they think best. The information held in registers will be protected under UK-GDPR and other existing data protection legislation. Further safeguards are built into the Bill, including requiring that no individual-level data be published or made accessible to the public. Specific categories of persons with whom local authorities may share information from their registers when they consider it appropriate to do so for the purpose of promoting the education of or safeguarding children, are outlined in the legislation.

Regulations will also be made prescribing what information from local authority CNIS registers is to be shared with the Secretary of State and who this information can be shared onwards to. These regulations will be subject to the affirmative parliamentary procedure, ensuring that there is an appropriate level of scrutiny. Where information is shared with the department, there will be strict data protocols in place with data held and processed in line with UK-GDPR and data protection legislation.

Any potential negative impact on the privacy of some home educated children from the new power for local authorities to request to visit a child in their home, will be outweighed by the positive impacts under 3, 6, 19 and 28. This is intended to help the local authority decide whether education is suitable for the child, or in the case of children subject to child protection processes, that it is in the child's best interests to receive their education outside of school. Local authorities will not have a new power to force entry into the home. It remains open for parents to decline the request, but this refusal must then be considered a relevant factor by the local authority in deciding whether suitable education is being received or whether (if relevant) education is in their best interests.

We will set out in statutory guidance how local authorities should consider the child's home and learning environment – including through home visits - fairly and proportionately. Home educating families and local authority education and children's social care teams will have an opportunity to provide their views during consultation on the statutory guidance.

We assess the measure will have a mixed impact on parental responsibilities and state assistance. This article gives parents the primary responsibility for the upbringing and development of their child and makes it clear that governments must recognise parental responsibilities and provide resources and support to help them fulfil their responsibilities.

Some home educating families may perceive a negative impact due to the Bill introducing the requirement for parents to get consent from the local authority to withdraw their child from school for home education if their children are subject to child protection processes, were previously on a child protection plan or attending special schools under arrangements by the local authority. Suitable and safe home education is not a safeguarding risk. However, school can be an important protective factor for children and home education can in some circumstances mean that children slip under the radar of services that are there to protect them. Some children have suffered significant harm or died due to abuse or neglect after being removed from school. The new consent requirement supports immediate and proportionate checks to be made before a child can be withdrawn from school for home education where there are concerns about significant harm (in the case of those children subject to child protection processes) or where the loss of school support might otherwise impact negatively the best interests of the child (in the case of those children in special schools). Therefore, we believe that any negative impact is justified due to the positive impact on Articles 3, 6 and 19.

The measures also introduce a new legal duty on local authorities to provide support to home educating families on their registers when requested, including hosting bi-annual engagement forums and provide advice on exams where reasonable. Therefore we believe that the legislation will have a **positive** impact in relation to this article as parents can be provided with additional information and advice to help them fulfil their responsibility of securing a suitable education for their child.

We assess the measure will have a **positive** impact on protection from violence, abuse and neglect. The CNIS measures in the Bill are intended to support local authorities to carry out their existing duties to protect all children in their areas from harm, by making them visible to the services that are there to protect them.

The new requirement for parents of children subject to some child protection processes to get local authority consent before home educating will also have a **positive** impact on this Article; as will the new requirement on local authorities to consider the home and learning environments of children as part of their decision-making process as to whether a school attendance order must be issued. This could result in children who are at risk of abuse, violence, or neglect in the home or in out-of-school education settings being referred to children's services for further intervention and required to attend school. In these instances, school can be a protective factor, enabling children's cases to be escalated quickly. The ability of children's services to intervene quickly in these situations can be lifesaving.

We assess the measure will have a **positive** impact on children with a disability. We know from engagement with stakeholders that families of some children with disabilities are home educating because they feel schools have not met the child's needs. The registers will help to make these individual children more visible, enabling local authorities to better support them, and also identify any wider trends, which will feed into local and national policy making around how to promote the wellbeing and development of children with disabilities more generally. In addition, local authorities may choose to discharge their new duty to support home educating families by providing advice and information centred around a child's special educational needs. The requirement for local authority consent to be obtained before a child's name can be removed from a roll of a special school will provide a check that there are no educational suitability issues resulting from the loss of the support that the child is receiving in a special school, and that home education would be in the child's best interests (for example, in terms of the level of non-educational support the child would receive in home education in comparison to in the special school). This builds on a requirement that has existed in secondary legislation for many years. The measures will pilot mandatory meetings in some local authorities. During these meetings, parents will be advised on their responsibilities when home educating and any impacts on any SEN support, the local authority will also explore the reason the parents are withdrawing their child from school. This may help identify the parents who feel forced to withdrawing and identify opportunities to put in the right support.

We assess the measure will have a **positive** impact on right to education. All children have a right to an education and our measures will positively support this right. We know that many home educating parents work hard to provide a suitable education for their children; however, should a child be in receipt of unsuitable education, the measures provide more visibility to local authorities so they can undertake their existing

responsibilities to secure a suitable education for that child. When the local authority determines that it is expedient for that child to attend school so their right to an education is protected, the amendments to the school attendance order process introduced in the Bill will make the process of issuing an order more efficient, minimising the time children spend in unsuitable education. The requirement for parents of children who are subject to certain child protection processes or who attend special schools to seek consent before the child is removed from school for home education will also protect these children's right to education, as the local authority must refuse consent if there are no suitable education arrangements in place outside of school. Therefore, it is our assessment that the legislation will have a positive impact on the implementation of this article.

We assess the measure will have a **positive** impact on goals of education. The UNCRC states that education must develop every "child's personality, talents and mental and physical abilities to their fullest potential" and that it should also build their respect for other people.[23] Whilst the Bill does not provide additional powers for local authorities to monitor the content of education, the CNIS registers will help them to fulfil their existing responsibilities to identify children who are who are not receiving a suitable education. Existing guidance for LAs on Elective Home Education already outlines eight components local authorities should consider when determining whether a child is receiving a suitable education. This includes: enabling the child to participate fully in life in the UK; education not conflicting with Fundamental British Values; and isolation from a child's peers indicating possible unsuitability. The registers will make more children who are not in school visible to local authorities, including those whose education does not appear suitable. Where unsuitable education is identified and the local authority believes that it is expedient for the child to attend school to correct this, the reforms to the school attendance order process introduced in the Bill will minimise the time the child spends in unsuitable education. Therefore, the CNIS registers may have an indirect **positive** impact in ensuring that children can achieve their goals of education.

We assess the measure may have a neutral impact on Children from minority or indigenous groups. Children have a right to learn and use the language, customs and religion of their minority or indigenous group, whether these are shared by majority of the country or not. The Bill measures do not prevent children learning about and practicing customs in their group, as long as they are in receipt of suitable education and there are not safeguarding concerns that infringe on their other rights.

There may be a disproportionate impact on the Gypsy, Roma, Traveller (GRT) community. In the Autumn 2023 EHE data collection, LAs recorded that 4.6% of the home education population were known to them to be GRT. This is in comparison to

[23] Article 29, The United Nations Convention on the Rights of the Child

0.4% of children recorded to be GRT in the school population[24]. Participants in qualitative research carried out by ONS[25] in 2022 on Gypsies' and Travellers' lived experiences reported that experiences of discrimination, inflexibility of the education system, and aspects of the curriculum that are seen as contradictory to GRT values resulted in them withdrawing children from mainstream education, with some being home educated instead. Anecdotally, we hear that higher proportions of GRT children are home educated as there are barriers to families with nomadic lifestyles participating in mainstream education.

There may be a negative impact on GRT families who have no fixed abode and travel across local authority borders frequently (in terms of the burden of having to regularly provide information for local authority CNIS registers compared to families who are static). However, we believe that any negative impact in terms of burden will be outweighed by the positive benefits of registration, especially where GRT families can make use of local authority support offers under the new support duty in the Bill. Therefore, we deem the impact on GRT children to be neutral given the positive benefit of the registers outweighing the burden of those more transient families.

The proposals in the legislation that aim to make the school attendance order process more efficient may have a neutral impact on GRT families as the current school attendance order will have the same effect.

There may be a negative impact on parents of eligible children who do not have reliable access to the internet, where the intention is that local authority CNIS registers will be kept electronically and so we expect that local authorities will request that families complete an online form in most cases. This could impact nomadic families, but also Charedi Jewish communities where internet usage is discouraged. There could also be accessibility issues for parents of eligible children whose first language is not English. If parents do not submit the required information to local authority registers, then the sanction is the school attendance order process. However, we will aim to mitigate these accessibility concerns by building on current practices for similar registers, such as the electoral register, where there are existing systems that enable nomadic people to provide information for example. We will also engage with community representatives to understand which potential solutions might work best for various groups, and then highlight these solutions in our statutory guidance to local authorities (which will be publicly consulted on), so they can consider how best to publicise the registration duty and make it accessible to all eligible families in their areas.

---

[24] Schools, pupils and their characteristics, Academic year 2023/24 - Explore education statistics - GOV.UK (explore-education-statistics.service.gov.uk).

[25] Gypsies' and Travellers' lived experiences, methodology, England and Wales: 2022 - Office for National Statistics (ons.gov.uk)- To note that the experiences of Roma people were not included in this research.

We assess the measure will have a **neutral** impact on leisure, play and culture as the Children not in school measures do not impact children's right to leisure, play and culture.

We assess the measure will have a **positive** impact on child labour. Reports have been made of some instances where children not in school are being registered as home educating but are instead in child labour. The new measures will allow improved oversight and enable SAOs to be issued and resolved more promptly if an unsuitable, or no education is being provided, and the LA decides that it is expedient for that child to attend school in order to receive a suitable education. Therefore, the legislation is likely to have a positive impact in relation to this article.

We assess the measure will have an indirect **positive** impact on sexual exploitation. Registers will improve LA visibility of all children not in school, including those who are being harmed or who are at risk of harm. When these children are identified, existing safeguarding powers can be used to protect them.

IESS: Registration of full-time settings (expanding the scope of regulation)

We assess this measure will have a **positive** impact across the affected articles.

It is in the best interests of a child to attend an educational setting which is subject to oversight and inspection against prescribed standards, and this supports children's rights to goals of education. For example, the regulatory regime which already applies to independent schools, and which is being extended to more full-time educational settings, has in place mechanisms to permit the Secretary of State to intervene where a setting is most egregiously placing children at a risk of harm.

Independent schools are subject to regular inspection against prescribed standards – mostly the Independent School Standards (ISS). These standards are routed in the best interests of the child to ensure they receive a quality education and are safe. For example, Part 1 provides standards on quality of education, Part 3 on welfare, health and safety, Part 4 is concerned with safer recruitment, for example DBS checks and Part 5 premises and accommodation. The intention would be to extend the same, or very similar, standards to the newly caught settings.

Amongst other things, Part 3 of the ISS requires independent schools to have regard to statutory safeguarding guidance - which includes Keeping children safe in education. The intention is that settings registering under the new arrangements will be required to have regard to the same guidance. This provides a framework to protect child from violence, abuse and neglect and also sets out how schools should act on any such abuse where it is suspected. Part 4 of the ISS protects children from unsuitable people accessing the workforce and ensures appropriate checks and supervision of volunteers. Extending this regime to more children therefore supports children's right to protection from violence, abuse and neglect.

This change should also support children with a disability. Part 5 of the ISS requires schools to put in place mitigations to support children with complex needs, which includes disability. In addition, Part 1 of the ISS requires schools to have a written curriculum policy that takes into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan. It is therefore beneficial for children with disabilities or other complex needs to attend a regulated setting where compliance with the ISS is subject to regular inspection. Extending this existing regime to more settings should therefore benefit children with a disability who currently attend those settings.

Lastly, this measure is non-discriminatory because it is a proportionate way to extend the protections in the regulatory regime which applies to independent schools, and which allows the children attending those schools to be protected from risks of harm and to receive an appropriate education, to more children - to those who attend other full-time educational institutions. This will help ensure that there is no difference in how children are treated and protected irrespective of the type of full-time educational setting they attend.

Independent Education and School Safeguarding (IESS): Enforcement powers – power of suspension for independent educational institutions

We assess this measure will have a **positive** impact across the affected articles.

This policy is a non-discriminatory and discretionary power. It is intended to be used only when a setting, in failing to meet its legal obligations to comply with the Independent School Standards (ISS), is putting children at risk of harm. There is no evidence that the settings who may be targeted by this power (those with the most severe failings) provide for children from over or underrepresented particular backgrounds and therefore this policy will benefit any child who attends an independent school, any one of which may at any time be found to be sufficiently unsafe as to merit action.

We assess the measure will have a **positive** impact on the best interests of the child. This is because all independent schools must meet the ISS at all times. Settings which fail to meet the ISS may as a result put children at risk of harm. This new power increases the Secretary of State's ability to act when an independent school or other full-time educational institution, is failing to meet the ISS in ways which put children at immediate risk of harm. This supports the goals of the best interest of the child in two ways – first, it facilitates the removal of children from settings whilst they are unsafe and second, it increases the incentive for proprietors of the affected settings to not allow their setting to become unsafe in the first place (since the Secretary of State will be better able to act if they do).

We also assess the measure will have a **positive** impact on children's right to goals of education and to be protected from violence, abuse and neglect. This measure provides a mechanism to remove children from a setting which is failing to provide an education which helps them achieve and thrive. Further, registered educational settings which are exposing children to these risks should be subject to regulatory action, up to and including closure. This measure supports this goal by increasing the Secretary of State's powers to quickly intervene in the most serious cases by requiring the setting in question to temporarily close, removing children from the immediate risk.

IESS: Enforcement powers – appeals

We assess this measure will have a **positive** impact across the affected articles.

This policy is non-discriminatory. It will benefit any child who attends the independent schools impacted by this policy. This is in the best interests of children, since it benefits children if their unsafe educational setting is de-registered (effectively closed) faster and if the incentive on the part of independent school proprietors to meet the standards which keep children safe is higher.

We assess the measure will have a **positive** impact on the best interests of the child and children's right to goals of education. This measure concerns a very particular situation, where a registered setting which has been effectively required by the Secretary of State to close for failings against the Independent School Standards (ISS) makes an appeal against such enforcement action. At present, the setting may remain open until the appeal is determined, heard or withdrawn. This can mean that children can continue to attend a setting which has a history of failure against the ISS for many months and years. This change aims to discourage appeals in cases such as these where a setting has long term or serious failings. Settings with serious and/or long-term failings against the ISS should therefore close more quickly in response to this sort of enforcement action by the Secretary of State. In turn the children attending these settings will instead receive their education elsewhere (either another educational institution or at home) and in a setting which provides a safer, more suitable education which helps them achieve and thrive.

IESS: Material change regime

We assess this measure will have a **positive** impact across the affected articles.

This policy is non-discriminatory. These changes will apply to any of the c.2450 registered independent schools and any other educational settings which are in future regulated by Chapter 1 of Part 4 of the Education and Skills Act 2008 and will equally benefit any child who attends an independent school (or other regulated setting) or who will do so in future.

We assess the measure will have a **positive** impact on the best interests of the child. The main impact of this change will be to prevent registered settings making certain changes to their operation – for example, a change to whether the setting is a special institution or making use of new buildings for students – without the Secretary of State's approval, and will give the Secretary of State greater flexibility to act against settings which make such a change without approval.

This is turn will be a benefit to children's life, survival and development, by reducing the number of changes which have the potential to harm the children attending the settings in question. It will mitigate, for instance, the risk of a setting making use of a new, unsafe building which is not suitable for education or catering for children with special educational needs for whom it is not properly equipped.

We also assess the measure will have a **positive** impact on children with a disability, because it will make it a material change to change the type or types of special educational needs which a special institution makes provision. This will discourage schools from offering a specialised provision which they are not set up to make and/or permit the Secretary of State to act against such schools. This should reduce the number of children with a disability attending an educational setting not equipped to meet their needs.

IESS: Suitability of proprietors

We assess this measure will have a **positive** impact across the affected articles.

This policy is non-discriminatory. These changes will benefit any child who, as a result of this policy, does not attend an independent school overseen by an unsuitable proprietor. It is in the best interests of children, since it reduces their exposure to risks arising from unsuitable independent school proprietors.

We assess the measure will have a **positive** impact on the best interests of the child. This measure will prevent a number of prospective independent school proprietors who are unsuitable for this position holding responsibility for children's education and wellbeing. This power supplements the existing checks which are already carried out on new proprietors.

The need for this measure has been highlighted where, in a very small number of cases, individuals who have satisfied the Secretary of State's existing due diligence checks but have been considered not 'fit and proper' to act as a proprietor and so hold a position of responsibility over children's wellbeing. It has been the case in this small sample that the settings in question have also not met other Independent School Standards (ISS). Settings not meeting the ISS are potentially placing children at risk of harm. This change therefore should reduce the number of children who attend educational settings which do not meet the ISS, and in turn support children's right to goals of education.

IESS: Inspectorate (Ofsted) powers

We assess this measure will have a **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on the best interests of the child, as it will permit the Chief Inspector to act more effectively when inspecting unregistered independent educational institutions. The Chief Inspector will have the power to enter and inspect any setting which is or has been committing a specified “relevant offence” (or where evidence of such an offence may be found). These settings can pose a significant risk to a child’s wellbeing as they are not subject to the usual level of oversight and monitoring. More effective action will benefit all children who attend such settings, either by encouraging their closure (allowing the children to attend a safer setting elsewhere) or encouraging compliance with a regulatory regime. Either outcome is in the best interests of the child.

We assess the measure will have a **positive** impact on the life, survival and development of the child, as it allows the more effective investigation of the specified relevant offences. Settings which are the site of these offences are operating in breach of a regulatory regime and therefore provide no assurance as to their safety; the most common use of these powers will be the investigation of a suspected unregistered educational institution. These settings are illegal and operate entirely outside regulation, they are not subject to regular inspection and therefore have the potential to be both harmful to children’s wellbeing and for this harm to go unnoticed. Facilitating more effective action against such settings should reduce the number of children exposed to a risk of harm and therefore supports the goals of Article 6.

We assess the measure will have a **positive** impact on the goals of education, as the regulation of educational settings is intended to ensure that the setting is safe and provides an education which helps children achieve and thrive by, among other things, subjecting regulated settings to regular inspection. Settings which operate outside the regulatory regime do not provide assurance that these goals are met. The objective of this measure is to encourage adherence to the regulatory regime by facilitating the identification and investigation of those that breach that regime. In that respect, this measure supports the goals of Article 29 by encouraging more children to attend regulated, and therefore, safer settings.

IESS: Ofsted information sharing (inspections of schools and colleges)

We assess this measure will have a **positive** impact on the best interests of the child.

We have made this assessment because the measure concerns the relationship between Ofsted and other inspectorates of schools and colleges. It makes two types of changes in this area, both with the aim of improving the working relationship between these bodies and improving their respective performance. For example, it facilitates the sharing of information between inspectorates so that safeguarding risks are better known and more freely acted upon. Since this should improve the quality of inspections, and the better identification of risks, this change supports the best interests of the child.

Strengthening the Teacher Misconduct Regime

We assess this measure will have a **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on non-discrimination, by addressing a lacuna in the existing legislation whereby individuals who commit serious misconduct whilst engaged in teaching work at a school for example may be subject to regulatory action by the Teaching Regulation Agency but staff in other such settings (FE colleges for example) are not. There is no good reason why the protections provided by the Teaching Regulation Agency should only apply to some children and young people based on where they receive their education, therefore this measure supports this article by removing that discrimination.

We assess the measure will have a **positive** impact on the best interests of the child. The aim of this measure is to extend the scope of the Teaching Regulation Agency so that teaching staff can be more readily held to account for their misconduct regardless of when this misconduct took place or how it is brought to light. It is not in a child's best interests to be taught by staff who may have committed misconduct, so this measure supports the aims of Article 3 by reducing the number of teaching staff who may have committed serious misconduct but who currently are not subject to regulation by the TRA.

We assess the measure will have a **positive** impact on the protection from violence, abuse and neglect, and protect against sexual exploitation, by disincentivising teaching staff from committing serious misconduct – which can include incidences of violence, abuse, neglect and sexual exploitation – by ensuring that they can be held accountable for this activity regardless of when it took place, how it came to light and where they are engaged in teaching work in specified settings. In this respect this measure supports the goals of Article 19.

We assess the measure will have a **positive** impact on the right to education, as ensuring parity in the regime will ensure more individuals can be held to account for their serious misconduct regardless of when this misconduct took place or how it is brought to light and in more settings. This measure aligns with the principle that every child has the right to education and one that is safe.

We assess the measure will have a **positive** impact on the goals of education, ensuring more children and young people are protected and safeguarded from individuals who commit serious misconduct. It will ensure that children can be provided with an education which helps them achieve and thrive by ensuring that more individuals who commit serious misconduct may be subject to regulatory action by the Teaching Regulation Agency.

Driving high and rising standards for every child

School teachers' qualifications and induction

We assess this measure will have a **positive** impact across the affected articles.

We know that high quality teaching is the most important in school factor for improving outcomes for children, including those from disadvantaged backgrounds or additional needs.[26]

We assess the measure will have a **positive** impact in ensuring the best interests of the child by ensuring new teachers obtain QTS and complete induction against the Teachers' Standards in order to work as a qualified teacher in specified academies including having regard for the need to safeguard pupils' wellbeing, in accordance with statutory provisions. It will ensure that children who attend specified academies will have the same entitlement to a qualified teacher as their counterparts in maintained schools and special schools.

We assess the measure may have a **positive** impact on ensuring children with a disability receive education in a manner conducive to the child's achievement by ensuring new teachers have or are working towards QTS. In order to achieve QTS, teachers must demonstrate they meet all the Teachers' Standards, including Standard 5. This requires teachers to be able to adapt teaching to respond to the strengths and needs of all pupils; to have a clear understanding of the needs of all pupils including those with special educational needs.

We assess the measure will have a **positive** impact on a child's goals of education, including their respect for their own and other cultures and the environment by ensuring teachers with QTS meet the Teachers' Standards, including Standard 1 and Standard 2. This includes setting high expectations which inspire, motivate and challenge pupils and promoting the good progress and outcomes by pupils. The Teachers' Standards also expect teachers to uphold high standards of personal and professional conduct, including treating pupils with dignity, building relationships rooted in mutual respect, showing tolerance of and respect for the rights of others and not undermining fundamental British values.

[26] J. Hattie. Visible Learning. 2009

National Curriculum

This measure has an overall **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on the best interests of the child, as it will require academies to follow the National Curriculum. It will ensure that children in academies have the same basic entitlement to receive a high-quality core education as those in maintained schools – creating a common floor beyond which schools will have the freedom and flexibility to innovate.

We assess the measure will have a **neutral** impact on children with a disability. Under the Education Act 2002, the National Curriculum can be disapplied for individual pupils with specific needs through an Education, Health and Care (EHC) plan (under section 92 of the Act), ensuring appropriate adaptations where necessary.

We assess the measure will have a **neutral** impact on the right to education. By requiring academies to follow the National Curriculum, this policy aligns with the principle that every child has the right to education. It ensures that pupils receive a high-quality core educational offer, establishing a clear baseline for subject content while allowing schools the freedom to tailor their specific curriculum offers.

Academy schools: educational provision for improving behaviour

This measure has an overall **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on non-discrimination. By amending s29A of the Education Act 2002, it will remove any ambiguity around academies' powers and set a consistent standard of acceptable practice between academy schools and maintained schools for directing pupils off-site. This will help ensure that pupils are treated fairly between academies and maintained schools when they are placed off-site to improve behaviour.

We assess the measure will have a **positive** impact on parental guidance, as while parental consent is not required for an off-site direction, both the statutory Suspension and Permanent Exclusion guidance and Alternative Provision statutory guidance makes clear parents (and the local authority where the pupil has an Education, Health and Care Plan) are given clear information about the placement: why, when, where, and how it will be reviewed, such that it is a collaborative process leading to maximum support for the pupil as they go through this process. The measure will require academy schools to have regard to this guidance.

Using off-site direction to support pupils to understand and modify their behaviour before it gets worse could also have a **positive** impact on parents, as in the majority of cases, and particularly when a pupil has Special Education Needs or a Disability the behaviour demonstrated in school is the same as the behaviour experienced in the family home. Therefore, this early intervention provision could support parents and the wider family to manage pupil behaviour in a timely and effective manner resulting in a positive effect within and outside family life.

We assess the measure will have a **positive** impact on the life, survival and development of a child, by keeping children within their school communities, providing them with support in an appropriate setting to continue with their education.

We assess the measure will have a **positive** impact on a child's right to education, as off-site direction is a preventative measure to help improve a pupil's behaviour and aims to reduce the likelihood of an exclusion. The policy exists to keep children within their school communities, be provided with support in an appropriate setting, improving behaviour before it escalates so children can continue their education without further disruption and to encourage self-awareness for the impact of their behaviour on other children.

By creating a baseline between academies and maintained schools, this amendment will reinforce that all mainstream state schools are subject to the same standards around the use of off-site direction, and subject to the same statutory requirements in terms of how pupils move around the school system. In doing so, the amendment supports wider

efforts to safeguard pupils and promote educational outcomes, ensuring scrutiny and transparency and guarding against misconduct or malpractice.

Academy Directions

This measure has an overall **positive** impact across the affected articles.

We assess the measure will have a **positive** impact on non-discrimination, as it will direct academy trusts to comply and fulfil their obligations, ensuring they provide equal educational opportunities to all children regardless of their background, abilities or circumstances. The intention is for the power to increase education standards and enforce legal requirements which may prevent discrimination and improve quality of opportunity and good relations.

We assess the measure will have a **positive** impact on the best interests of a child. In implementation, an academy trust will need to prioritise considerations for the development and well-being of its students and actions taken by the academy trust in response to any direction to comply will ensure the best interests of children are always considered.

We assess the measure will have a **neutral** impact on the life, survival and development of a child, as the obligation is primarily about legal compliance and accountability. However, indirectly, it does support the development of children and young people (CYP), ensuring that all schools provide a safe and supportive environment conducive to children's overall development.

We assess the measure will have a **neutral** impact on the respect for the views of the child, as it does not involve direct consultation with children. However, it could indirectly support this article, by ensuring that academies create environments where pupil's voices are heard and respected as part of their legal obligations.

We assess the measure will have a **positive** impact on children with a disability, as it can be used to enforce legal requirements related to equalities and SEND protection. In applying the measure, the Department will ensure that the academy trust works towards meeting their legal obligations, including supporting children with disabilities, and providing them with the environment and necessary resources to thrive in an educational setting.

We assess the measure will have **positive** impact on the right to education, as when applied it will direct an academy trust to fulfil its legal duties to provide quality education to all children, including promoting good and positive behaviour. This includes addressing any significant breaches that might hinder a child's right to education.

Academy Orders

This measure has an overall **positive** impact across the affected articles.

The current consultation on School Accountability Reform sets out the intended uses of this power by the Secretary of State, including that academisation remains the default position for all schools in special measures and for schools judged as requiring significant improvement until at least September 2026, from when RISE teams will be deployed to work with responsible bodies to drive forward school improvement with academisation remaining as a backstop if improvement is not secured.

By replacing the duty to issue academy orders to schools judged to be in a category of concern with a discretionary power the Secretary of State will have greater flexibility to intervene as appropriate. This means that, for example, where it is not necessary or viable to transfer the school to an academy trust, the Secretary of State may intervene to drive up standards in other ways.

We assess the measure will have a **positive** impact on non-discrimination, including children with a disability, as the conversion to a discretionary power will benefit all children and young people (CYP) in the school where it is used. Previously, schools have faced uncertainty when the duty to issue an academy order (AO) was applied, as the conversion process can be complex, disruptive to pupils' education and be lengthy in process. Analysis has shown that many of the schools judged to be in a category of concern have a greater proportion than average of students who require SEN support, have EHCP and pupils on free school meals.

Providing greater flexibility to the Secretary of State will positively impact all CYP, particularly by stabilising the environment for those with Special Educational Needs and Disabilities (SEND).

We assess the measure will have a **positive** impact on the best interests of a child, by enabling the consideration of additional forms of support, beyond what is currently available under the duty, to drive school improvement.

We assess the measure will have a **neutral** impact on the life, survival and development of a child, however it does support the development of CYP, ensuring they receive a consistent and comprehensive education that contributes to their overall well-being and future opportunities.

We assess the measure will have a **neutral** impact on the respect for the views of a child, as it does not involve direct consultation with children. It is, however, designed with their best interests in mind.

We assess the measure will have a **positive** impact on the right to education, as it promotes equal access for all CYP to receive the same quality of education and will help to ensure all children receive a good education.

The exact impact of this measure will be subject to the outcome of the current consultation and the policy approach taken towards intervention following that. However, we expect that this measure will ensure that where a school is failing, the Secretary of State can take the most appropriate action to support the school to improve quickly and effectively.

Teacher Pay and Conditions

This measure has a **positive** impact across the affected articles.

The teacher pay clauses, and changes we make through secondary legislation, will impact schools and teachers as employers and employees. We do not anticipate that any children will be *directly* impacted by the clauses. We have outlined some potential indirect impacts on children based on the impact of recruiting and retaining high quality teachers on pupil outcomes.

We assess the measure to have a **positive** impact on non-discrimination and on the life, survival and development of children. Teacher quality is the most important in-school factor in improving pupil outcomes[27]. The teacher pay clauses, and the changes we make through secondary legislation, will provide a floor on teacher pay and will give maintained schools the same freedom as academies to pay above the maximum of the pay bands in the School Teachers' Pay and Conditions Document. This can help schools to recruit and retain the best teachers to support and benefit all pupils. It will also give all state schools, including those in disadvantaged areas, the ability to flex their pay offer to attract high quality teachers, and having high quality teachers is vital to supporting children's development.

We assess the measure may have a **positive** impact on the right to education as it may contribute to children in all state schools having access to high-quality teachers by removing barriers to innovation, potentially supporting equality of opportunity for all children regardless of what school type they attend.

[27] J Hattie, 'Visible Learning' (2009).

School Admissions

This measure has an overall **positive** impact across the affected articles.

We assess all the admissions measures will have a **positive** impact on non-discrimination. Co-operation between schools and local authorities can be poor in areas such as in-year admissions and the Fair Access Protocol. Evidence suggests that some admission authorities try to resist admitting certain pupils with additional needs without justification.[28] The new duties to co-operate may discourage this type of discriminatory behaviour and encourage schools and LAs to work together in the interest of their local area's needs. It will also provide a practical means for the Secretary of State to intervene in egregious cases.

Furthermore, our directions proposals will ensure there is a clear and transparent route to initiate a local authority direction, and where schools and LAs disagree, there will be an independent appeal mechanism which means the final decision will be taken by the Schools Adjudicator. This will, therefore, play a part in ensuring that there is no discrimination.

We assess all the admissions measures will have a **positive** impact on the best interests of the child. In general, improved co-operation between schools and LAs regarding admissions and place planning should serve children's best interests by ensuring that schools and LAs work together more effectively to ensure that there are sufficient school places in a local area and that children are admitted to a suitable school in a timely way. The admissions measures provide clear routes of redress in any instances where a lack of co-operation means that decisions are not being taken in the best interests of children within a local area. The proposed local authority direction power would also make it easier and quicker to find a suitable school place for children who are struggling to find one. For the vast majority of children, being in a suitable school is in their best interests compared to the alternative of being out of school or being in educational provision which is not suitable for them.

Our proposals in relation to published admission numbers (PAN) will have a **positive** impact on the best interests of the child as they are intended to ensure that school PANs meet the needs of children in the wider local community as well as individual schools. Where an objection to an individual school's PAN has been referred to the Schools Adjudicator and it is upheld, the Adjudicator may specify a PAN with reference to the requirements of admissions law as well as the circumstances of the case, which would include the views of both the school's admission authority and the local authority. Due to this, it is expected that the final PAN of the school will better support the needs of children in the local community.

---

[28] Research into how local authorities are ensuring sufficient places and supporting vulnerable children

We assess the direction making powers will have a **positive** impact on parental guidance. Where a parent has tried to find a school place for their child but has not been able to secure one via the usual admissions processes, the current system is not always effective enough to get the child into school quickly. The system would be improved by the proposed changes to local authorities' direction powers and parents will be better supported to fulfil their responsibilities of ensuring their child is receiving suitable education. As part of the directions process, local authorities will be required to consult parents.

We assess the new duties to co-operate will have a **positive** impact on the development of the child and their right to education for the same reasons that it will support the best interests of the child i.e. it will help ensure admissions and place planning responsibilities are delivered effectively (by schools and local authorities working together) and that the Secretary of State can intervene where there are failures to co-operate.

We assess the proposed local authority directions powers will also have a **positive** impact on the development of the child and their right to education, in that it would make it easier and quicker to find a suitable school place for children who are struggling to find one.

We assess that the published admission number and the role of the Adjudicator measure will have a **positive** impact on the development of the child, as it will impact on which school they attend and their ability to access a school place where they can achieve and thrive. Access to school is crucial for the development of the child. Where there are complications about obtaining a school place, a child can be out of school for a period of time. The ability of the Adjudicator to specify an increase in the PAN of a school, where they uphold an objection, will, in some cases, help local authorities in meeting their duty to ensure sufficient places for all children in their area. This may support children in being able to access a place at a local school, enabling them to more fully participate in school life, including after school clubs and activities, than if they were allocated a school at a distance with long commute times due to the lack of available places in their local community.

The measure will provide a route for independent consideration where there are concerns that a school unilaterally increasing its admission number beyond what is needed risks damaging the quality of education that children receive at nearby schools, by making it harder for school leaders to plan the best education for their children. This means that good and popular schools will be able to continue to grow where that is in the best interests of children and not damaging to other children within the local community.

In the context of surplus places in some parts of the system, in some areas it may be necessary to consider reducing PANs to help ensure the right supply of places across a local area. In such cases there may be a need to balance the likelihood of some

individual children/parents being able to access a particular school, with the need to ensure all children in an area can continue to access a suitable school place. This measure will support, where necessary, strategic decisions around reductions in PAN to be made in a considered and thoughtful manner, by providing an independent route for a decision to be reached where agreement between schools and local authorities on what places are needed cannot be reached locally.

We would expect local authorities to take into account the quality as well as the availability of places in their decision to object to the Adjudicator and for the Adjudicator to take such matters into account, where relevant, when considering the objection.

We assess the direction power will have a **positive** impact on the respect for the views of a child. Current direction powers require local authorities to consult parents, and the child if they are over compulsory school age, before a decision to direct a school is taken. We intend to maintain this going forward. We do not think the other admissions measures substantially engage this article.

We assess the direction power will have a **positive** impact with regards to the article on children with a disability. Current direction powers require that children are placed in a suitable school that is appropriate for any particular needs they may have. We intend to maintain this.

We assess the published admission numbers and the role of the Adjudicator measure may also have a **positive** impact as, in areas where there are not sufficient mainstream places, where an Adjudicator upholds an objection, in the circumstances of the case, and specifies a higher PAN, disabled children who do not have an Education Health and Care Plan may benefit from having better access to a local school nearby to them.

We assess all the admissions measures will have a **positive** impact on supporting the right of a child to education by supporting access to a school place.

Establishment of new schools

This measure has an overall **positive** impact across the affected articles.

We assess the measure to have a **neutral** impact on non-discrimination. It will be for the decision maker to decide which proposal best meets the needs of the local community and they should also consider the impact of the proposals on local integration and community cohesion.

We assess the measure to have a **positive** impact on the best interests of the child. It will support local authorities to fulfil their legal duty to secure sufficient school places and support them to provide these with the best interests of the child in mind. By creating a system where no one school type is preferred over another, decision makers can instead focus on the quality of school places and the best interests of the children they will serve.

We assess the measure to have a **positive** impact on life, survival and development and on the right to education. This measure will support local authorities in their place planning function to ensure adequate educational provision in their area and therefore opportunity for a child's development.

We assess the measure will have a **neutral** impact on the respect for the views of the child. Whilst the policy may have an impact on the types of schools which are available for a pupil to attend, decisions about which school to apply to for a place for a child ultimately rest with their parent or legal guardian. We would expect that this decision is made collaboratively with the child where appropriate.

We assess the measure will have a **positive** impact on children with a disability, by supporting local authorities to provide school places that are needed in their area – including special schools for children with the most complex needs. The policy ensures that no one type of school is preferred over another and so the impact on disabled children and those with special educational needs will not be disproportionate to those without SEND.

Proposed new clauses

The following three measures are being introduced via government amendment and are subject to the usual parliamentary process.

Temporary accommodation

This measure would have an overall **positive** impact across the affected articles.

We assess that the temporary accommodation notification measure would have a **positive** impact on non-discrimination. Ensuring that children who are placed in temporary accommodation are able to access all the support available to them will mitigate any potential negative impacts of their changed circumstances. Establishing a duty to require this information to be shared between local authorities and educational and health professionals will mean that these children are not directly or indirectly prevented from being able to access this support.

The measure would have a **positive** impact on the best interests of the child. Improved flows of information between the respective elements of the child's support system are geared entirely at securing the best possible outcomes for that child.

The measure would have a **positive** impact on the rights to life, survival and development and to education. The provision of support specifically for this cadre is designed to guarantee that they are able to experience a full and varied education. Furthermore, in October 2025 the Government announced funding for children living in temporary accommodation to fund life essentials such as transport costs to and from school, access to Wi-Fi, energy costs and school uniforms and equipment[29].

[29] Supporting Children Experiencing Homelessness: funding allocations - GOV.UK

Free School Meals

We assess this measure would have a **positive** impact across the affected articles.

We assess the measure would have a **positive** impact on the right to health, as expanding Free School Meal (FSM) eligibility ensures more children receive nutritious meals during the school day. This helps reduce health inequalities linked to food insecurity and supports physical wellbeing and healthy development.

We assess the measure would have a **positive** impact on the right to education, as access to free meals helps reduce hunger, which is known to affect concentration and attendance. By improving engagement and learning outcomes, the policy supports children's ability to benefit fully from their education.

We assess the measure would have a **positive** impact on the right to an adequate standard of living, as the policy eases financial pressure on families and is expected to lift 100,000 children out of poverty. This contributes to a more stable home environment and supports overall wellbeing.

We assess the measure would have a **positive** impact on non-discrimination, as the policy applies equally to all children in households receiving Universal Credit, ensuring fair access to FSM and reducing barriers for disadvantaged families.

We assess the measure would have a **positive** impact on the best interests of the child, as it prioritises children's wellbeing by guaranteeing access to healthy meals that support growth and learning.

We assess the measure would have a **positive** impact on life, survival and development, as FSM provision underpins children's survival and development by addressing nutritional needs and supporting educational progress.

We assess the measure would have a **neutral** to **positive** impact on the right to be heard, as while the policy does not directly involve children's input, opportunities will be explored to gather feedback through schools and pupil voice initiatives to ensure meals meet children's needs.

Multi-academy trust inspections

We assess this measure would have a **positive** impact across the affected articles.

We assess the measure would have a **positive** impact on non-discrimination as we expect inspections will consider how trusts support disadvantaged groups and those with protected characteristics. By incentivising inclusive practices and enabling intervention where trusts fail to meet acceptable standards, we envisage that the policy will help reduce inequalities and safeguard children against discrimination.

We assess the measure would have a **positive** impact on the best interests of the child, as we anticipate that trust-level inspection and intervention will strengthen accountability for decisions affecting children's educational outcomes and wellbeing. We expect inspections will consider how effectively trusts are collaborating with local partners such as local authorities to support positive outcomes for all children in their area. We anticipate that it will also consider governance and leadership arrangements to ensure trusts act in the best interests of children. Intervention powers will allow action to be taken where acceptable standards are not met. This will help ensure children are educated in environments that appropriately provide for their development and safety.

We assess the measure would have a **positive** impact on the right to life, survival and development, as we expect trust-level accountability will drive improvements in educational quality and access. We envisage that inspections will consider how trusts enable all pupils to achieve and thrive, including those with additional needs, supporting their physical, emotional, and educational development.

We assess the measure would have a **positive** impact on children with disabilities, as we expect inspections will consider trusts' approaches to inclusion and the effectiveness of the support they provide to children with SEND. Strengthened accountability will incentivise trusts to adopt best practice and share effective approaches, improving outcomes for children with additional needs.

We assess the measure would have a **positive** impact on the right to education, as we envisage trust-level inspections will consider a trust's approach to attendance, behaviour, and how they deliver improvement in their academies. Where a trust does not meet an acceptable standard, the proposed intervention powers will enable action to secure better outcomes, ensuring pupils are supported within high-quality trusts with strong leadership and proven educational performance, that appropriately support their intellectual, social, and emotional development.

We assess the measure would have a **positive** impact on the purposes of education, as we anticipate that inspections will consider how trusts support the holistic development of children. By holding trusts accountable for activities to support intellectual, social, and

emotional development, the policy will incentivise continuous improvement and high-quality standards.

We assess the measure would have a **neutral to somewhat positive** impact on the right to be heard. We have not engaged directly with children to date, however children will be able to respond to any public consultations as we develop further policy details, and their views will be taken into account by Ofsted when conducting trust level inspections.

Department for Education

© Crown copyright 2026

This publication is licensed under the terms of the Open Government Licence v3.0, except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

About this publication:

enquiries https://www.gov.uk/contact-dfe
download www.gov.uk/government/publications

Follow us on X: @educationgovuk
Connect with us on Facebook: facebook.com/educationgovuk