

Children's Wellbeing and Schools Bill

INTRODUCTION

[The Children's Wellbeing and Schools Bill](#) was introduced in Parliament on 17 December 2024.

Part 1 of the bill contains reforms to children's social care. Part 2 makes provision relating to education in England. Most of the social care reforms were foreshadowed in the policy paper, '[Keeping children safe, helping families thrive](#)', which was published in November 2024.

The bill will be subject to debate in Parliament and will no doubt be amended during its passage. It is likely to become law sometime in spring 2025.

Some provisions will come into force the day the act is passed (such as the powers to make regulations and orders), others will come into force two months later (such as the duty to publish information for kinship carers and children in kinship arrangements, and the extension of the ill-treatment or wilful neglect offences).

Some provisions will be implemented over a longer period of time. For example, the new multi-agency child protection teams will not be implemented until 2027

LINKED GOVERNMENT GUIDANCE

The [Keeping children safe, helping families thrive](#) policy statement outlines in further detail some of the bill's measures.

It outlines the government's commitment to keeping families together and children safe as well as a commitment to support children to live in family settings where children cannot remain at home, including through kinship or foster care, rather than residential care.

Alongside this, the statement sets out ambitions to fix the care market, and ensure the system is working effectively for vulnerable children and families.

Legislative proposals in the statement will be taken forward when parliamentary time allows. This policy statement was laid in Parliament on 18 November 2024.

Also to note:

[Families First Partnership Programme](#) was announced in February 2023 as part of the government's children's social care implementation strategy, [stable homes, built on love](#) to support the delivery of reforms, with local areas beginning their transformation from April 2025.

Family group decision making

A new section added to the Children Act 1989 to impose a duty on local authorities who are considering making a court application for a care or supervision order, to offer a family group decision making meeting to the child's parents or anyone with parental responsibility for the child.

The purpose of the FGDM meeting is to enable a child's family network to meet to discuss the welfare needs of the child and to make a proposal in response to concerns about the child's welfare.

This does not apply if the local authority determines that it would not be in the child's best interests.

Child protection and safeguarding

Safeguarding partners

To amend the Children Act 2004 to make it a requirement for the three safeguarding partners (the LA, ICB and police) in each local area to include education and childcare "relevant agencies" as mandatory participants in their multi-agency safeguarding arrangements.

Multi-agency child protection teams

Insert new sections into the Children Act 2004 to require safeguarding partners to establish and run at least one multi-agency child protection team in their area. The main purpose of these new teams is to support the local authority in delivering its child protection duties under section 47 of the Children Act 1989.

ICBs will be required to nominate a health professional with experience in relation to children's health, while the policy will be required to nominate an officer to be part of each multi-agency child protection team. The local authority is required to nominate someone with experience in education in relation to children and a social worker with experience in relation to children, and may appoint other appropriate individuals after consultation with safeguarding partners.

To start in 2027.

Information sharing

To amend the Children Act 2004 to impose a duty on specified persons and bodies to disclose information that may be relevant to safeguarding or promoting the welfare of a child, to other relevant persons in certain circumstances. The duty applies where the person considers that the disclosure may facilitate the exercise by the recipient of any of its functions that relate to safeguarding or the welfare of children, unless disclosure would be detrimental to the child.

The duty to share information will apply to persons listed in section 11(1) of the Children Act 2004, including local authorities, ICBs, NHS trusts/foundation trusts, police forces, probation services and youth offending teams, along with education and childcare "relevant agencies".

Consistent child identifier

The bill makes provision, under the Children Act 2004, for a consistent child identifier (also known as a single unique identifier or SUI). Designated persons must include the consistent identifier when processing information about a child for safeguarding and promotion of welfare purposes.

DfE to run regional pilot to test feasibility of using NHS number as the consistent identifier.

Support for children in care or kinship care, and those leaving care

Kinship local offer

Amend the Children Act 1989 to require local authorities to publish information about their general approach to supporting children in kinship care and kinship carers in their area, as well as financial support which may be available to them in their area (the “kinship local offer”).

Local authorities must take such steps as are reasonably practicable to ensure that children in kinship care and kinship carers receive the information in the kinship local offer.

Supporting educational achievement

Under amendments to the Children Act 1989, local authorities would be required to take appropriate measures to support the educational outcomes of children in need, previously looked after children and children in kinship care. This can include enabling children to overcome barriers to their educational achievement and improving educational attendance. The duty is a strategic duty, which does not extend to the educational outcomes of individual children.

The local authority must appoint at least one person to discharge the duty (the virtual school head).

Supporting care leavers

Introduce a new provision in the Children Act 1989 to require each local authority to consider whether each former relevant child (up to age 25) requires “staying close support” and where their welfare requires it, to offer that support.

“Staying close support” is support to assist the former relevant child: (1) to find and keep suitable accommodation and (2) to access services relating to health and wellbeing, relationships, education and training, employment and participating in society. Support means the provision of advice, information and representation.

There are also amendments to the Children and Social Work Act 2017 to require each local authority to also publish the arrangements it has in place to support and assist care leavers in their transition to adulthood and independent living.

Accommodation of children

Regional co-operation -

To amend the Children Act 1989 to give the secretary of state powers to direct two or more local authorities to make regional co-operation arrangements to carry out their functions in relation to the accommodation of looked after children.

The arrangements could be: (1) to carry out their strategic accommodation functions jointly, (2) for those functions to be carried out by one of the local authorities on behalf of the others or (3) for a corporate body, of a kind that may be specified in the secretary of state's direction, to support them in carrying out those functions.

Pathfinders in South East and Greater Manchester are testing the approach in 2025.

Deprivation of liberty

A number of changes to section 25 of the Children Act 1989 including changing the references from "restricting" liberty to "depriving" children of their liberty, to better reflect the nature and purpose of this section.

The bill would also provide for the authorisation of the deprivation of liberty of children in alternative placement types beyond just a secure children's home. It brings within the scope of section 25 accommodation provided for the purpose of care and treatment of children that is capable of being used to deprive a child of their liberty ("relevant accommodation").

The secretary of state would have powers to set out in regulations: (1) the maximum period for which a child may be kept in relevant accommodation both with and without the authority of a court, (2) the cohort of children who may be placed in relevant accommodation, and (3) a description of the alternative accommodation.

Currently, many children are being deprived of their liberty outside of a statutory framework, via the inherent jurisdiction of the High Court.

The government's intention is to "provide an alternative statutory route to authorise the deprivation of liberty of a child in a more flexible form of accommodation, bringing more deprivation of liberty cases under a statutory framework via section 25, including its criteria for access, mandatory review points and parity with [secure children's homes] in terms of access to legal aid".

Regulating provider groups

New powers to Ofsted in relation to parent undertakings (ie where more than one setting is owned or controlled by the same private or voluntary provider group).

The bill seeks to place a duty on parent undertakings to develop and implement an improvement plan where Ofsted have identified quality issues in multiple settings and reasonably suspects there are grounds for cancellation of registration in relation to those settings.

Should parent undertakings not comply with these requirements, Ofsted will have the power to issue an unlimited monetary penalty.

Tackling unregistered children's homes

New powers for Ofsted to impose monetary penalties for breaches of the Care Standards Act 2000, including for operating unregistered children's homes. This is designed to give Ofsted a quicker alternative to prosecution in these cases.

Financial oversight regime

Introduce a financial oversight regime for relevant children’s social care providers who meet conditions that will be set out in regulations. These are likely to relate to the size of the provider and whether it would be difficult to replace were it to fail.

The bill would give the secretary of state the power to require providers made subject to the regime to submit a “recovery and resolution plan”, setting out risks to their financial sustainability and actions they propose to take in response to these.

The secretary of state would also have the power to arrange an independent business review of a provider where there is significant financial risk to its sustainability. The secretary of state would also be under a duty to warn local authorities if there was a real possibility of relevant services failing, with potential adverse effects for the councils or any children looked after by them.

Limiting profits

The bill also provides for regulations to be made enabling the secretary of state to cap any profit made by a non-local authority registered children’s social care provider. The secretary of state may only make such regulations if satisfied that it is necessary to do so.

The government has said that it only intends to use the provision if other policies do not sufficiently reduce profiteering in the children’s social care placements market.

Agency workers

The bill seeks to provide a power for the secretary of state to make regulations applying to all English local authorities on the use of “agency workers” in children’s social care. The regulations may require that the agency workers meet certain requirements and make provision about how they should be managed and the terms on which they are supplied to local authorities.

When in force, this regime would replace the [rules, introduced in 2024 under statutory guidance, regarding local authorities’ use of agency social workers in children’s services.](#)

This includes a commitment to consider how to “build a sustainable SEND workforce”.

Ill-treatment or wilful neglect

This bill also intends to close a gap in existing legislation by extending the offences of ill-treatment or wilful neglect by a care worker or care provider to someone in their care, under the Criminal Justice and Courts Act 2015, to children aged 16 or 17 in regulated establishments in England.

Currently, the 2015 act protects against ill-treatment or wilful neglect by care workers providing health care for an adult or child or social care for an adult, while the Children and Young Persons Act protects those under 16 from cruelty by those who have responsibility for them.

Children not in school

The bill proposes a number of reforms aimed at protecting children who are being educated at home. Most of these involve amendments to the Education Act 1996 and include:

- Compulsory registers of children not in school in each local authority area in England, and a duty on local authorities to support the children on their registers (should a parent request this). Children in scope are those not registered at a school or receiving some of their education outside of school (flexi-schooling and unregistered alternative provision). Schools will have to check with local authorities if children being withdrawn are in these categories. Out-of-school education providers must also provide details, and can be fined if not.
- Changes to the school attendance order (SAO) legal framework, for example, by introducing statutory timeframes for issuing and processing SAOs and making it an offence for parents to withdraw a child subject to an SAO from school without following the proper procedure.
- A requirement for a parent to obtain local authority consent to home educate if a child is: (1) subject to an enquiry under section 47 of the Children Act 1989, (2) on a child protection plan, or (3) at a special school or academy.
- A power for the local authority, in cases where a child is subject to a section 47 Children Act 1989 enquiry or on a child protection plan and is already being home educated, to review whether it is in the best interests of the child to be in school and require that the child be registered at a school.
- A duty for local authorities to consider the home environment and other learning environments when determining whether or not children should be required to attend school.

Changes to private schools

- The definition of a private school will be expanded so any operating on a full-time basis must now get government approval and be subject to regular inspections against school standards. Full-time education is where a child “could be expected to receive all or a majority of their education at the setting”.
- ‘Fit and proper’ person test for people wanting to open new private schools.
- Education secretary will get the power to suspend a private school’s registration – temporarily close it – where students are at risk of harm, rather than apply to the courts.
- Private schools appealing government-enforced closures due to serious and long-running failures would have to have the burden of proof to overturn the decision, rather than it sitting with government.
- What constitutes a “material change” for private schools and needs government approval would be updated to stop “unauthorised” changes and make the system more enforceable.

Changes to academy freedoms

- New teachers in academies must have or be working towards qualified teacher status, and have a statutory induction. Induction requirements will only apply to teachers recruited *after* the new law comes into effect. Will start in September 2026 and guidance will be published.
- Academies will be legally required to follow the national curriculum. This will start after the curriculum review has concluded and its recommendations consulted on.
- Regional directors will be able to issue compliance orders where academies are not meeting or “acting unreasonably” in relation to their legal duties. Examples include over new rules such as admissions or uniform, or other things like breaching rules around parental complaints. They will be used in cases not serious enough to warrant termination warning notices, and will be published.
- Academy orders for ‘inadequate’ maintained schools will become ‘discretionary’. Where academisation “isn’t necessary” and schools are deemed to “have the capacity to improve” under their current leadership, support will be offered through new regional improvement for standards and excellence teams.
- Academies must follow the national teacher pay and conditions framework.

Role of local authorities

- New duty for schools and councils to co-operate on admissions. Includes over place planning and fair access protocols. Education secretary “will be able to intervene” where “co-operating breaks down”.
- Councils will be able to direct academies to admit a child to provide a “safety net” to ensure unplaced and vulnerable children get a school place quickly. This power already covers maintained schools. Academies would also be able to appeal to the school adjudicator.
- The schools adjudicator will be able to set the published admission number (PAN) of a school, including academies, where an objection is upheld. This will give councils “greater influence” over PANs to assist with their place planning duties.
- The presumption that new schools must be academies will be ended. Councils looking to open new schools will be able to invite applications from voluntary and foundation schools, as well as put forward their own plans for new community schools. Where councils want to open their own school, regional directors (government civil servants) will decide on the proposal.

Ofsted powers

- New powers for Ofsted to enter suspected illegal schools and “search” rather than just inspect.
- A requirement on Ofsted to report once a year on its other independent inspectorate work will be replaced with more “flexible” obligation to do so whenever the education secretary requests.
- Clarification that Ofsted and the Independent Schools Inspectorate (ISI) can freely share information – such as on historic safeguarding risks – rather than the DfE having to act as a conduit.

Other school changes

- State-funded schools to ensure all children on roll in reception to year 6 have access to a free, at least 30-minute-long breakfast club before school. School food standards will apply, and schools can be exempt in “exceptional circumstances”. Trial to start in April 2025, date for full rollout to be announced next year.
- A limit of three branded items of school uniform required by primary schools, and four items at secondary if a tie is branded. This includes PE kit and applies to after-school activities. Schools can still offer “optional” branded uniform items. To be introduced in September 2026.
- Broadening the teacher misconduct regime to include those employed in further education, independent training providers, online schools and “independent educational institutions” that aren’t schools. DfE will also be able to make referrals to the Teacher Regulation Agency if “relevant information” is brought to their attention.
- Legislation allowing maintained schools to temporarily direct pupils to another education setting to improve behaviour (known as off-site directions) will be extended to include academies.