



# Education Committee

## Oral evidence: Children's Wellbeing and Schools Bill, HC 665

Tuesday 4 February 2025

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Members present: Helen Hayes (Chair); Jess Asato; Mrs Sureena Brackenridge; Dr Caroline Johnson; Manuela Perteghella; Caroline Voaden.

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### Witnesses

**I:** Kate Anstey, Head of Education Policy, Child Poverty Action Group; Dr Rebecca Montacute, Head of Research and Policy, Sutton Trust; and Dr Lindsey MacDonald, Chief Executive, Magic Breakfast.

**II:** John Barneby, CEO, Oasis Community Learning; Daniel Kebede, General Secretary, National Education Union; and Sam Freedman, Senior Fellow, Institute for Government.

**III:** Councillor Bev Craig, Leader, Manchester City Council, and Vice Chair, Local Government Association; Thomas Brooke, Joint Interim Chief School Adjudicator, Office of the Schools Adjudicator; and Clare Canning, Head of Centre, Broadleaf Home Ed Co-operative.

### Examination of witnesses

Witnesses: Kate Anstey, Dr Montacute and Dr MacDonald.

**Chair:** We now begin our public proceedings of the Education Committee. This morning, we have a scrutiny session on the Children's Wellbeing and Schools Bill. I welcome our witnesses and Committee members. I will start by asking our witnesses to introduce themselves to us, starting with Kate Anstey.

**Kate Anstey:** My name is Kate Anstey. I am the head of education policy at Child Poverty Action Group.

**Dr Montacute:** I am Dr Rebecca Montacute. I am the acting director of research and policy at the Sutton Trust. I also need to declare that I was a Labour parliamentary candidate at the last election, but at the trust we are completely apolitical and work across the political spectrum.



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**Dr MacDonald:** I am Dr Lindsey MacDonald, the chief executive of Magic Breakfast.

Q1 **Chair:** We will start by considering the commitment in the Bill to deliver universal breakfast clubs. What challenges do you foresee in the roll-out of breakfast clubs across the country? In particular, are there considerations that the Government should be making around how to ensure that breakfasts are genuinely nutritious for all children? Perhaps we can start with you, Lindsey.

**Dr MacDonald:** Magic Breakfast delivers breakfast clubs and a range of models providing breakfast to hungry children and young people each and every morning. About 300,000 children this morning had access to a Magic Breakfast. The challenge that we foresee, given the current shape of the Bill, is that you are limiting and stifling innovation and schools to take the context that they operate within.

A traditional breakfast club is a wonderful soft start to the day. It offers that childcare opportunity for parents, and it also offers the opportunity for socialisation, but some of the young children and people who I believe the Bill most intends to support—those at risk of hunger at the start of the school day, whose families may be experiencing poverty and may have food insecurity—may struggle to access a before-breakfast provision.

Our clear advice is for a mixed model approach, which is the model that we operate and on which a lot of the evidence being cited is built. That starts to enable you to overcome some of the challenges that the traditional breakfast club may introduce. Options could include classroom provision, where you make use of the existing staffing—that provides the suitable ratio, if you truly captured all the children and young people in a particular school, to be able to access breakfast. There are also frameworks such as nurture groups, which are particularly beneficial to children and young people who may have SEND. There is also the requirement to provide a late provision for those children who may struggle even to reach school in time for the school bell.

Challenges become more acute and concerning and quite stigmatising when you look at special schools. We have made several recommendations in our written evidence to the Committee around some of the considerations that we think you should take on board.

From a nutrition perspective, the school food standards, separate to the Bill, should be reviewed, looked at and considered. The advice and support that need to be provided to headteachers, school business managers and school leaders to understand what those school standards mean in the context of providing breakfast, to ensure that it is as nutritious as possible, is really important. Again, a key recommendation we have made is to offer expert advice and support for that impactful scaling up.

When you get into the delivery and the provision, I am sure that there will be bumps along the road and, through the early adopter schemes, some learning opportunities, but you can also provide food products that are



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more nutritious that children find appealing by introducing, for example, higher fibre bagels. We have a partnership currently where we provide higher fibre bagels and nutritiously sound breakfast cereals, for example. Having the different support and equipment grants, which we really welcome, in the early adopter schemes for schools means that they can also offer hot foods, such as porridge and baked beans, providing the protein required.

The challenges can be overcome, but the Bill in its current form is not allowing that flexibility. It is also not monitoring and measuring to allow that flexibility to be understood. Is it having the impact? Is it reaching the children and young people it needs to reach?

**Dr Montacute:** I agree with much of what has been said. I will pick up on a few opportunities and challenges. The fact that the provision is universal is in many ways very helpful for something that starts before the school day, so that you do not have potential stigma. If you were targeting, say, specific low-income families with any provision, for them to come in earlier and it be seen that they are accessing support may lead to stigma. Having it be universal means that you are avoiding that challenge.

One of the issues will definitely be whether or not it ends up being adequately funded. Obviously we will have to see through the pilot what is needed in the schools that are delivering that provision. We have been highlighting for a long time that some specific funds that are meant to be for disadvantaged children—things like pupil premium—are ending up being used to plug holes elsewhere in a school's budget. If this provision is required by schools but is not resourced properly, there is the risk that they might end up eating into other budgets if they feel they have more ability to push that funding elsewhere. That could have unintended consequences. That will be really important for people to keep an eye on throughout the roll-out.

There is also a question about quality. There is obviously an issue around normal free school meals—whether or not they are of high enough quality nutritionally, whether or not schools are able to afford the highest quality food, and making sure that that is what students are getting. Again, that will need to be examined. I would also be interested to know whether Lindsey has ever looked at the issue of making sure that children have transport to get to school earlier if required, especially in more rural areas where they might need to travel further to get to school. Better-off families will be more likely to have access to a car and can perhaps drop their kids in earlier. I just flag those as a few potential concerns.

We really welcome any additional food getting to kids, because we know that there are lots of kids coming into school hungry. Breakfast is a really positive part of that, but we also think that there are other things that should be done, like looking at expanding who is eligible for free school meals. The eligibility threshold has not risen adequately with inflation over time, and we know that one in six families who are eligible for universal credit are living in food insecurity at the moment. For free school meals, you do not have the same issues of stigma, as kids are already there in



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the school day and can access it with a prepaid card, so no one has to know that their school meal is free. Our recommendation is that you should target the investment to families on universal credit to make sure that kids have the food they need all through the school day; that includes breakfast and later on.

**Kate Anstey:** At Child Poverty Action Group, we do a huge amount of research with children and families about school life to understand what makes a difference. It is important to say that we really welcome the breakfast club policy. We know that, done well, it can make a big difference to all families, particularly those living on a low income. We know it can support families in terms of work, and it helps children at the start of the day in their school readiness. Lots of schools already have breakfast provision. I think around 75% of schools already have some form of breakfast provision, but there is a real mixture in how it is delivered and paid for. In primary schools lots of parents are paying towards it, and in secondary schools, as Rebecca said, pupil premium funding is often going towards that. This policy is important to help schools to have a standardised approach or to support more schools to be able to fund this provision.

As Rebecca said, we are really concerned about the long-term funding plan for this. At the moment, there is money assigned for the early adopters. Of course, there is a test and learn period to see how that works and whether the funding is sufficient. What cannot happen is that after the early adopter phase it is then passed on to schools to fund the provision. We know that schools would go above and beyond for families and are doing that already, but asking them to deliver another thing on top of everything else without sufficient funds is not going to work. We also know that schools will go to great efforts not to pass those costs on to families, but inevitably that can end up happening when schools simply do not have enough money.

We welcome this policy. I think the point on nutrition is important. Obviously breakfast clubs have to align with the school food standards, though there is a general consensus that those need to be reviewed. We do have to support schools. If we are telling schools that they have to meet the standards, we have to help them with the funding that goes alongside that, because, as has been said, it is not adequate at lunchtime and schools really struggle with those meal costs.

I agree with Rebecca that, alongside breakfasts, the free school meals piece is absolutely essential. While breakfasts are important, not every child attends breakfast club in the morning, whereas the vast majority of children are there during the middle of the day. At the moment, one in three children who are deemed to be in poverty are not eligible for a free school meal, and around one in 10 are not registered because of challenges around auto-enrolment.

We absolutely feel that it is a missed opportunity in this Bill to not look at the free school meals policy and ensure that free school meals are going to many more children who are struggling. Putting in place that auto-



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enrolment scheme could also have been done through this Bill to make sure that some of the poorest families are not going without a school meal because of the registration process.

**Q2 Chair:** I want to build on the points that some of you have made about funding. The policy notes to the Bill state that “of course, we will provide funding to cover the new duty—including for nutritious food and staffing costs”, but there will then be a process of deciding what level of funding the Government allocate. From your work, do any of you have an estimate of the cost of the national roll-out of breakfast clubs, so that there is a baseline against which to judge the proposal that the Government come forward with in due course?

**Dr MacDonald:** Our review is that, as it is currently set out, if this were solely allowed to be breakfast clubs, it is not anywhere near the sufficient level of funding that you would require, because of the staffing that needs to be put in place for before-school provision.

When reviewing the scaling up of the national school breakfast programme, the Education Endowment Foundation found that you could reduce costs on a per pupil basis by as much as 75% by introducing the mixed models method. That is our clear steer to the Committee and to those legislating the Bill that it needs to allow for beyond the breakfast club setting, because currently the funding is absolutely nowhere near where it needs to be. As colleagues have alluded to, schools will attempt to pick up those costs themselves, and it will be diverted from other much-needed budget lines in school systems.

**Kate Anstey:** We do not know what it would cost to roll out fully. I suppose there is just learning from what is happening elsewhere around costs, as well as looking at the middle of the day and the fact that we know currently that the money that is provided for a free school meal is not high enough. Take that into consideration when you are thinking about rolling out these programmes.

**Dr Montacute:** I have nothing to add.

**Q3 Mrs Brackenridge:** The date for the national roll-out of breakfast clubs will be given some time this year, after learning from the 750 early adopters of the scheme. How quickly could the programme be rolled out to just under 17,000 primary schools nationally?

**Kate Anstey:** As I said, the vast majority—I think around 75%—of schools already have some kind of breakfast provision in place, so this is not a totally new policy. There would have to be time allowed to take the learning from the early adopters for schools to be able to share that information.

This is a policy that—in theory, if the right funding is put in place and the right money is going toward staffing—schools would have a willingness to take on. To use an example: in London recently, the mayor introduced universal primary free school meals. That was announced in February and delivered from September. That was a huge shift and a huge thing for



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schools to undertake, but what we found in an evaluation of the policy was that there was huge amounts of staff will, because they knew the impact that policy would have on children and the difference it would make. While there was problem solving and things schools had to navigate, by September every school in London was delivering that universal primary provision.

I would say it is possible to do at pace if the funding is in place, because we have amazing schools and staff that are willing to make these policies happen.

**Dr Montacute:** The only thing I would add is that there is pressure on one side to make sure that you are taking the learnings from the pilot and communicating that information to schools, but the pressure on the other side is that there are lots of kids at the moment coming into school without adequate food who will be getting access to it through this scheme. I totally agree both that we have seen from other schemes that it is possible to roll it out quickly and that we need to make sure that the learnings from that pilot are taken into account, but there is a pressure to make sure that those kids are getting food as quickly as possible.

**Dr MacDonald:** Evidence from the national school breakfast policy highlighted that you can scale—at pace and with impact—this type of model with the expert advice and guidance provided to schools. As colleagues have said, it is imperative that the policy is rolled out nationally as quickly as possible to alleviate every possible school day and learning hours being lost by children who are otherwise too hungry to learn. It absolutely can be done with the right support and funding, and with learning taken on board.

Q4 **Dr Johnson:** I have been listening to what you are saying, and my understanding of the policy is that its aim is to help children who are currently coming into school not having had breakfast. It seems that there are two options. One is to target the children who are not getting breakfast, look at the reasons why and try to ensure that they do get breakfast. Given that we know that families eating together is an opportunity for them to talk to each other and build relationships, why bring all children, many of whom will be getting breakfast anyway, into school for breakfast rather than target the children who are not getting breakfast?

**Dr Montacute:** I think I covered this in part previously. When it is something that is outside of the normal school day, if you only target certain kids, there is the danger of stigma and that people might not want to access it because they are worried about what that says about their family—that they cannot afford breakfast normally or there is some expectation from the state that perhaps they would not provide that. Making it universal means that you are avoiding that problem and making take-up more likely.

I think that the Government have a dual purpose in doing this. They are speaking a lot about the most disadvantaged children, but it is also about

providing childcare for a broader set of parents. That is a slightly different issue that has various pros and cons, but I think it is part of the design of the policy.

- Q5 **Dr Johnson:** There are two groups of people who are not giving their children breakfast, essentially. They will broadly fall into those who are unable to because they cannot afford to or do not have the capacity for some reason, and those who just do not. Both groups will exist. This policy will help those who do not have the capacity because it will bring those children in and they will get their breakfast, which is really good. But how will we make sure that the children of parents who just do not give them breakfast turn up for their early breakfast? If a lot of the children whose parents do not get up and give them breakfast do not turn up on time for school, how will we make them get up in time for a breakfast club?

**Dr Montacute:** This feeds into the model Lindsey talked about previously. That makes sense for the delivery of the policy. You could either have it half an hour before the start of the school day, or that food would still be available if you came in when you would normally be starting school, so that even if you come in at a normal time, you could still have access to the food provision.

**Kate Anstey:** We know that the mornings are a very stressful time for families. During the evaluation of the London programme, families talked about it being very difficult in the mornings to get children ready, get out of the house on time, try to provide food and make and manage lunches or breakfast. For lots of families, breakfast clubs can be a good option to enable families to work, to support children at the beginning of the day with school readiness and to provide families with food. Not every family will take up that offer—I think breakfast club take-up is around 40%—so there will be families that continue to have breakfast at home, but it is important to acknowledge that families are not just sat there. Lots of families are in very deep poverty. Lots of families are unable to buy food and provide food. Having a breakfast club is good for them, but it is also good for lots of families for a whole range of reasons.

- Q6 **Dr Johnson:** As a mother of three who used to do medical shifts as a doctor starting very early, I totally understand how, for mothers like me at that time, these clubs would be very good. But I am not sure that they are the target we are aiming for with the free clubs. If it is not compulsory in a rural area, where the county council are providing transport to bring children to school, will the county councils be required to provide two lots of transport—one for the breakfast club and one later—or will the families be forced to take one or the other?

**Dr MacDonald:** I will address a few of the points. The Magic Breakfast model is to take a hunger-focused approach, which is universal and stigma and barrier free. The support and advice provided to schools enables us to have expertise in how to understand and identify symptoms and behaviours that reflect hunger. On whether it is an either/or, no, it does not need to be. But you need to have a hunger-focused lens applied first.



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In terms of the transport challenges, this is particularly acute for special schools and, as you touch on, rural schools as well. Again, that is where the mixed model approach can allow both schools and local authorities to take those decisions and put in place what makes most sense in their local context.

Crucial to all this—having flexibility and the opportunity to address the purpose of the Bill—is monitoring and evaluation. Currently, there is no provision in the Bill for monitoring or measurement to ensure that pupil uptake is effective. We have learned lessons in Wales, where they introduced free school breakfasts. They did not have these provisions in place and are belatedly recognising that it did not reach the children and young people it was intended to support in the first instance.

You need to enable and allow flexibility and innovation within local school contexts, provide the funding and resource to allow that to happen effectively, and monitor and measure it so that this Committee and others can scrutinise the impact and ensure that it really has made the difference that it can as a policy.

**Q7** **Manuela Perteghella:** We have already heard from you about the transformative impact of auto-enrolment for free school meals and extending eligibility, but I want to go into a bit more detail. The Bill does not make provision for any changes to the system of free school meals for eligible children. What difference would auto-enrolment for free school meals make to poor nutrition for some school children?

**Kate Anstey:** On auto-enrolment, as I said, according to DfE data, currently around 1 in 10 children who are eligible for that free school meal are not registered for it. We know that there are a whole range of reasons for that, including the admin process, families not knowing they are entitled and language challenges for families. That all plays into why they are not currently registered.

At the moment, lots of brilliant schemes are happening at local authority level, where families are being auto-enrolled or they have a sort of opt-out process. Local authorities are finding thousands of children who are in this position, they are automatically enrolling them and then those children are getting access to that meal each day.

We know that, where children can access that meal each day, it makes a huge difference. In the evaluation we did of the London policy, one in three families were saying that it was improving their child's mental health and wellbeing and that their children were enjoying school more. A big finding was that children were able to try new foods because they were sitting down with their friends and teachers together.

We also know from teachers that there is a knock-on effect in terms of the rest of the day. Concentration levels go up and the afternoon lessons are calmer. Of course, we are talking about making sure that the group that is eligible get access, but we need the benefits to go much, much wider.





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As I said, one in three children in poverty are not eligible for a free school meal. As Rebecca said, the threshold is painfully low and has not been increased since 2018. There is an urgent need for the Government to look at the free school meals policy and make sure that many more children can benefit from having that meal each day that is totally necessary.

**Dr Montacute:** I agree with everything that Kate said. I would add that it also has knock-on effects as to the pupil premium that schools are able to access for pupils, and then wider interventions that they can then do for that group to try to tackle their attainment levels. It is really important to make sure that the kids who are eligible for free school meals are actually able to access them, and the subsequent benefits.

**Dr MacDonald:** Magic Breakfast is wholly in support of removing hunger as a barrier to learning, whether that is in the morning or the afternoon. I completely agree with colleagues that the whole school day needs to be considered. A child's entire day of nutrition and opportunity to learn is incredibly important.

Q8 **Jess Asato:** Kate, the Child Poverty Action Group has called for the eligibility criteria for free school meals to be widened, as you have just argued. Beyond auto-enrolment, how would you like eligibility for free school meals to be extended? Would it be to those on universal credit, or would it be universal? Is there any evidence from the secondary sector—a lot of the evidence you have cited is from London and primary schools—that this would make a difference? Finally, how much would those different extension scenarios cost, and are there also savings?

**Kate Anstey:** At Child Poverty Action Group we are very clear that means-testing should be removed entirely from lunch time. There is no reason why it exists at that time of the day and not anywhere else in the school day. There is no reason why children should be divided because of income at lunch time.

We are ultimately calling for the Government to work towards the fully universal provision of free school meals—to make school meals a part of the day and allow everybody to have that same experience by sitting down and enjoying them together. We recognise that there are financial constraints, and that that might be more of a long-term plan.

In the interim, as we have talked about, thousands of children are in families in receipt of universal credit. Those families have been deemed to need state support, yet we have not managed to give those children free school meals at lunch time. At an absolute minimum, the Government must provide free school meals to all children in families with universal credit, but we would like to see that as a way of working towards a universal system.

We estimate that it would cost around £2 billion for universal provision across all age groups, primary through secondary. That is on top of the status quo—what is spent already. Rolling them out to all on universal



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credit would be around £600 million, and an additional 1.3 million children would receive a free school meal as a result of that policy.

**Dr Montacute:** We had very similar numbers in terms of the cost for extending to those on universal credit. It would benefit probably around 1 million additional children, and we had an estimate range of between £360 million and £540 million, plus about £100 million for start-up capital costs to help schools to have the right kind of kitchen provision and all those sorts of things.

In the current funding environment, given that it is very high cost to make it completely universal, our preference as an organisation is to focus on universal credit. A lot of other issues in the school system need funding at the moment, and I would put those above universalising free school meals. In an ideal scenario, it would be good to make them available to everyone, but I would not say that it is a priority.

Q9 **Mrs Brackenridge:** I would like to consider the provisions in the Bill regarding uniform requirements, and particularly the cap on branded items. Do you believe that will help the financial pressures and burdens on families, particularly those from disadvantaged and deprived areas?

**Kate Anstey:** At Child Poverty Action Group we welcome the fact that the Bill recognises the pressure that school costs put on families, that they are a real challenge for families and that that has an effect on how children experience the school day. We welcome that changes are being made.

Uniform is a particular worry for parents. It is the cost they worry most about, and it is also the cost that comes out the highest. We have done a piece of analysis, and we estimate that primary school families are paying around £350 a year for uniform; at secondary, it is about £450 a year. This is a real cost pressure for families. We know that where extensive lists of branded items are required, that is stressful. Often families cannot meet those requirements, and that is difficult for families. So yes, we think this is a good move. We think this is a good addition to the Bill.

We would like to see support around uniform costs go further. In terms of the branded items, we do not understand why there is a difference or discrepancy between primary and secondary schools. At the moment the Bill allows three branded items for primary and four for secondary. I cannot see a reason for that discrepancy, and I think the Bill in general maybe overlooks secondary school pupils.

We would certainly like to see that brought in line but, going further than that, we have called for lower-income families to be given grant support with the cost of uniform. That is a policy that exists in every other UK nation: in Scotland, Wales and Northern Ireland families get cash support for school costs and help with uniform if they are living on a low income, and we do not have that here. We absolutely think that should be included in the Bill and there should be more support.

One stat that I want to flag from DfE data is that 18% of children facing financial hardship have been sent home from school for not having the



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right uniform required. I find it shocking that we have an attendance crisis and at the same time children are being sent home from school because of uniform or poverty-related issues. Uniform is a barrier and it does affect attendance. I am glad to see effort being made in the Bill, but I think we can go further to support families with this.

**Q10 Mrs Brackenridge:** Rebecca, if we reduced the expectations for uniform items affecting students who have been at risk in terms of attendance, do you feel that would affect standards within a school community?

**Dr Montacute:** Similarly to whether you get sent home from the school, if you are perhaps wearing ill-fitted uniform because your parents cannot afford to size you up as you go through the school, or you are having to wear hand-me-downs that do not quite fit properly, that obviously can impact how a child feels about themselves day to day. That will also have impacts on how able they feel to engage with the school day.

I want to flag an issue that I think gets less attention in this debate: the potential impact on the choices that parents can make about schools. The Sutton Trust carried out research asking about a variety of different things that were impacting parents' decisions on where they would apply to a school, and 56% of those from the lower socioeconomic groups said that worries about extra costs in schools, including uniform, equipment and contributions to facilities, were very or fairly important as a factor in the decision on where they applied. You also have the issue of potentially cutting off certain schools for some families because they are worried about the high cost of uniform.

The guidance we give to schools when we are looking at how they can improve their policies to become more accessible in the admissions space is that they should have a maximum of only one item. We really support the efforts of this Bill to try to reduce the costs, but it could potentially go further. One item of branded clothing still allows you to have a school identity—a really easy identifier. You are still able to say that students should have black trousers; it is just a question of how many places they can buy those trousers from. That really helps to bring down the cost.

**Q11 Mrs Brackenridge:** Finally, how do you respond to the concerns that reducing identifiable markers of school identity could lead to harming some of our more vulnerable children? I am happy for anybody to answer that for me.

**Kate Anstey:** Can you explain what you mean by harming? In what way?

**Mrs Brackenridge:** There have been concerns that wearing the identity of a school uniform can lead to more concerns in the public, leaving school and walking to school—those are concerns that have been raised.

**Dr Montacute:** You can still have quite a clear visual identity for a school with very few or very limited numbers of branded specific items, and people will still be aware that the blue polo jumper is X school in the community. I think it is quite sensible, potentially, for local authorities to ensure that the schools co-ordinate a bit with that and do not have



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uniforms that look very similar to one another, so you can tell who is from which school, if that is helpful with reporting antisocial behaviour in the community and knowing which school to flag the issue to. But I do not think you need a badge to be able to do that.

**Mrs Brackenridge:** So there are no significant concerns from your evidence?

**Kate Anstey:** We have worked with many schools. We have also worked with schools that have changed their uniform policies and reduced the number of branded items. They have reported that that significantly helps families, and we have not come across any of those concerns in our work with schools.

Q12 **Jess Asato:** Rebecca, can you explain the impact that giving local authorities more control over admissions could have on the socioeconomic disparities between schools?

**Dr Montacute:** When we first heard that the Bill was going to be looking at admissions policies, we were quite hopeful that there could be some really positive changes, specifically looking at ensuring that local authorities are able to co-ordinate across a local area to ensure that there is a socioeconomic mix of children in each school in their community, and that you do not end up with some schools in some parts of the community taking fewer than their fair share of more disadvantaged children and some taking far more.

What we have seen in the detail of the Bill so far is that there are positive moves in terms of giving local authorities more power over place-planning. That is a very sensible thing to ensure that their community has the right number of places. But from the detail of the Bill that we have seen so far, and what we had hoped might happen in terms of ensuring that admissions policies were being decided at a local authority level and co-ordinated across a local authority, it looks like that power will not go into the local authorities, and that is a concern.

In terms of multi-academy trusts, the very large ones have what we call positive free school meal gaps. They are taking on more students eligible for free school meals than in the wider area around them that could reasonably be called a catchment for them. But as you get down the track of smaller and smaller MATs, they actually start getting a negative gap. They are taking fewer than the community around them. From the types of schools going into each of those types of MATs, some of this is likely just existing with previous inequalities going through the MAT system, as opposed to them specifically having issues within themselves.

But we do think it could be very positive to have that co-ordination over an area. At the moment there are local authorities trying to make those efforts, and they are having to actively engage with any MATs that are in their area to try to get them on board. It is sometimes very difficult for a school to make a change on its own. It is about that whole community and making sure that there is better representation, because we know that a



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lot of the schools that have the highest rates of performance for their students are very socially selective and less likely to have free school meals students in compared with their local community. That is something we would like to have seen in the Bill that has not been included.

**Chair:** Thank you. We have two further panels of witnesses this morning, so I am going to draw this session to a close and say thank you very much to all of you for giving your evidence to us this morning.

### Examination of witnesses

Witnesses: John Barneby, Daniel Kebede and Sam Freedman.

**Chair:** Welcome to our three witnesses for our second panel this morning. Will you introduce yourselves, starting with Sam Freedman?

**Sam Freedman:** Hi, I am Sam Freedman, a senior fellow at the Institute for Government. I worked at the Department for Education from 2010 to 2013 as a senior policy adviser when the academies world was really expanding. I am also a senior adviser to Ark schools, the multi-academy trust. But I am here in a personal capacity, not representing them or anybody else.

**Daniel Kebede:** Hello. I am Daniel Kebede, a former teacher, and I am general secretary of the National Education Union.

**John Barneby:** I am John Barneby, chief executive of Oasis Community Learning. We run 54 academies across the country.

**Chair:** Thank you, John, for stepping in at very short notice after a witness from another panel was taken ill. Thank you very much for being here this morning. I call Manuela to ask our first question.

Q13 **Manuela Perteghella:** Will the provisions in the Bill inhibit academies' ability to innovate and improve?

**John Barneby:** I think that if we look at the past 10 years of the sector, a lot of innovation has come out of academies and it has come out of those freedoms, which have created a leadership culture in which people can explore and experiment in lots of areas—around curriculum, pedagogy and terms and conditions, which is a key area. We welcome the change in the amendment to the Bill that was announced last week, about setting a floor rather than a ceiling. I think what we would like to see is all schools having those flexibilities, not just academies, because that is where the innovation actually starts to happen.

If we look at where we are as a sector, we are moving into the next chapter of education in this country, where we don't need to have academies and local authority schools and where we can work in partnership at the local level to serve the communities in the best way possible. I certainly believe that some of the flexibilities that have been



afforded have enabled innovation to take place—for example, the teaching that has come out of a school-led system that is generating and training the next generation of teachers and leaders across the sector.

If we look at support staff, we see huge innovation taking place through multi-academy trusts—the IT and facilities management skills that are in the sector. Also, consider the leadership that has come out of academies—the creation of a generation of systems leaders who are now helping to lead education forward.

We welcome the amendments to the Bill around terms and conditions. We need to make sure we can be competitive. I think that is the biggest risk to the sector. We know recruitment is one of the biggest challenges, and we know it is hard for the public purse to compete with the private sector, but I think we can compete on the offer. There is a sense of purpose in education, which attracts people to it. If we can provide the right terms and conditions and flexibility for people, they will come.

**Daniel Kebede:** There is a bit of a narrative developing that it is only academies and MATs that are innovative. I think that is something that we should absolutely reject. Some multi-academy trusts are innovative—in fact, those that operate in a local region or area where there can be close collaboration do have lots of innovation—but non-academised state schools also are incredibly innovative.

We absolutely need to consider what drives innovation. What drives innovation is collaboration, the opportunity for peer-to-peer learning and, indeed, professional autonomy. Some multi-academy trusts are pretty poor at innovation, actually. If you wander around them, you find that teachers are told what to do and when to do it—“This is the academy’s way. You will teach to this script and you will use this logoed PowerPoint.” That isn’t innovation at all.

**Sam Freedman:** I don’t think it will make an enormous difference because the primary reason that multi-academy trusts work, when they do, is managers’ ability to scale what works in one school across multiple other schools. These particular freedoms can support that a bit in some cases, but they are not the main driver of improvement. Actually, all schools in England already have quite a large amount of management autonomy compared with schools globally.

That being said, it would have been good to have an explanation of what the problem was that this was trying to solve. I don’t think there is any evidence that freedom over curriculum and freedom over pay and conditions have made anything worse for anybody. There are some cases in which those freedoms have been used effectively by academies. Again I say that there is no issue with aligning the two sectors, but why not do it by giving maintained schools more freedoms, or by thinking about it in a broader, systematic context? It seems a bit out of nowhere and lacking in an explanation of the problem that it is trying to solve.

Q14 **Manuela Perteghella:** The policy notes to the Bill state that repealing the



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compulsory conversion of failing schools to academy status will result in more flexibility. How has it helped failing schools to be compulsorily converted to academies?

**John Barneby:** Speaking from experience, 41 of our 54 schools were sponsored—so they were deemed to be failing schools. We were 23% “good” or better in 2014, and we are 91% “good” or better now. I think that is the picture across a number of academy trusts, so a significant number of schools have been improved through that compulsory route.

There will be need for partnership and for context to be understood when making these decisions. Some clarity was provided yesterday about how Ofsted and the accountability system will link into decisions around schools being compulsorily converted. The RISE teams are a welcome addition and create clarity around that—we know that special measures schools will effectively be put up for compulsory conversion—so this little bit of the conversation has moved on since yesterday. We certainly think there is a place where intervention is needed, and it is important that that intervention can happen.

**Daniel Kebede:** While we are talking about Ofsted, of course, with Outwood Grange Academies Trust, Sir Martyn Oliver was viewed very much as a CEO who turned around failing schools—schools that were forced to academise. But how? There were high levels of suspension and exclusion, and of young people being put into isolation. That does not ensure excellent education for all; it entrenches the social selection that we heard about from the previous panel.

**Sam Freedman:** We have been converting struggling schools into academies for 20-odd years now, and there are endless examples of schools that have been transformed by that process. You can look at the best academy trusts, such as Star Academies, and see that they have done that over and over again. There are also plenty of examples of where that has not happened and the school has stayed underperforming. It is not magic, but it is the primary way in which successive Governments have changed the leadership of the school and we do not have any other mechanism for doing that, so it is kind of what we have and it has been effective in lots of cases.

I do not think the change in the Bill is a problem, because there was no particularly good reason for making it compulsory in that way in the first place. It was kind of a symbolic bit of legislation by the last Government. The Government have the power to do that and, as Bridget Phillipson said yesterday, they will continue to do it in most of the cases where it would be done now. Having a little more flexibility is not a problem. What matters is not the Government symbolically defining that power in legislation, but how they choose to use it.

Q15 **Chair:** The crisis in the system of support for children with special educational needs and disabilities is unarguably the biggest single crisis in the whole of the education system. Local authorities have told the Committee that one of the challenges they have is that there are very few



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levers they can pull to deliver the school places, particularly the specialist places, that are needed in their area. In that context, what difference would ending the presumption that all new schools should be academies make to the ability of local authorities and schools to deliver specialist places for children with special educational needs and disabilities? Let's start the other way around, with Sam.

**Sam Freedman:** I do not think it will make a huge amount of difference because the issue is money, not who gets to open a school. Local authorities have, over the past decade or so, become pretty effective at identifying partners to open free schools with, where there are resources do to that; but everybody has been reliant on the Government to provide the capital funding to open those schools. If that capital funding is not available to local authorities, they will not be able to open schools even if they now have the power to do so more quickly. That power always existed. There was a presumption for free schools, but you could show that there was no one willing to open a free school, and local authorities could still build a school themselves, but again, the issue is whether there are the resources to do that. You are absolutely right that there is a huge shortage of places in lots of parts of the country, and some money has been made available for more places, but it is nowhere near enough, which goes to a much broader conversation about how to deal with the wider SEND crisis.

**Daniel Kebede:** I think ending the academies presumption will help to alleviate the crisis in SEND provision. At the moment there is over-reliance on incredibly expensive private providers. I think local authorities spent £2 billion on SEND places last year. Look at somewhere like Bournemouth, where at the moment there is no state-funded SEND provision at all; it is one of the most indebted local authorities in the country, but it is spending around £61,000 per pupil placed in private provision.

**John Barneby:** This goes back to what I was saying about the next chapter of education in the country; we have to break down barriers and make education about partnership. It has got to be about what is right at the local level, and academies and local authorities working together. This is not a black or white conversation. There is not a right or wrong answer. It is about academies and local authorities working together to address the incredible need and lack of capacity that we have at the local level around special education needs.

We know that integrated provision, in which we keep children with special education needs as close to mainstream education as we can, is the best deal for those children. It is not always possible, but it should be done wherever it is. There is a lot going on around student numbers. There are buildings that are starting to have space, and we need to be thinking about how we work in partnership with local authorities and academies to create and use those building spaces to create the capacity and provision that we need at the local level. I am not sure whether the Bill fixes or causes a problem around this, but the message we need to be giving out to people is around this next chapter of education.





**Q16 Chair:** I want to briefly pick up Sam's point on this. It is of course the case that local authorities have been able to work with academy trust providers to deliver new schools in some areas, but it has also been the case that organisations that want to set up new schools have been able to bid for that process. So do you think it is really the case that the current system has optimised the strategic delivery of specialist places wherever they are needed across the country?

**Sam Freedman:** No, but I think that is because of the way that capital has been provided and not particularly because of who is opening the school. The question is not who has the right to open the school, but how are you deciding to provide that very limited pot of capital, and what process are you using? If there is a better process for doing that, obviously that will help, but that is unrelated to the presumption per se, because it could always be overridden if you wanted to open a local authority school anyway.

**Q17 Manuela Perteghella:** Should the Bill include powers for Ofsted to inspect multi-academy trusts?

**Daniel Kebede:** Yes, to be honest. There has been a stream of stories of financial mismanagement in multi-academy trusts. Quite significantly, UoBAT in Brighton had 20% top sliced and being centralised. There are excessive levels of CEO pay—one salary was half a million pounds. There is a standalone trust in the west Midlands consisting of one school, and I know the CEO is on £300,000. I know of another school—another trust—where £90,000 was spent on providing Teslas for its senior leadership team. So yes, accountability at the top level would be welcome.

**Sam Freedman:** I think the question is, "What are you inspecting?" but first, if you are going to do this, it should be responsible bodies, not just multi-academy trusts, and local authorities as well, because they are also running schools. Then, the question is, "What are you inspecting?" I would not get Ofsted to inspect financial issues. There is already a lot of guidance and rules around what it does financially, and there is theoretically already a mechanism for doing it. Whether that works very well is another question, but Ofsted does not have any capability in financial administration.

What Ofsted does is inspect educational provision, but there is nothing in any law—in this Bill or any previous legislation—that says multi-academy trusts have to do anything specific around education, so what are you looking at? You say we are going to look at whether the multi-academy trusts or responsible bodies are providing a high standard of professional development for teachers in their schools, but they are not legally required to do that. So by saying that you are inspecting that, you are creating a new set of rules, which is fine as long as you are really clear about what you are doing and why, and that by doing an inspection framework, you are, for the first time, actually setting out in any kind of documentation what it is you want multi-academy trusts to do. That is quite a significant shift in policy terms, which we have not had for the last 20 years.



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**John Barneby:** There is already a measure of MATs inspection going on, because all academies in a MAT are inspected by Ofsted, particularly around really key areas including standards and safeguarding. We had a MAT inspection in 2015—it was one of the first ones that happened. The purpose of the inspection was not clear, both for us as an organisation and for the inspectors doing it. The skillset and the capacity to inspect multi-academy trusts were not there at the time, and I question whether Ofsted has the skillset and capacity now to do that.

Secondly, we are about to launch a new Ofsted framework in the country. My encouragement would be to get that done and launched successfully, then think about what might be next. We should think about the MAT bit after that. I agree with Sam that it needs to involve all responsible bodies. It would be a very odd thing to do to inspect MATs and not other responsible bodies.

Q18 **Chair:** I want to turn to school improvement. The Government are introducing RISE advisers as a kind of new mechanism for driving school improvement at the same time as they are removing default academisation as the route to achieving school improvement. Many of the newly appointed RISE advisers are, of course, from academies and academy trusts. How do you see the RISE teams complementing the existing levers for driving school performance?

**Daniel Kebede:** We welcome the Government's direction of travel around RISE teams. We think working with schools over time is a good and positive thing, but there is a bit of an elephant in the room when we are talking about trying to improve standards. Our schools system is in crisis at the moment. There is a recruitment and retention crisis, a crisis in workload and a crisis in funding. The Bill, broadly, really needs to start to tackle these key issues.

**John Barneby:** From a policy perspective, it creates an important mechanism for managing schools. As we heard yesterday, when we look at the output and accountability of Ofsted, RISE teams will play a key role in supporting many "requires improvement" schools to move forward. The change from the Department to more of a partnership model with schools in the sector is welcome; it represents a shift from just measuring to more of a focus on improving. I think that is exactly what the Department's role should be, and these RISE teams are the start of that.

There are some real, practical challenges in getting this going, as with all new initiatives. Capacity is a major challenge. We think about how we, as Oasis, will support this initiative. It is a fantastic development opportunity for some of our staff, but equally, we are staffed to run our schools at the moment, so we need to think about that capacity bit.

The last thing is the accountability element of this. If you have a school that is struggling, with a governing body and a RISE team in, who is actually responsible for improving the school? I know the paper will say it is the school, but you start to get into a slightly murky world where people ask, for example, whether the RISE team gave the right advice and



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support to help the school to move forward. There are some challenges to get over in the detail of how these teams are implemented. Fundamentally though, the idea of this strong partnership between the Department of Education and schools is welcome.

**Sam Freedman:** I think it highlights a bit of a conceptual confusion about what the role of different players in the system is supposed to be. We have academy trusts and we have local authorities, and they are supposed to be the responsible bodies for school improvement. If they are not improving the schools, we should be regulating them to do that effectively, or—in extreme circumstances—not allowing them to do it at all. It seems odd for the Department to say, “We will do it as well.”

That is where I think you are going to get some issues, which John has pointed out. If you have an academy trust with a school that is struggling in a couple of areas, and they have a plan, process and approach for improvement, and the RISE team has a different approach to improvement, who wins in that discussion? What even happens? Is there a legal basis for the RISE team to impose a bespoke model, or can the academy trust say, “No, go away and leave us alone”? Again, we need to have a slightly broader conversation than the Bill allows about how this system functions and works, and what is working well and what is not. This feels like trying to fix a symptom rather than looking at the system as a whole.

Q19 **Caroline Voaden:** We are now going to talk about teachers’ pay and conditions. First, I would like to ask you all what effect you expect the Bill’s requirement on qualified teacher status, and on pay and conditions, to have on recruitment and retention? We will start with Daniel.

**Daniel Kebede:** I think the Government should be unapologetic in wanting a qualified teacher for every school and for every young person. The fact of the matter is that I think multi-academy trusts have misused their supposed freedoms—badly, to be honest. We have seen excessive CEO pay go up, and according to the DfE’s own data, teachers in academies are paid around £700 a year less in primary and £600 a year less in secondary.

We have a very deep and severe recruitment and retention crisis at the moment. For example, some big academy chains are haemorrhaging teachers; 27% of teachers left Harris last year. You cannot operate an education system like that. If every school had that sort of retention problem, the system would grind to a halt.

**John Barneby:** I agree with Daniel that we should have a high standard—a great teacher in every classroom. That is what we want to see. I think we are in a crisis. There are some real challenges around recruitment. In terms of specific subjects, if you look at some of the engineering, science and computing-type areas, how we get people who might actually want to have that second career in teaching into teaching, without too many barriers, is a challenge. But I do agree that this QTS piece is important.



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I do not think, though, that QTS is the main issue around recruitment; I do not think the QTS bit is the problem. I think the offer—the employee value proposition—is not good enough in the sector yet. We know that we cannot compete on pay, so we must have flexibility in the terms and conditions. I think the only way is to create an offer.

We see a lot of women leaving the sector, because of the way the school day is structured and the lack of flexibility; that does not allow people to return back to work in an easy way. We can adjust that—it is within our power—and those standards should be extended to all schools.

**Q20 Chair:** But is there any inherent problem in the Bill in that regard? The problem the Bill is seeking to fix is the schools that might pay a bit more but have less generous provisions for sick pay and parental leave. It is not trying to fix the problem of schools going above and beyond to retain their teachers.

**John Barneby:** If you had asked me two weeks ago, I would have said, “Yes, there is a big problem.” Now, we have heard about the amendment that is going to be made—that a floor will be set, which we welcome. Clearly, we need more detail around what that floor is and how it will be funded to make sure that we can deliver it consistently. If I am honest, I hope it is a floor that keeps moving up and is under review. Daniel will probably feel the same about this particular issue.

So, as for the Bill itself, I am very supportive of the amendment that is being made. This is going to be a constant conversation that we need to have as a sector.

**Sam Freedman:** On QTS, I had a lengthy row with Dominic Cummings, which was always fun, in 2012, when the change was introduced the other way. I was against doing it, because I thought it was unnecessary and would not be used, and it has not been—very, very few schools employ non-QTS teachers, and the number is going down. So, I do not think that this will have an impact on recruitment, especially because if you did want to employ someone from a commercial sector who did not want to go through normal teacher training, you can do assessment-only QTS, which is not particularly burdensome. So I am not worried about that.

The amendment has addressed the issue of pay. I am still a little bit worried about conditions, because we just do not know the detail yet on conditions and what the new rules will be that academies have to follow. There are rules that one could imagine that would be absolutely reasonable and fine, and no one would object to them. There are rules that could inhibit innovation around flexible working, higher pay for different sets of responsibilities, and things like that. That is probably the worry that some trusts still have. But until we see the detail, it is hard to know.

I have not seen much evidence of a problem here, which, again, is the frustration with this whole Bill. There has been a lack of explanation as to what it is trying to achieve.



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**Daniel Kebede:** Can I just make one more point, please, around QTS? There is a bit of a narrative that academies should have freedom to appoint who they want, because they will get David Beckham to teach PE? That is just not the reality. We are balloting one of the large trusts on this issue at the moment; they are going to the Caribbean and encouraging teachers to come to Britain, with the promise of sponsoring a visa and sponsoring them to go through QTS, and they are not delivering. Meanwhile, the CEO is on hundreds and hundreds of thousands of pounds. It is the worst type of exploitation, and it is absolutely right that we move against it.

Q21 **Caroline Voaden:** Thank you. My supplementary question is, what impact do you think there will be on schools' ability to plug staffing gaps or bring in experience from other professions? You have touched a little bit on that, but does any of you have anything extra that you would like to say on whether academies should be restricted to having the same conditions, as well as pay, as the maintained sector?

**Sam Freedman:** Again, on the QTS point, it is working towards QTS. You can bring someone in as long as they are working towards QTS, and there is assessment-only QTS—it is really not very burdensome. I cannot see it being a blocker, as long as schools and academy trusts are sensible about how they manage QTS.

**John Barneby:** May I make one point on your choice of words? You talked about academies being “restricted” and I think it needs to be the other way round. It is schools that are restricted, actually, and we need to un-restrict them. I think we need this floor in place so that we have a minimum standard for terms and conditions, and then we need to give people freedom to go above that to create the most competitive offer possible to solve this recruitment crisis. We cannot ignore pay as well. I know we can only go so far but, if the sector does not maintain some sort of competitiveness with graduate pay, it is always going to be very hard to attract and retain staff, like any other organisation. We need to push that, as well as the terms and conditions bit.

**Daniel Kebede:** I do not disagree with John that teachers need to be fairly rewarded for the very difficult job that they do. But what we do not want to see is a rolling-out of the system that Sir Jon Coles is proposing, where you have a reduced pension but higher pay. The fact of the matter is that wider terms and conditions have been eroded in many academy chains. Carlton in Leeds has reduced the standard sick pay from 100 days to 15 days a year, and Dunraven trust in Lambeth is cutting teachers' maternity rights by 38%. We want to see organisations spiralling up, not racing to the bottom, which is happening across many trusts at the moment.

Q22 **Caroline Voaden:** Moving on to the national curriculum, what impacts do you expect the provisions in the Bill requiring academies to teach the national curriculum to have?



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**John Barneby:** We have very little detail at the moment about what this actually looks like. We are not worried about having a clear framework. If it gets very prescriptive, to the extent of teaching circles on a Tuesday, we are going to start to lose the power of the relationship in a classroom, with a teacher being able to bring their own ideas and thoughts into that classroom and then build that relationship with the students.

We know that context is key. Again, a curriculum that constrains schools from delivering an education that meets the local context and that is able to meet the needs of all children in the classroom is going to be a problem. We just do not have the detail at the moment on what the curriculum reforms look like. If it is a sort of framework-esque approach, we are pretty supportive of that. If it starts to be a very prescriptive model, we would say that it is a step too far.

**Daniel Kebede:** I agree very much with John. If we want to solve the recruitment and retention crisis, professional control and teacher autonomy have to be central to that. I think it was Sir Kevan Collins who recently said at the CST that teachers are more down-trodden than they have ever been, being told what to do and when to do it. As I said previously, the freedom that some trusts put forward and portray just is not the reality on the ground. Teachers are told what to do in a very prescriptive manner, and we need to move away from that.

**Sam Freedman:** I think this is one of the bits of the Bill where I would like to see it going in the other direction, and giving maintained schools the same freedoms that academies currently have. Because of the way our curriculum works, there is already quite a lot of control around it; national assessments are driven by the content of the curriculum, and Ofsted is looking at whether you have a broad and balanced curriculum, so in practice most schools will do most of the curriculum anyway. Having that ability to deviate a little bit gives you a bit more control over your day; you know better than the Government what the needs of the children in your school are. Again, I have not seen any evidence that giving academies that freedom has caused any problems, and in some cases it has allowed them to add a little bit of flexibility to better support young people. I would have liked to see this one go the other way, or for there at least to be a clearer case as to why you would do it this way.

Q23 **Jess Asato:** In what circumstances does co-operation over admissions fail between schools and local authorities, what are the reasons for that, and do you think the Bill's provisions on school admissions will make the system work better?

**John Barneby:** We follow local authority admissions at the moment, because we believe in equity of offer, and we want to work in partnership. That is not the case everywhere. I am not judging other schools, but the system drives a type of behaviour. Our success is measured on Ofsted outcomes, and there is a behaviour measure in there as well that drives some schools to close their doors to some students.



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At Oasis, we are fully inclusive. That has a detrimental effect sometimes as well, because you become the school that is known for taking particular children. My hope is that, out of this policy, we will get to a place where there is a fair distribution of children with special educational needs and disadvantaged children across all schools, so that all schools are truly inclusive and have the capacity to meet the needs of all children. I hope the Bill will do some of that.

There is a risk in the back of our mind, particularly with falling student numbers, around the allocation of students to schools, but we think that, on the whole, local authorities act responsibly around this.

**Daniel Kebede:** Too many multi-academy trusts have been abusing their admission powers to socially select pupils. I do not know if you are familiar with the research by the Sutton Trust, but they found that 155 secondary comprehensives in England are now more socially selective than the average grammar school. If you look at the top 500 schools by their progress metric, on average those schools take 40% fewer pupils eligible for free school meals. Obviously, some of that is down to property prices, but when you do not take that into account, young people living near a top-performing school still have unequal access. We need a system-wide approach towards admissions that ensures that there is excellence for all, not young people with SEND or on free school meals in one school, and the affluent in another.

**Sam Freedman:** The reason academies were given control over their admissions in the first place under the last Labour Government was a concern that local authorities would punish academies that they did not like—that had been, essentially, imposed on them, as it was at that point—by fixing admissions in a way that made life more difficult for them. I think that is much less of a challenge now that 80% of secondaries are academies, as are 40% of primaries. I am comfortable that allowing appeals to the schools adjudicator means that if it was still an issue, there is a mechanism for the academy to appeal and deal with it.

I actually would have liked to see the Bill go further and say that local authorities set admissions policies. There is no good reason—other than that fear of being punished—why academies would decide their own intakes. Autonomy should be over what you do in the school, not over the children that you have in the school.

Q24 **Chair:** Finally, we had the announcement yesterday of the proposed new reforms to the Ofsted inspection framework, which comes midstream of the scrutiny of the Children's Wellbeing and Schools Bill. I just wondered if any of our witnesses wanted to comment on those reforms while you have the opportunity to do so.

**Sam Freedman:** I have spent the last year telling anyone who would listen to be careful what they wish for in terms of changing the Ofsted model. I do not think the problem with the previous model was that we had single-word judgments and a single overarching judgment; I think that was actually quite helpful for parents. The problem with Ofsted has



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always been the reliability of assessments. The new model makes it harder, because now you have up to 11 different things that Ofsted are giving sub-judgments on, and with no overarching grade, which allows you at least to aggregate the mistakes. If you have two teams of inspectors going into a school, they are more likely to say that it is the same overall than that one of 11 different things is the same. I am worried that this makes it harder for Ofsted to tackle its real issue, which is reliability and consistency of inspection, and does not actually deal with any of the concerns that schools have. It also possibly makes it harder for parents to use them as well, so I have quite a lot of worries about this new model.

**Daniel Kebede:** I very much agree with Sam. We have long-established questions about Ofsted's reliability. We now have eight areas of measurement on a five-grade scale. That is 40 potential areas of judgment. Ofsted was tasked with bringing about a system of inspection that reduced pressure on the school system, and in quite tragic circumstances. It is our view that this will make things worse, not better. We all have a shared challenge in regards to the crisis in recruitment and retention, and Ofsted is included in that. It is our fear that this will drive more teachers and school leaders out of the profession.

**John Barneby:** I have two Ofsted inspections happening today and tomorrow, so it continues to be a fairly high-stakes piece. There is no perfect system here. What matters more than anything is how inspectors conduct themselves during the inspection. We have seen a notable shift in that since the Ruth Perry tragedy. There is much more care from inspectors and much more asking how people are and what support is in place for leaders. That is very welcome.

The nine areas of measurement do create a complexity, but I think parents will get their heads around that. We will get our heads around it and start to learn to operate within that system. The big issue is that when you inspect someone and you design something, you drive types of behaviour, so we need to be careful to monitor what the behaviours are that this framework drives into schools and school practice, particularly given all the other things we have been talking about on admissions, attendance, reinspections and the RISE teams. It is probably something that we want to keep under review. We could launch this for two or three years and then have another review to see whether it is working or not. Then we could improve it.

**Chair:** Thank you all for giving evidence this morning. We will move on to our third panel.

### Examination of witnesses

Witnesses: Councillor Craig, Clare Canning and Thomas Brooke.

**Chair:** I welcome our third and final panel of witnesses this morning. Can I start by putting on the record an interest that I should have declared at





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the start of the sitting in relation to Bev Craig's attendance? I am a vice-president of the Local Government Association. Can I invite our witnesses to introduce themselves, starting with Bev Craig?

**Cllr Craig:** Good morning. I am Councillor Bev Craig, vice-chair of the Local Government Association. I am also the leader of Manchester city council.

**Clare Canning:** Hello. I am Clare Canning. I am a home-ed mum to two teenage girls and a volunteer director of Broadleaf Home Ed Co-Operative in the New Forest.

**Thomas Brooke:** Hello. I am Tom Brooke, the joint interim chief school adjudicator.

Q25 **Manuela Perteghella:** I have an interest as well: I am a local district, not county, councillor. My first question is for Clare. What are the benefits of a home education from your perspective?

**Clare Canning:** From my perspective home education is the most bespoke, child-centred education that you could give a child. My own children have very diverse needs—my youngest has quite complex SEND needs—so home education has allowed us to provide an education for her that specifically meets her needs, age and ability.

Home ed is broad. I feel that there is a misunderstanding of what home education is. My perspective is that home education may be curated in the home, but it is actually provided in the community with other people and families, with community at the core. Bringing people together in that way is immensely powerful. Home education benefits not just the child, who is at the centre of the education that they are being provided, but their wider family, their wellbeing and the support networks that they are offered.

Q26 **Manuela Perteghella:** You mentioned children with special educational needs and disabilities. What particular benefits are there for those children if they undertake a home education?

**Clare Canning:** At Broadleaf, we have about 120 children each week coming to us for a variety of activities and opportunities. The vast majority of those have special educational needs or have experienced bullying and harm in their time at school.

Home education provides an opportunity for us to give them a very different experience; they are able to have their needs met. We have one particular child who was unable to sit still, but he can spin. Because of our high ratio of adults to children, we have really inclusive spaces where all children are welcomed and supported. All the adults there are highly invested. None of us is paid for what we deliver: we are the parents of our own children, providing exceptional opportunities for our own children and for others.

Regarding those children with additional needs, I am autistic, and my daughter is autistic. I know what I would have needed when I was at school, so taking my own experiences and those of the many families I

have worked with over the last 15 years has enabled us to shape a really bespoke education for those children that is suitable for their particular needs.

We also have flexibility. Home education is incredibly reflexive and responsive, so we are able to meet the needs of those children as they change.

Q27 **Manuela Perteghella:** You have mentioned children with special needs and disabilities and children who have been bullied in the mainstream school system. Are there are other groups of children who benefit from the flexibility of a home-based environment?

**Clare Canning:** Absolutely. My personal belief is that every child could benefit from an education curated from home, but there are specific groups—for example, there are children who may have a lot of uncertainty at home and may be passing through foster care. Having home education provided can give them some sense of continuity and stability, rather than moving.

Other children who we have had in the community have parents who may have been in the armed forces. When there is a lot of moving around, having that consistency of education can give those children a lot more stability.

A wide range of children can benefit. It really is an education with children at the core, which is the most important part. There is no one more invested in our children's education than the parents of those children, who put everything into it. There are a lot of groups, but I believe that every child could benefit from home education.

**Chair:** Bev, do you want to provide a local authority perspective?

**Cllr Craig:** There are, of course, many wonderful examples of home schooling helping children to flourish. From my perspective, though—a local government perspective—we really welcome something that we have been calling for for a long time in the Bill: the provisions for a national register that will mandate the ability to work together to inspect the provision that is being delivered. We also recognise that people come from different places and perspectives, and that often home schooling might not be to every child's needs.

We probably need to consider what modern safeguards would look like in the context of the growth we have seen in home education. In Manchester, for example, we are seeing the growth of AI-generated packages for education at home. In addition to children not in school registers, the Bill needs to think about how we regulate such packages and ensure we know what is appropriate for home education.

We have seen increasing demand across education in the last decade. It is well documented that many of our children and young people with SEND are often underserved in the education system. We need to consider the issue from the perspective that we need to make education broadly more



accessible, and do more to reduce permanent exclusions and to help keep children and young people in school, recognising that home schooling will not work for everyone.

From a local government perspective, we welcome many of the requests put forward in the Bill. From a city of Manchester perspective, we already do a lot of proactive work. We already go out and check, where we can, the children's home environment when they are home schooled and off-register. We do not have the ability to mandate that, but our professionals believe that it is very important to be able to see the child in the home.

At the moment, with the current measures in the Bill, a parent could meet us voluntarily in a coffee shop, but that means you do not get to see the same environment and what is going on at home. It is an area that needs more regulation. I welcome the provisions in the Bill, particularly around home schooling, to enable local authorities to do our very best to support every child and ensure that every child's needs are met.

**Q28 Caroline Voaden:** I have another question for you, Clare. The Bill places a responsibility on local authorities to support parents who have decided to home educate their children. What support would be helpful to receive from local authorities? My supplementary question might guide your answer a little bit: what support could be provided to enable children who are home educated to sit public examinations more easily? My questions are about exams and more generally—what support would be helpful?

**Clare Canning:** That really is the key word: "support" rather than punitive measures. I want to come back to the point that Bev made about homes being educational environments. They are not educational provision; they are private family homes, which is why we have this issue. I would like to see local authorities moving towards a more supportive approach that understands home education. For example, at Broadleaf we have a number of children who the local authority have not been able to place anywhere else. We have been chosen by the local authority on many an occasion.

Exams are one of the most difficult things for home educators to access. There are very few private exam centres in the country. For example, Devon and Cornwall have no exam centres at all, so families quite often have to travel long distances to Somerset or beyond, incurring the cost of exams, which can be anywhere from £180 to £600 per exam, on top of travel and accommodation expenses. If there was a duty on local authorities to provide access to exam centres, that would be excellent.

Further to that, a lot of the exam centres that we do have do not provide the access arrangements that this cohort of children need. A majority have special educational needs and will require some access arrangements, so a duty on local authorities to provide those would also be excellent. On top of that, it is much more difficult as a home educator to access diagnosis and support with organisations like CAMHS, so extra support—maybe access to an educational psychologist or a SENCO for those children—would be really good.



**Q29 Caroline Voaden:** Do you think it is appropriate that in a situation like Broadleaf, where you are guiding children towards GCSEs, children do not have access to GCSEs unless the parents can afford to pay? The state is not paying for them to be educated in one of its schools; it seems rather unfair that the parents then have to pay for them to sit exams.

**Clare Canning:** Yes, there is definitely a feeling within the wider community that it is unfair that we are saving the Government money by providing our education at home and then also having to pay for the exams, which are provided to schoolchildren at no cost. Absolutely: it feels unfair and discriminatory to not have access to those things in the same way that schoolchildren would.

**Caroline Voaden:** I think many people would be quite surprised that home educated children do not have access to exams.

**Clare Canning:** Yes.

**Q30 Mrs Brackenridge:** This question is for Clare. Local authorities will be required to collect information from parents and others such as yourselves who provide home education. What would be the least burdensome but most effective way of collecting this information?

**Clare Canning:** Local authorities already do this. There is a duty on local authorities to contact parents. All the families I am aware of have annual contact with their local authorities and provide a retrospective report. That report is sometimes written, sometimes in person—whatever works best for that family. Providing information that way gives a holistic sense of what your child has been up to, and you can share that with the local authority.

The Bill is causing deep concern across the community. We are all parents—the majority of us mothers—and already very busy with what we are doing in educating our children. The Bill proposes that we provide details of changes to our local authority within 15 days, which feels completely unworkable and speaks to a significant misunderstanding of what home education is.

I do not know of any children who sit at home with one provider doing studies at their dining table all day long. Home education is out in the world. If we are having to provide details of those changes, on a Monday it could be sports coaches, after-school clubs, museum workshops—a whole variety of things. Estimates are it could be 50 people each week.

Education is provided in so many ways. Grandparents may have an afternoon with the child where they are doing some mechanical engineering or something like that. Under the scope of this Bill, they would become an educational provider and have a duty to inform the local authority about that child, as well as every single one of those other people—who change on a weekly and sometimes daily basis—being reported within 15 days to the local authority. It is such an enormously overwhelming burden on families. I just cannot see how it is workable.

**Q31 Mrs Brackenridge:** I will now put that question to Councillor Craig.



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Bearing in mind the issues that Clare raised of home education not necessarily fitting one size, and that being the whole purpose behind it, what is the LGA perspective? What are projections of cost to local authorities of creating and maintaining these registers?

**Cllr Craig:** That is a good question. I want to make really clear that what Clare has outlined does sound like a holistic view of what a child and young person might need. From experience, that is not the experience of every child currently being home schooled in this country. From my own personal perspective running a major city, our home schooling is varied. We are keen to see more parameters that can help those who perhaps have not given the same care and attention that Clare and those she works with have thought through.

When we go out and do inspections in Manchester and see the variability of what children and young people are experiencing, that to me says that there do need to be parameters that give safeguards for recognising that people are getting holistic education. I would add that we do want those children experiencing a traditional school education to also access those holistic things that sit alongside development.

When it comes to registers, we have often called in local government for the local authority to have that role. If it is helpful to the Committee, I can outside of this meeting provide our work on estimated costs for the model in Manchester. We are not currently remunerated in any fashion and have everything in place but the ability to mandate, and the success rate has been quite high. Parents broadly have wanted to engage with and speak to us.

I think the debate around the 15 days demonstrates that we need to think about home schooling in the context that we do for other alternative provision, perhaps.

Nobody is saying that we should think about home schooling in the same way as we might think about a national multi-academy trust or a local authority maintained school, but we do also have requests of alternative provision or PRU provision in local areas for them to explain what a typical day or week might look like for a young person, and I don't think that that would be an unreasonable request. Of course, there might be some debates about timing, but I think that is fine.

When it comes to rolling this out at scale across local authorities, though, it would be remiss of me not to talk about some of the experiences and challenges that we have as local authorities. We have lost, in total, £24.5 billion from local authorities' budgets since 2010, in addition to the movement of funds that we have seen with the growth of academies changing how our dedicated schools grant works. So we would always—and you would expect me to—make the case that if more requirements of a local authority were coming, we would look to see how they would be costed and remunerated. I don't imagine that surprises you.



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The other point I would make is that at the heart of this is making sure that no child or young person is failed by the type of education that they need. My experience comes from the city of Manchester, where sadly 46% of our children live in poverty. In many areas, children living in poverty are the majority, not the minority. We know that the provision for SEND and access to CAMHS, support for children and young people facing emotional and mental health difficulties, is not where we need it to be in the system. I just do not want us to lose sight of everything that we need to do in the round to make our system better for all children.

**Q32 Jess Asato:** This question is also to you, Bev. You have covered some of this already, but how can we ensure that there is consistency across local authority areas in discharging the requirements on registers of children not in school, and has the LGA carried out any mapping of how local authorities are staffed and resourced in different areas to engage home-education providers and parents?

**Cllr Craig:** I will take those in turn, starting with the last question. There is an emerging piece of work on mapping where we are seeing the growth in home schooling. Often, permanent exclusions and home schooling can go hand in hand, but I would not want us to conflate the two, because that does a disservice to some of those parents who are making choices earlier on in the system that that is the model that they want to follow. We have had to take a bit of time on what that mapping might look like. We are happy to share that outside the meeting, because it is a moving picture.

On the point about coherent standards across local government, that is something that we as the LGA are keen to see. Local authorities got a bit of a bad reputation historically—perhaps 20 or 25 years ago—around the role that they play. I would say that we have got great examples right across the country. Even as we have seen the growth of multi-academy trusts, local authorities have still maintained clear and coherent roles in helping to guide our education system. In my own city, with our all-age strategy, we have a thing called the Manchester family of schools. It doesn't matter whether you are state maintained or a multi-academy trust; you adhere to the same admission requirements and the same standards and you work holistically. So the more we can do to standardise local authorities—I think that will be key, and that is why sometimes there is great power in the Bill saying that local authorities “must” do something rather than “should” do something.

**Q33 Jess Asato:** How will local authorities satisfy themselves that the education that children not in school are receiving is adequate?

**Cllr Craig:** I touched on this at the beginning. I think some of the emerging technology gives us new challenges around what satisfactory looks like. I think one issue is having coherent national standards around, for example, how we see—I touched on this earlier—AI-generated education packages, which are becoming more and more common for parents operating in a stand-alone way and not in a co-op or a wider home-schooling group. I think we need a bit of regulation around some of that.



When it comes to satisfying ourselves about both the quality of education and the wellbeing of children, we have to see this in the context of wider public services reform. The unique identifier is a great start, but we need to move very quickly into mandating health colleagues to share data for children who are out of school, for that to work across multi-agency settings and to be able to move really quickly.

It is the one thing that keeps councils up at night, every night—are you keeping your children safe? I think you can never say 100% that people will not choose to do bad things within the system, but it is about additional regulation, additional capacity and resource, and clear parameters as to how public services work together to make sure that we have all the information about the child and the family. The more of that we have, the better.

- Q34 **Jess Asato:** I also want to ask about parents who are not providing the education that their child needs, particularly in terms of safeguarding and prevention of abuse. Do you think that the measures in the Bill will help to identify and prevent the abuse of children?

**Cllr Craig:** I think they will help. Can you ever truly eradicate in society people doing awful and terrible things? Probably not, but the duty to mandate, to see a child in their home, is crucial in these settings. Often, those who are nervous about doing that, at least from our experience in Manchester, have been those who have perhaps warranted further investigation or further probing from a safeguarding perspective—understanding that there are a range of reasons why people may feel anxious about allowing statutory services into the home, and taking that into consideration. But having the duty to be able to go out and request to meet the child, with the parents, is really important.

- Q35 **Jess Asato:** Clare, you made the point that you think, as a home schooler, that the local authority should not be allowed to enter the private home. Do you think that there are parents who might be home schooling as a cover for abuse? How would we balance the important protections that the state needs to provide for those children, who might be in quite desperate situations?

**Clare Canning:** Absolutely. Research clearly shows that all home educators want to protect vulnerable children—we all want that, of course. Home education is just not a safeguarding concern. There is an idea that home-educated children are invisible. My children are registered with doctors, dentists, the hospital and all sorts of clubs and groups and after-school activities. They are seen in the community, in the same way as children are seen at school in the school day.

It is difficult to imagine a world in which local authorities, some of which behave appallingly towards home educators—and part of the issue is that there is so much discrepancy across the country in how home educators are treated by their local authority. In my understanding, and as research shows, that comes down to personal bias of the staff members in that local authority. It is a real issue. There are measures in place that keep



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children safe. Schools still send children home to the same home at the end of the day. Our children are in the home, but they are also out in the community all of the time. They are being seen by multiple people.

As home educators, we are a cohort with a lot of children with additional needs. Home is a safe space for our children. For my daughter with additional needs, it would cause trauma—I do not use that word lightly—to have a stranger in her home, inspecting and having access to all areas of the home. The only comparable example would be childminders, who are inspected in the home, but they are being paid to provide care to other people's children. It feels like an unwarranted intrusion into private family life, and it is really problematic. As I said earlier, private homes are not educational establishments. They are not educational provision. They are private family homes, and our children are seen in all sorts of areas.

I just want to add that the words "home schooling" have come up quite a lot in the Committee this morning. I really want to bring this back to the fact that the legal term in this country is "elective home education", and that is for a reason. All of the measures that are being proposed—the standards, the regulation—are based on a bias towards the school model of education, which is one model of education. There is global research that shows the incredible benefits of other forms of education, including home education.

One of the concerns of home educators is that in this position, we are being measured against school measures. Both in my role as a mother home educating my children and in my role with Broadleaf, I see that we are being asked to step up to standards and a standardisation of home education that runs totally in the face of what home education is, which is flexible, reflective, broad and rich in all the ways it needs to be to respond to the changing needs of each child.

**Q36 Chair:** From the local authorities' perspective, they have a really strong set of safeguarding duties towards children. In your view, what is the approach that they should take, and should be allowed to take, to the child who disappears from the school register whose parents have taken them out of school, when they have no visibility of that child and no evidence at all about the quality of the care and education that they are receiving? You will be aware that there are cases we cannot talk about today because they are still in front of the courts, but they give the worst example of what can go wrong. What should local authorities be doing?

**Clare Canning:** What they should be doing is what is already happening. If your child has ever been registered in school and you go through the process of de-registering them from that school roll, the school has a duty to inform the local authority, so the local authority is aware already of the children who have been removed from school. If there have been any safeguarding concerns in the time that the child has been at school, they should have been raised through the normal processes. Those safeguarding processes, procedures and measures are all in place already. What home educators would like to see is extra funding and support to ensure that those things are as robust as they can be.





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As I said, our children are not seen in school, but they are seen in the wider community all the time. There will always be children whose parents do not have their best interests at heart. They are in school and out of school—they are all over the place. In countries like Germany where home education is possible in only very limited circumstances, these things still happen. They are not about home education. In the case that we cannot discuss—I understand why—home education is just not a relevant part of the story of what happened. It is really difficult, and home educators are fully behind all measures to protect their children, but those measures already exist.

**Q37 Caroline Voaden:** A final question for you, Clare—I know you have had lots of questions and we will move on in a minute. What are your concerns about the Bill's provision covering independent educational institutions, which I believe Broadleaf falls under?

**Clare Canning:** I am deeply concerned about that. As I said, we are a committee of parents, and we volunteer our time for free to run Broadleaf. In the document that has been circulated, you will see some of the life-changing impacts that we have had on people's experiences after trauma from school.

Can you remind me of your question? Sorry, my mind has gone totally blank.

**Caroline Voaden:** That is fine. It was on your concerns about the provisions covering independent institutions.

**Clare Canning:** Sorry, yes. As volunteers, we are already absolutely at capacity. We are home educating our own children, and we are providing exceptional, amazing things. We built a show garden for the BBC "Gardeners' World" show. We have written a novel with the Southbank Centre. We are providing so much already that we have no capacity to add to that. If we were given another duty on top to provide information on every child who attends, we would have to close. We do not have paid staff. We do not have the capacity to do that.

On top of that, the idea of regulation or inspection is really problematic if it comes from a body such as Ofsted, because, as I mentioned earlier, we do not work on a school-based model. We are something so polar opposite that if we had to adapt our provision, we would lose everything that makes Broadleaf so magic, and the changes and transformations we see would be lost. It would have a huge impact. We are not the only one—there are other settings across the country popping up in response to the crisis in schools, and they are needed. The local authority needs our provision and is referring to us on a regular basis, so we need to exist.

If the Bill went through in its current form and Broadleaf were to fall into scope as an independent educational institution, that would be it. Those 120 children would not be seen on a regular basis through our services and, by extension, in other places, which is partly what the Bill is trying to do—to make those children visible.



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**Caroline Voaden:** I represent Totnes, and I assure you that you are speaking today for many, many parents I have seen. We have a huge home-education community who share your concerns. I think it is a question of trying to find the balance between not letting children get lost from the system and put at risk of danger, and not disparaging the amazing work you do for children with special needs in particular.

Q38 **Chair:** We will move on now to the area of admissions. Mr Brooke, what are the problems with admissions that the Bill is seeking to fix?

**Thomas Brooke:** I am not sure that I am the best person to address that question. The Bill is introducing a number of measures that no doubt are aimed at particular problems—for instance, the duty to co-operate; but that is not stemming from problems that we see arising.

Q39 **Chair:** Do you see problems with admissions processes and policies as they work at the moment?

**Thomas Brooke:** The important thing to emphasise is that we are essentially a tribunal. As such, we deal with the cases that come to us and fall within our jurisdiction. We do not necessarily have an overview of the admissions system as a whole. Obviously, in the course of our work—we are an expert tribunal and an investigative tribunal—we look at all the issues that surround any particular case that we are looking at, but we do not look holistically at the admissions system across the country. We look at the facts of a particular case, listen to the parties, apply the law and reach a decision. One thing that we do is report annually to the Secretary of State on admissions. We have a questionnaire that goes to local authorities, so we have a feedback in that area, which informs us. We are in the process of preparing that report this year. The main area of concern from local authorities is in-year admissions, as has been touched on earlier.

**Cllr Craig:** The question around the challenge that currently exists and what the Bill seeks to do is a good one. The evidence shows that across the country admissions can be quite fragmented. In some places, like Manchester, we have maintained our place-planning approach and got buy-in from all our schools in the city—academies or not. That enables us to do effective place-planning and makes it easier for the parents, so they are not having to go to individual schools and apply separately. It also helps us to manage the challenge of in-year admissions—which, without that place-planning, could fall to particular schools, as was touched on earlier in the session.

When I talk to members of the LGA across the country, they give a varied picture of how what at times can feel like a fragmented system works best for the parents in terms of getting access. There is probably a debate on the technicalities of the Bill—is it recommending that local authorities maintain a role around place-planning and admissions, or is it mandating that? For the LGA, local authorities are the place that can hold an education strategy that can focus on improving early years—those first 1,000 days through to early years planning through to the post-16



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strategy. It feels like a sensible place to be able to collate and hold the direction for where young people would access education.

**Q40 Chair:** Do you have evidence from your survey of patterns by geography—by region? Are there more disputes or more problems in some areas than others?

**Thomas Brooke:** We do not normally collate our information geographically, but we did look at that because we thought the Committee might want to know more about it. The local authorities that raised in-year and fair access protocols, which generally deal with in-year as a significant issue of concern, are concentrated in the major urban areas, such as London, Birmingham and Manchester.

**Chair:** Does the LGA have a view on patterns across the country?

**Cllr Craig:** I would say that in-year is definitely the biggest challenge, particularly around internal migration—in areas where population growth has continued. It is outside what the Bill is seeking to address, but outside of London, in areas with significant population growth, it has at times been a challenge to get DfE to keep in line with population growth when it comes to place-planning. In our experience, we find the biggest disputes when someone has either put in a late application or moved into an area at the beginning of the school year and—as we all go through the processes as a local authority, or they go through different academies and apply—struggles to get the child into a school that goes above 32 or 33 children in a class.

**Q41 Chair:** Thomas, why has there been an increase in direction, and direction and advice, cases to the schools adjudicator?

**Thomas Brooke:** The feedback we get from local authorities on that is that there are multiple causes. One is a lack of sufficient places in some areas, particularly at secondary. The majority of directions cases arise in the higher year groups of secondary: years 9, 10 and 11. That is coupled with a growing reluctance by schools to take in-year children, particularly those who are perceived to be difficult, whether that is due to their behaviour or to special educational needs. Local authorities tell us that the increase is also potentially due to a rise in mental health issues among children—as is well known, particularly since lockdown and covid—and a lack of special educational needs specialist provision in a number of settings.

**Q42 Manuela Perteghella:** Bev and Thomas, how will the Bill's provisions on admissions translate into real change on the ground? Will they lead to less appeals or direction and advice cases, or more?

**Cllr Craig:** From a local government perspective, there will always be appeals from parents. You see that wherever you look across the country. It is understandable that a parent wants their first choice for their child, and sometimes capacity demands mean that that is not possible. The evidence shows that you can have a coherent, planned system that prioritises a good quality of education, proximity to home and meeting the



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needs of the child. If you plan that in a sensible, coherent way at a local authority level, it leads to higher levels of satisfaction from parents. If you compare areas that hold place-planning with those that do not, they are less fragmented and more coherent and work together more collectively in the system.

**Thomas Brooke:** I should first point out that we have no remit with regards to appeals regarding individual children. With regard to directions, it may be that the Bill's provisions will assist in the ways that Councillor Craig has outlined. That would be welcomed by anybody if the number of directions would therefore fall.

On directions, I would say that the Bill's provisions equalise the process between academies and maintained schools, which previously followed separate routes. The process for maintained schools, which will become the process for all schools, is fairly complex and demands a number of steps of consultation, notice and a decision to direct the possibility of an appeal. It also requires that, before a direction is given, the child has been refused entry to every suitable school within a reasonable distance or has been permanently excluded from any given school. We do not have jurisdiction unless all those steps have been followed.

From time to time, the feedback we get is that local authorities can find that quite onerous—for example, because for primary schools in an urban area, every suitable school within a reasonable distance might be a great many schools, so somebody has to contact each school and wait for a response from each school before the process can move on. At times, these cases come to us and not all of those steps have been followed, and therefore we have to decline jurisdiction and send it back. All of that is an issue, of course, because it delays even further the period of time that vulnerable children are out of school.

My point there is that the process with academies whereby a local authority had to seek a direction from the Secretary of State had none of those specified requirements and therefore was more streamlined. The Bill equalises towards what may be a complex process rather than a simple one.

**Cllr Craig:** I think all of that is right. I suppose my reading of the Bill and what it tries to do, though, is building a bit of collectivism at place level, and a bit of resilience in the system, and trying to see admissions and place-planning as a plan for a place. At the moment, in too many areas in the country, it is individual schools making individual decisions on the basis either of their maintained status through the local authority or as a multi-academy trust.

In our experience in Manchester, we find the need for directions much less because you've got flex and give in a system. I would say that the benefits of having that collectivism are not just around admissions and place-planning. We have led a process of internal improvement. Manchester historically has had some of the worst schools in the country and we have managed to get ourselves to a point where, through school-led



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improvement, we are now—from an attainment perspective—at or above national average for the first time in Manchester’s history. That comes from the softer things that you build in a system.

I would say that the provision in the Bill around admissions and place-planning is only one thing that can grow when you start to build a bit of collectivism in a school-based system.

**Q43 Jess Asato:** Is the Office of the Schools Adjudicator equipped to take on a more strategic role in school admissions or is this not your expectation of how the additional powers in the Bill will take effect?

**Thomas Brooke:** The answer is very definitely yes. I think we are equipped to take on what may be a more strategic role. That particularly applies to the powers around published admission numbers—PANs.

We do not yet know quite how that will work. At the moment, we can consider objections to published admission numbers where they are reduced, and the Bill will introduce a measure whereby we can consider where a published admission number remains the same or where it is increased, where those objections come from a local authority. What we have to consider when we consider that is yet to be set out in regulations and the school admissions code—we will find out. Whatever it is—and I know the policy documents have suggested the needs of the community and so on—I think we will have to look at the overall picture of school admissions, distribution of children, the standards in the various schools and the admission numbers, whether those schools are gaining sufficient admissions to be financially viable, and the effect of parental preference and how that would be affected by any change to published admission numbers. What I envisage may happen is that local authorities that feel that there is a particular imbalance in their area may raise objections relating to a number of schools in their area.

We already deal with cases—for example, variations to admission numbers—where we have to look at the whole school area and at many of the schools in the area. We also deal with statutory proposals relating to the opening or closure of schools. Again, in considering those cases, we have to look at the situation across a wide area and consider many different factors, which are prescribed by regulations—so yes, I think we are very well equipped to deal with those new provisions.

**Q44 Jess Asato:** Finally, Bev, on admissions and place-planning, the Government’s policy notes for the Bill state that it “expects schools and local authorities to help (and not hinder) each other on these issues and to behave in an inclusive way”. How long do you think it will take to create a culture of collaboration on school places across the country?

**Cllr Craig:** That is the million-dollar question. I think that there are some clear parameters that the Bill has to set out, as it moves into legislation, to make clear the direction of travel. I think that clearly setting out that there is an expectation that local authorities will have a role in admissions and place-planning will begin to shift the dial in terms of some of the places that have tensions at the moment.



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Some of my members have fed back that the conversations they are having in their local areas, perhaps with some of the larger MATs, have been predicated on the basis that they do not think the local authority will ever have a role, so they therefore have not had to speak to them in that way. The parameters are really important.

Also, this Bill cannot be viewed in isolation from some of the other reforms that are being mooted and under way. We are talking about rebasing local government finance, and we have seen an improved settlement this year for local government—that does not undo what we have seen over the last 14 to 15 years, but we are starting to see the rebuilding of a base there. We have seen, of course, the announcements around SEND and recognition that we need to rebuild the whole system, which is currently letting some of our children and young people down. Seeing all of these reforms coming in, hand in hand with the duty to collaborate and to work together, is really important, but if we do not set the parameters that say, “Ultimately, you have to work together for the betterment of the children in your place,” it makes that collaboration much harder.

In some areas, where resources have felt tight, organisations—be they local authorities or schools—have retreated into themselves. It is about recognising that, as we see in other areas of the Bill, as you start to build out capacity in the system, be that through breakfast clubs or SEND reform, you start to create more spaces where different agencies can work together on that whole-age plan. I think there are some places that already do it very well. Obviously I have talked a lot about Manchester, but we have worked a lot with the DfE, in advance, to share what we think guidance could look like around building that sense of collaboration and that duty to collaborate, but we have to recognise that it might take a little bit longer in some places.

From my experience of LGA members, there is a massive will to be involved. They know some of the challenges that children, young people and their families face outside of school, so they want to be involved in that journey to join all the dots together.

**Chair:** Thank you very much for coming to give us your evidence this morning. That concludes our proceedings for today.