

Children's Wellbeing and Schools Bill: call for evidence

Submission from the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) is a trade union and professional association representing around 25,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business leaders and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million children and young people across primary, secondary, post-16 and specialist education. This places the association in a strong position to consider the proposals in the Bill from the viewpoint of the leaders of schools and colleges of all types.
2. Our submission builds on oral evidence we gave to the committee on 21 February 2025. It is informed by our existing formal positions on some of the proposals in the Bill, by ongoing discussions with ministers and officials, by the responses to a survey of all ASCL members carried out in January 2025, and by a number of formal and informal discussions with members across different sectors and roles.
3. The timing of the call for evidence means that we have not yet been able to discuss the details of the proposals with ASCL Council, our policy-making body of elected members. We will be doing that at a meeting near the beginning of February, and would welcome the opportunity to share any updated views with the committee afterwards.
4. We have focused our submission on part two of the Bill – the schools-focused section – as this is where our expertise lies. Some elements of part one touch on our members' work, particularly the focus on multi-agency child protection and safeguarding measures, and we welcome the proposals in these areas.

B. General points

5. There is much that we welcome in the Bill, and which aligns with ASCL's existing policy positions and views. However, even where we agree in principle, we have some significant logistical concerns with some of the proposals, given in the challenging context in which schools are currently operating. We set these out in detail below.
6. Some aspects of the Bill, particularly some of the clauses relating to academies, have raised significant concerns among our members leading academies and trusts – sometimes in principle, but more often logistical or financial. This is particularly in the context of other recent statements and actions by the government relating to the academy sector (such as the withdrawal of some funding grants).
7. It is important to recognise the extent to which the expertise and capacity to support and improve schools now sits within multi-academy trusts (MATs), and the parallel decimation of this capacity in many local authorities (LAs). While our members leading

trusts are in full agreement with the government that they are by no means the only agencies which can drive school improvement, it is essential that government actions do not undermine, intentionally or otherwise, the major role that trusts now play in the system. This is particularly important given that there is no intention, as we understand it, to provide additional funding to LAs to rebuild their school improvement capacity.

8. Finally, it is our view that the Bill would have landed better if it had been preceded by a green or white paper, or some other indication of the government's overall vision for the school system. Without this, it feels rather piecemeal, and has led to unfortunate speculation about what the government 'really means' by the Bill, which is distracting from what it actually proposes.
9. The lack of an overall vision from the government has also led to understandable questions about why they have chosen to focus on what feel to some like rather technical and unimportant structural changes, while seeming to be placing less importance on issues which are currently crippling the system, particularly SEND and staff recruitment and retention. We would strongly encourage the government to set out its broader vision, including how it is beginning to tackle these 'burning issues', as soon as possible.

C. Comments on specific clauses

The requirement for all primary schools to arrange free breakfast clubs (Clauses 21 and 22)

10. While we recognise the potential benefits of this policy, both in terms of additional educational opportunities for children from disadvantaged backgrounds and in terms of helping working parents by offering reliable before-school childcare, our members have expressed significant concerns about it.
11. Some members feel that this proposal represents an unacceptable shift from schools being places of education, to places of childcare. While many primary schools already offer breakfast club provision, the imposition of a *duty* to do so has raised concerns.
12. Logistically it will be very challenging for some schools to find suitable staff willing to work for a very short period at the beginning of each school day, and there are questions about what the expectations will be on these staff in terms of qualifications, pay and conditions. Many schools are concerned about being able to find adequate space to meet demand, about whether this proposal might undermine existing breakfast club provision, and about whether it will actually attract those children who would most benefit from it.
13. Our members in primary settings are clear that they will only be able to meet this requirement if the funding provided is sufficient. Many remain to be convinced that this will be the case.
14. Our view is that this proposal needs very careful thought before it is implemented, and that the government must pay detailed attention to the findings from the current early adopter programme.

The requirement for schools to have no more than three branded uniform items (plus a tie in secondary schools) (Clause 23)

15. Again, we recognise the policy intent here. Most school leaders are mindful of the need to ensure uniform is affordable for all families, and already take measures to ensure that is the case.
16. ASCL members have, however, expressed concerns that this proposal may have the opposite effect to that intended if it creates more opportunity for students to compete over who is able to afford expensive items of clothing, particularly sportswear.
17. Some members have questioned the appropriateness of such granular government involvement in the operation of schools, suggesting that a uniform cost cap might be a better way of achieving this policy aim. We would encourage the government to consider this alternative approach.

The various proposals around children not in school (Clauses 24-26)

18. ASCL has long called for a register of children not in school. We do not have specific positions on some of the other proposals in this area, but they all appear to align with our desire to see an enhanced home education infrastructure.

The inspection of, and intervention in, unregistered private schools (Clauses 30-37)

19. We have a long-standing concern about the practices of some unregistered institutions, and fully support the proposal for more oversight of and intervention in such cases.

The requirement for more information sharing between inspectorates (Clause 38)

20. We can see no downsides to this proposal, though there will be logistical work to do on what information is shared, and how the desired transparency is achieved.

A new power for the SoS to investigate alleged misconduct by a teacher, regardless of whether they were employed as a teacher at the time (Clause 39)

21. While we recognise that this proposal could lead to improved safeguarding for children, as the background of staff can be more thoroughly checked, the proposal as it stands raises significant concerns for us on behalf of our members.
22. The clause enables the Secretary of State to investigate a case where 'it appears', that a person may *at any time* have been guilty of misconduct, with no requirement for concerns to be as the result of a referral.
23. We are worried that this could leave our members open to malicious and/or irrelevant allegations, while simultaneously leaving them with no trade union / legal protection if the alleged incident took place before they were members.
24. We would welcome further discussion about these concerns.

The requirement for all new teachers to have QTS (Clause 40)

25. We agree with the principle that teachers should be appropriately qualified. It is important that teaching remains, and is perceived as, a graduate profession.

26. However, we are deeply concerned that a blunt application of this proposal risks exacerbating the already dire teacher recruitment and retention crisis. We would encourage the committee to discuss with ministers how they can continue to ensure, for example, that schools can employ people with the appropriate skills to teach vocational courses, for whom having or working towards QTS may be less important or attractive. This is already extremely challenging.
27. It is also essential to be clear about who counts as a 'new' teacher. We believe that this should only apply to new entrants to the profession, and not to those moving schools or sectors. If the latter approach is taken, this would cause major disruption to staffing, at a time when schools are already finding it extremely difficult to attract and retain staff. This would be counterproductive, to say the least.

The requirement for academies to follow the National Curriculum, once the Curriculum and Assessment Review has concluded (Clause 41)

28. It has been ASCL's position for some years that a revised, slimmed-down, core National Curriculum should be mandatory for all state schools, for students up to the age 16. A small amount of specialisation should be permitted from Year 9 or 10, to enable students to start to pursue particular interests, but all students should still be expected to follow a broad and challenging curriculum up to 16, including a range of academic and vocational subjects.
29. In reality, the vast majority of schools already follow the National Curriculum, so it is unlikely that this proposal will make much difference on the ground. However, our view remains that there is an important entitlement principle here, and we fully support this proposal.

The shift from the Secretary of State having a *duty* to issue an academy order to schools eligible for intervention (those in special measures or requiring significant improvement) to her having the *power* to do so (Clause 44)

30. It is ASCL's long-standing position that accountability measures should not lead to automatic consequences, and that different interventions or support may be needed in different cases. We therefore fully support the principle behind this proposal.
31. However, some members have raised concerns about possible unintended consequences of the move to discretionary academy orders in the current climate, where local authorities have been starved of resources and expertise for many years, and many would now not be able to offer the support a struggling school needs to improve. There is also a risk that introducing more discretion could lead to protracted decision-making, to the detriment of children and young people.
32. We would encourage the government to carefully consider these potential unintended consequences when planning for the implementation of this clause.

The STPCD to apply to academies as well as maintained schools (Clause 45)

33. Our position is that the STPCD should be a minimum national benchmark for both maintained schools and academies. The vast majority of academies already adhere to the STPCD, with some taking advantage of their ability to flex pay and conditions upwards, to the benefit of their staff.
34. We would strongly support the extension of this upwards flexibility to maintained schools as well as academies – the introduction of what ministers have described as a 'floor but

not a ceiling'. Our understanding was that this would introduce a requirement for both academies and maintained schools to follow STPCD pay and conditions as a minimum, and the ability for both to provide enhanced pay and conditions if they wish to, and are able to, do so.

35. We are not convinced that the Bill as it is drafted makes this ambition clear, and stated in our oral evidence to the committee that we would like to see an amended to clarify this.
36. At the timing of writing, the government has said it intends to table an amendment to this clause. However, we are concerned that, far from clarifying the approach set out above, this amendment may change the proposal for the worse. If we understand it correctly, the amendment would mean that academies would only be required to adhere to a floor standard in terms of pay, not the wider terms and conditions they offer to their staff. As some trusts already offset better pay with longer working hours, this would not only negate any financial benefits, but would compromise the total compensation package the STPCD is designed to be.
37. If this interpretation of the proposed government amendment is correct, this could create significant problems, and would represent a major missed opportunity to provide a consistent minimum expectation, as well as the potential for enhanced pay and conditions, to teachers and leaders in both maintained schools and academies. We would welcome further discussions on this issue as a matter of urgency.

The various proposals around admissions and place planning (Clauses 47-52)

38. We agree strongly with the need for schools and LAs to co-operate around school admissions and place planning.
39. We agree with most of the other proposals in this section in principle, though we have concerns about potential unintended consequences, particularly around the capacity of LAs to take on additional responsibilities, the need for clarity around appeals processes if a school disagrees with LA decisions, and how conflicts of interest will be avoided if LAs are able both to submit bids to open new schools and make decisions about bid winners.

D. Conclusion

40. I hope that this submission is of value to your call for evidence. ASCL is willing to be further consulted and to assist in any way that it can.

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Association of School and College Leaders
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