

NGA Evidence Submission: Children's Wellbeing and Schools Bill

NGA is the national membership body for governors, trustees and governance professionals in England's schools and trusts. We provide expert support, legal advice, resources, and e-learning to strengthen governance and help every pupil thrive. NGA welcomes the ambition behind the forthcoming Children's Wellbeing and Schools Bill - to remove the barriers to opportunity for all children. This submission draws on evidence from "The Mature MAT Model" (National Governance Association, 2024) to highlight opportunities to strengthen part two of the bill while protecting the demonstrated benefits of the trust system.

Equality in the mixed economy system

NGA is pleased that the government is seeking to address long standing inequalities in the mixed economy system. For too long, the maintained sector has been held as the poor relation to the trust system. Alignment in expectations around pay and conditions; qualified teaching status; and the national curriculum (**clauses 40-41, and 45**) are all, in principle, logical measures to provide a level playing field for all school types.

NGA broadly welcomes the bill's proposed provision of additional and proportionate intervention via the creation of a new legal route that allows the Secretary of State to issue a compliance direction to academy trusts that have breached their legal duties or are acting unreasonably (**clause 43**). However, in its current wording, the bill does not pay enough attention to the accountability and responsibilities of the governing board as the responsible body and employer. We therefore recommend an amendment or accompanying guidance which clarifies that the levers afforded to the secretary of state should complement and work with, not against, the regular oversight conducted by the trust board. With the best will in the world, the central government will not be in the position to regularly intervene in trusts, nor monitor them from day to day. It is therefore vital that where intervention does occur, boards are given the support to ensure directions are implemented, and improvements can be sustainably delivered in the long-term.

NGA also welcomes the bill's acknowledgement that forced academisation has not always been the right option for an underperforming maintained school, and has sometimes come at a significant cost to the school community, pupils and the local area (**clause 44**). While trusts can be highly effective in delivering school improvement, this is not always the case, so the automatic process was overly blunt and unnuanced. Further information will be needed on how the decisions about the appropriate intervention for a given school will be taken – stakeholders, especially those governing, should be involved and able to provide their invaluable insight, but it is also vital to ensure decisions are taken quickly so urgent improvement can be delivered. In the same spirit, the bill is also right to recognise that where a community needs additional school capacity, a new academy is not always the best option (**clauses 51-55**). While the success of many trusts is well publicised and so a new academy will often make sense, it is right to tweak the current rules as in some parts of the country, LAs might have more capacity than local trusts to open and support a new school.

The role of schools in society

The unprecedented expansion of schools' societal responsibilities has created an unsustainable burden that actively threatens their fundamental educational mission and core purpose. Schools have been at the frontline of mitigating the consequences of austerity, the pandemic and the cost of living crisis on the most vulnerable. As those legally responsible for schools' and trusts' strategic direction, governing boards have direct, responsive insight into how these pressures evolve, are managed, and ultimately impact educational outcomes and workforce sustainability.

The bill's provisions around breakfast clubs and school uniforms (**clauses 21-23**) are sensible measures which reflect this context, and will most benefit those families in poverty. The series of new child protection measures (**part one of the bill**) to avoid vulnerable children falling through the cracks are also much needed, and include a number of measures which NGA have long advocated. At the same time, it is also important to acknowledge that these measures – while welcome – will not solve the underlying situation. From long-term funding pressures to the SEND crisis, post-pandemic attendance challenges, and child poverty, a major, cross-government response is needed, led by the Department for Education as the department for opportunity. Whether this can be recognised within the bill, or separately, a coherent vision is needed for how the foundations of our society can be fixed.

Specific points for consideration

1. MATs and the National Curriculum (clause 41) - Our research demonstrates that successful multi-academy trusts (MATs) have achieved a delicate balance between centralisation and local flexibility. While we recognise that curriculum alignment across the system may be beneficial for ensuring all pupils receive essential knowledge, the legislation should preserve trusts' ability to innovate and respond to local needs, enhancing rather than stifling the flexibility within the system. Evidence shows that "many trusts are driving new forms of innovation in the sector by realising the benefits of close collaboration and integration" (NGA, 2024, p.3). To protect this, NGA suggests the Bill includes provisions that explicitly protect all schools' ability to enhance and build upon core curriculum requirements in response to their specific context and communities.

2. Governance and the role of the employer (clause 45) - Our research identifies that mature MATs have developed effective approaches to staff development and retention. The report found that "as a single employer, a trust can improve opportunities for career progression by allowing movement between schools" (p.15). We therefore recommend that the bill is amended to ensure the statutory framework for pay and conditions establishes minimum standards while preserving flexibility for trusts to innovate, and providing maintained schools with greater opportunities to deliver innovative and flexible approaches to staffing too.

3. The role of the LA in admissions (clauses 47-50) - NGA is keen to welcome a new focus on democratic legitimacy and place-specific knowledge driven by the government, while also highlighting the need to avoid conflicts of interest and "blurred lines of accountability" (p.23). While LAs maintain a significant proportion of school and so have a central role in providing education, there will be inevitable limits on how far they can operate as an effective regulator too. We recommend that in delineating the responsibilities between trusts and local authorities, the bill also establishes formal mechanisms for coordination and dispute resolution, with the role and remit of boards as strategic decision makers being protected.

Conclusion

The recommendations above aim to achieve the appropriate balance of both serving and refining a mixed economy system that is expected to achieve ambitious goals in challenging circumstances. We believe this can be done by ensuring the legislation creates a more coherent system which supports maintained education provision but simultaneously protects trusts' ability to continue driving significant improvement. As our own report concludes, "trusts are more than the sum of their parts. At their best, they transform the opportunities available to their schools, staff and pupils" (p.26).

NGA believes the Children's Wellbeing and Schools Bill can, with some slight alterations, be pivotal in creating a more equitable education system for all, regardless of circumstance. NGA looks forward to working with the government, and ensuring the essential voice of the governance community contributes to fixing the foundations of the education system, and ultimately breaking down barriers to opportunity.