

Children's Wellbeing and Schools Bill

Reassurances and promises made by the Minister

A great many parents and young people are concerned about the Implications of the Children's Wellbeing and Schools Bill. Peers in the House of Lords have raised concerns about many aspects of the bill and, by doing so, have received a number of promises and reassurances from the Minister.

As parents are aware, legal advice is clear that some aspects of the Bill may be challengeable in Judicial Review and much of it is left to guidance and future regulation. Of course, regulation can be far more readily changed than primary legislation and guidance is changed even more easily than that. However, by having the information to hand, parents can be confident that they can raise concerns in an informed way.

We have collated these promises and reassurances in order that parents can hold the Minister to them. We are of course, monitoring the progress of the Bill and will update you when we have further information.

The links to the Hansard transcript of the debate in which these promises were made can be found here:

<https://hansard.parliament.uk/lords/2025-09-02/debates/6DF25E00-270C-4FD1-9245-966191752BFF/Children%E2%80%99SWellbeingAndSchoolsBill>

<https://hansard.parliament.uk/lords/2025-09-02/debates/E8A85F3C-E44E-4018-A728-B218B3A192D9/Children%E2%80%99SWellbeingAndSchoolsBill>

Promises

Column 651/2	it is important that we ensure that these relationships are maintained and built on the basis of trust and a sense that what is being asked for by the Government is reasonable. We will, as the noble Lord, Lord Frost, said, use this information to support and direct local authorities to ensure that that is happening, not, as I know some people fear, to prevent parents from home-educating, but to make sure that that relationship is based on a recognition of the best interests of children and of the right of parents to educate their children at home as long as they are providing a suitable education in doing that. The department will and has stepped in where local authority practice is wrong or overbearing.	LA / EHE relationships
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Column 654	We wholly recognise that some parents will use educational styles that are not school-like methods, and we will consider this when setting out in regulations how time must be recorded on registers.	Diversity
Column 658	I will be clear about how we can ensure that the register will not reveal, for example, the whereabouts of a parent who has escaped abuse	Registers
Column 660	we will issue guidance that promotes best practice for keeping parents' and children's information secure.	Safety
Column 679	I recognise that noble Lords are concerned about the burden that the duty to provide information on a child's education provision places on parents and local authorities. We will ensure that those burdens are kept as low as possible.	Register
Column 679	Parents will not be required to give details on non-educational activities, for example, and we will outline this in detail in statutory guidance and, obviously, consult on the details.	Register limits
Column 679	we will make it clear in statutory guidance that parents will not be expected to give details of non-educational activities for the register.	Register limits
Column 679 to 680	I take the point that it will not be a case of simply adding up the number of hours provided; it will be much more nuanced and careful than that in determining whether the education is suitable.	Assessment
Column 699	My department will consult on the content of regulations following Royal Assent.	Consultation
Column 700	As mentioned, we will consult on all regulations used to implement the 'children not in school' measures, all but one of which will then be laid via the affirmative procedure.	Consultation
Column 706	we are seeking a delegated power for the Secretary of State to prescribe how local authorities maintain and keep their registers, including the use of a prescribed registration form. We will ensure that the form is accessible and simple for families to use.	Registers
Column 707	The guidance updated as part of the children not in school measures will build on existing non-statutory guidance to ensure greater consistency around complaint processing.	Complaint processing

	The new statutory guidance will also be consulted on prior to implementation.	
Column 713	of course we will periodically evaluate the impact of the registers on local authorities and parents, following their implementation, and bring forward any necessary adjustments to your Lordships' House as appropriate.	evaluation
Column 714	we already intend to evaluate the impact of the registers. We have established a forum of home educators and other key stakeholders and are engaging with them on the registers. We will continue engagement post-implementation to evaluate the impact of the registers.	Evaluation
Column 714	While we agree on the need for regular and transparent monitoring of the registers, six months is too soon to gather meaningful insights. We will begin analysing data from local authorities one year after the registers come into force and engage with parents and out-of-school education providers at appropriate intervals. This monitoring will demonstrate whether adjustments need to be made. Where this is the case, we will bring it to your Lordships' House in the usual way.	Register monitoring
Column 715	<i>(will she also commit to a baseline so that we know where they have started from and not just where they are in a year's time? Might she also make a slightly firmer commitment to report to Parliament on how it is going?)</i>	
	(Baroness Andersen) I am happy to commit to write to the noble Lord and reflect on what he has said.	
Column 717	We will continue, therefore, to engage with the sector on the implementation of children not in school registers, so it is confident in what the registers mean for it. (Out of school providers)	Out of school providers
Column 718	I agree with the sentiment behind these amendments. The Bill allows for regulations to set a threshold, and we are committed to setting it at a suitable level.	Register threshold
Column 718	We will consult further to ensure the threshold balances the need for local authorities to collect necessary information without placing unreasonable burdens on providers.	Register threshold

Column 718	It is our intention to exempt those organisations that have a drop-in, drop-out nature or happen irregularly. Examples of that include museums that offer workshops for children, as my noble friend Lady Morris stated.	Register exemption
Column 719	public lectures that are open to any family or individual to book; and periods of work experience, as the noble Lord, Lord Crisp has suggested. It is our intention to exempt those organisations and types of activities.	Register exemption
	As part of the implementation, we will keep engaging with the sector to ensure continuity of provision for home-educated children; I recognise how important that is.	
Column 719	We will look to make it clear in the statutory guidance that authorities can engage with providers to correct minor mistakes without having to resort to penalty notices.	Providers
Column 720	(in response to request to put limits on time limits for providers in the bill) I have stated it on the record here. I would be more than happy to write to noble Lords, going over again the intention with respect to those regulations.	Time limits
Column 734	It is certainly possible to think about how we could support parents in finding access to exam centres,	Examinations
Column 736	(Exam access) I take his point that we could make progress on this were there to be some brokering of arrangements. I would be willing to give further consideration to information about access to examinations and how to overcome some of the issues.	Examinations
Column 744	I appreciate that the noble Lord is concerned that a formal notice can be daunting for a parent to receive. We will consider what further guidance can be issued to parents and local authorities as part of the implementation of these measures to ensure that they can engage confidently with the process.	Formal notices
	The best interests test requires local authorities to take action when they identify children subject to child protection inquiries or plans whose interests would be best served by regularly attending school, regardless of whether the education provided at home is considered	Best interests

	<p>suitable. Statutory Guidance, Working Together to Safeguard Children, provides clarity on what making best interests decisions means and will be further updated as part of the implementation of these measures.</p>	
Column 745	<p>It would perhaps be best for me to deal with the set of amendments in the name of the noble Lord, Lord Wei—which concern penalties for parents in a range of circumstances—by writing to noble Lords with some assurances about each of the amendments, rather than going through them all in this debate</p>	
Column 746	<p>(there are children going through the system for whom the dangers are not absolute, but if, for example, the child has deep school anxiety, or has really been bullied in the school, or the school has taken against them for some other reason and they have a horrid experience, and the local authority says, “Go back in”, what is the experience of the parent in appealing that? I do not have the grip on the details of the system that I would like).</p>	EBSA
	<p>I will write about that specific point.</p>	
Column 748 to 749	<p>Amendment 357 calls for local authorities to provide formal reasons whenever a school attendance order is issued. Local authorities are already subject to public law duties, and this includes providing reasons for decisions. Statutory guidance will ensure that local authorities are given clear advice and expectations on these matters.</p>	Formal notices must give reasons
Column 749	<p>A local authority should ensure that the school named in an order is right for the needs of the child in question. We recognise that some pupils will be impacted by issues such as emotionally based school avoidance. Our guidance is clear that schools should work with the child and their family to remove barriers to attendance and build strong and trusting relationships.</p>	SAO EBSA
Column 750	<p>There is a series of amendments tabled by the noble Lord, Lord Wei, that have not been addressed in the debate. As I did previously, I will write to noble Lords responding to those amendments.</p>	

Column 752	advice on how to conduct these visits sensitively, as the noble Baroness, Lady Barran, rightly suggested is required, will be a key focus of our statutory guidance	Visits
	I am going to suggest that the amendments brought by the noble Lord, Lord Wei, beginning with Amendment 406, might be suitable for me to write to noble Lords about.	
Column 753	I hope that I have assured noble Lords that the ability to request a visit is an important opportunity for the local authority, but that these visits will be carried out sensitively, and, if necessary, we will provide further statutory guidance on how that should happen. I will respond to the amendments from the noble Lord, Lord Wei, in writing to noble Lords.	Visits

Reassurances

Column 651:	it is important that the registers work as intended. They should not encroach on the ability to home-educate.	Register
Column 651:	Just to be completely clear, we know that the home education community is diverse and varied. Home education can take place in all walks of life, in cities or the countryside, and be delivered by those with professional teaching experience and those without. It often delivers an excellent education to children	Diversity
Column 651:	I have said previously in these debates and will continue to say that we wholly recognise the right of parents to educate their children outside schools.	Right to EHE
Column 651:	it must be possible for local authorities to identify all children not in school to ensure that they are receiving a full-time, suitable education. That oversight should be underpinned by local authorities engaging positively with home educators.	LA / EHE relationships
Column 651:	he registers should give us a clearer picture of not only how and where children are being educated but also how local authorities engage with and support children not in school and their families. This information will support the department to identify best practice and consider how it can potentially be replicated across authorities to build strong, trusting relationships with parents.	LA / EHE relationships

Column 651:	it is important that we ensure that these relationships are maintained and built on the basis of trust and a sense that what is being asked for by the Government is reasonable.	LA / EHE relationships
Column 653:	Let me be absolutely clear: the only information required to be held on registers is information which is easily available to parents and obtainable by local authorities and which is considered necessary for ascertaining suitability of education and safety of the child. This includes basic information such as the child's name, date of birth and address, as well as high-level details of education provided by the parent and others.	Registers
Column 653	of course this would not require daily, weekly or even monthly reports from parents. That is absolutely not the intention here.	Registers
Column 654:	parents who have fled domestic abuse should be reassured that they will not be required to seek out the details of the other parent. They need to provide only the information that they know. But I will be clear about how we can ensure that the register will not reveal, for example, the whereabouts of a parent who has escaped abuse.	Safety
Column 658:	I appreciate that noble Lords have tabled these amendments based on concerns that some parents are estranged from their families for reasons such as domestic abuse. Recognising that concern, we have engaged with organisations that support domestic abuse survivors on our proposals and will continue to do so as part of their implementation.	Safety
Column 658:	Data protection protocols will help to ensure that all those on the register are safe. Specifically, in cases where a known abuser has made a subject access request regarding their child, the local authority, as data controller, can make determinations, considering the facts of the case, including safeguarding concerns.	Safety
Column 658:	I and my colleagues in the other place are clear on the importance of ensuring that all appropriate safeguards can be in place for victims of domestic abuse.	Safety
Column 658:	Let me be clear that local authorities will not be able to publish from their registers the name or address of an eligible child or their parent or any information that could lead to their identities being deduced.	Safety

Column 659:	I assure noble Lords that data protection laws are clear that data must not be kept longer than necessary and must be retained only when there is a lawful basis. Entries on the register will therefore be deleted prior to a child turning 18 as a child is eligible to be included on the register only if they are of compulsory school age. As my noble friend alluded to, some information may need to be retained on other local authority records for a longer period; for example, a looked-after child remains with their local authority until they are 25, and it is crucial to hold some historical information as part of education and safeguarding inquiries. Current laws already allow this.	Data protection
Column 659:	I reassure noble Lords that immigration authorities do not feature in any of these categories.	Data protection
Column 679:	We have said that a suitable education will vary for each child, depending on their age, ability and aptitude, as well as on whether the child has a special educational need or disability; and that, as such, each individual assessment must rest on a balance of relevant factors depending on the circumstances of each child.	Diversity
Column 679:	There are no specific legal requirements for the content of home education, provided the parents are meeting their duty under Section 7 of the Education Act 1996. This means that education does not need to include any particular subjects or have any reference to the national curriculum. There is no requirement to enter children for public examinations. There is no obligation to follow the school day or to have holidays.	Diversity
Column 680:	The personal address of a provider would be required to be recorded only if there is no business address or the person providing the education was doing so from their private address.	Safety
Column 682:	I think there has been concern by some parents about the extent to which they will be expected to provide that information. That is not the case; it is, as several noble Lords have rightly argued, simply about how we can ensure that these registers are effective and useful while being as unburdensome as possible	Registers
Column 699:	Just to reiterate, as I did on the last group, parents need to provide only certain limited information about their child: their name, date of birth, address	Registers

	and how they are educated. All further information which the Secretary of State may prescribe for inclusion in the registers is voluntary for parents to provide. This includes information on the child's protected characteristics, current or previous child-in-need status, the reasons for the child having looked-after status on the registers, and reasons why the child is eligible for inclusion in the register.	
Column 705:	I hope, important comments from me and others on the support that exists within the English and Welsh education system, precisely for parents to home-educate, and the reiteration by this Government that there is no intention in this legislation to remove that right. In fact, there is an intention to provide additional recognition and support	Right to EHE
Column 705:	In terms of parents giving detailed information on the child's learning objectives and progress towards them, we want parents to continue to have flexibility to submit information in a way that works best both for them and for the elective home education officer. However, for the basic information, such as where the child is being educated and by whom, it is essential that there is a level of consistency in how this is submitted, collected and maintained.	Register
Column 707:	We are committed to ensuring that the registers work for everyone and will continue to take into consideration the feedback that we have heard from your Lordships, home educators and local authorities.	Register
Column 707:	If a parent of an eligible child does not provide required information for a register, local authorities may continue informal inquiries.	Delinquent parents
Column 707:	Local authorities are required to act in accordance with the law and should follow statutory guidance.	LA / EHE relationships
Column 707:	Data gathered by the department as a result of the children not in school registers will also allow us to draw comparisons between local authorities, identify any outliers and offer further support to these local authorities where appropriate.	LA / EHE relationships
Column 709:	The information collected will be used for straightforward reasons. Analysis to identify trends to feed into policy development, maintaining the integrity of the register and supporting safeguarding, education and welfare will allow us to identify why	Register

	some children are moving out of mainstream education.	
Column 718:	This is not to say that informal or ad hoc educational arrangements are invalid. We know that some home-educators follow child-led approaches to learning, in which, under the direction of their parent, children learn from a wide range of people they encounter in their daily lives. Parents can record this as time spent in education for the purposes of the registers, but local authorities will not have the power to seek information from those individuals. (in respect of ad hoc providers)	Diversity
Column 718:	It is also important to note that the provider duty applies only where education is provided without any parent of the child being actively involved in their tuition or supervision. This means that groups of home-educating parents who meet up with their children are unlikely to be captured by the duty., creators of platforms for e-learning, for example, would not be required to give information on children who access their websites.	Providers
Column 719:	The drafting is already clear that the total amount of time that the provider provides education to the child refers to the time when the child is receiving education from the provider. However, statutory guidance can be used to give further detail if necessary.	Providers
Column 725:	department publishes school educational performance data to track the performance of individual institutions to keep them accountable. It would not be right for the local authority to publish data on home-educated children in the same manner.	LA / EHE relationships
Column 726:	While home-educating parents assume full responsibility for the education of their child, local authorities can and should be a source of information and advice for parents. At the heart of this is the importance of families and local authorities working together to support all children to achieve and thrive. The support duty establishes a baseline level of support across all English and Welsh local authorities. We will say more about the form that that should take in statutory guidance,	LA / EHE relationships
Column 733:	I am happy to advise that local authorities will have to have due regard to each individual request from parents, which would include consideration of	LA / EHE relationships

	accessibility through use of languages other than English where necessary.	
Column 733:	to have regard to the needs of the child and educational preference of their parents when considering which forms of support to offer. [This amendment is unnecessary.] We would already expect local authorities to take these factors into account when offering advice and information as part of the support duty..	LA / EHE relationships
Column 734:	it is quite difficult for government to legislate for good relationships, but I can reassure the noble Lord that an expectation for local authorities to build positive and respectful relationships with home-educating families, underpinned by well-trained and knowledgeable staff, is set out in existing departmental guidance. However, I know that he and others are concerned by reports from some home educators that local authorities are not following this guidance. The department does take seriously any complaints received about the conduct of local authorities, as I suggested earlier today. If the Secretary of State is satisfied that a local authority is acting unreasonably, she can intervene using the powers available to her under Section 496 of the Education Act.	LA / EHE relationships
Column 735:	This will support the carrying out of some of the research that noble Lords have identified into the nature and success of home education.	LA / EHE relationships
Column 744:	Local authorities will be able to issue a preliminary notice under the relevant subsection only if it appears to them that the child subject to the Section 47 inquiry is not regularly attending school and that it would be in that child's best interests to do so. A preliminary notice will not automatically result in a school attendance order.	LA / EHE relationships
Column 745:	These formal inquiries are not initiated lightly; their use signals serious concerns about a child's welfare. Section 47 inquiries should not be initiated based purely on the fact that a parent is home-educating, as we are clear that home education is not in itself an inherent safeguarding risk.	LA / EHE relationships
Column 745:	local authorities should not normally issue a preliminary notice in response to a genuine error by a parent but instead continue informal inquiries.	LA / EHE relationships

Column 748:	If a Section 47 inquiry has concluded and not resulted in a child protection plan, parents will not be required to demonstrate that home education is in their child's best interests.	LA / EHE relationships
	The Bill does not require local authorities to make financial inquiries of families as part of the school attendance order process.	LA / EHE relationships
Column 752:	I can assure noble Lords that our statutory guidance will provide further steers to help local authorities sensitively conduct visits, and we will consider whether additional support is needed, such as training for local authority staff.	LA / EHE relationships
Column 753:	The Bill does not give local authorities any additional powers to regulate the content of home education.	LA / EHE relationships
Column 754:	I completely accept that one of the reasons why parents want to home-educate is to provide different and more flexible approaches to the way in which children learn.	Diversity
	I reassure him that local authorities will still be required to follow the processes outlined in Regulation 22 of the Special Educational Needs and Disability Regulations 2014.	LA / EHE relationships
Column 755:	A local authority should ensure that the school named in an order is right for the needs of the child in question.	LA / EHE relationships
Column 756:	Our guidance is clear that schools should work with the child and their family to remove barriers to attendance and build strong and trusting relationships.	LA / EHE relationships
Column 757:	I reiterate—it feels right to be doing this at the end of this debate, as I did at the start—that parents have the right to educate their child in the way that best suits their needs, if that education is suitable. The Bill does not change that.	Right to EHE