

**Written evidence to the Public Bill Committee submitted by the National Education Union
(CWSB189)**

Children's Wellbeing and Schools Bill

Introduction

1. The National Education Union (NEU) welcomes the opportunity to submit evidence on the Employment Rights Bill to the Public Bill Committee.
2. The NEU is an independent trade union and is the largest education union in the United Kingdom (UK) and Europe. We represent half a million serving teachers, headteachers and support staff in maintained schools, academies, independent schools, maintained nurseries, sixth form, tertiary and further education colleges in the UK.

Executive summary

3. This briefing note provides the National Education Union's response to the Children's Wellbeing and Schools Bill. The NEU welcomes the Bill overall and thinks it will make a meaningful difference to the lives of educators and children and young people. It is significant and decisive with an exciting set of announcements.
4. The announcement that all teachers will be covered by the same pay and conditions framework is particularly welcome. A unified framework ensures fairness, supports teacher mobility across the system, and moves us closer to a fair national pay structure sufficient to value, recruit and retain educators. These changes should help address the recruitment and retention crisis in education.
5. The evidence is clear that the freedom of academies to deviate from national pay and conditions has led to excessive pay for academy chief executives, whilst classroom teachers in academies are paid on average less than their counterparts in maintained schools.
6. The decision to end the presumption that all new schools must be academies also marks a positive shift in policy. This is particularly welcome because it will enable local authorities to open special schools and reduce reliance on unaffordable independent special schools. Removing the duty for schools to join multi-academy trusts also reflects a willingness to reset the relationship with the profession, offering greater flexibility for schools to align with local groups rather than national ones.
7. Child poverty is currently getting worse. It is both encouraging and crucial to see the new Government demonstrate a renewed focus on tackling poverty. However, we would highlight that a significant step forward would be to eliminate the two-child limit and benefit cap which is a key driver of child poverty whilst also funding free school meals for all primary school pupils.
8. The Government's commitment to breaking down barriers to opportunity is positive and there is real potential in the Government's Opportunity Mission. For this to have meaning on the ground, schools must be adequately funded from this year's spending review onwards

and properly staffed so children and young people have the familiar faces and continuity in each subject that stable staffing brings.

Recruitment and retention

9. Plans to recruit additional 6,500 teachers are welcome. Parents are well aware of the scale of problem, with teacher shortages across the curriculum. To address the teacher recruitment and retention crisis, there will need to be more progress on the issues of unsustainable workloads and falling real-terms pay that are pushing so many out of the profession.
10. We welcomed the new Government's commitment in July to honour the 5.5% September 2024 teacher pay increase. We said at the time that this must be the first in a series of fully funded, above inflation pay increases needed to correct teacher and school leader pay. We were therefore disappointed to see in the Government's evidence to the pay review body a proposed pay increase of just 2.8% for teachers and school leaders in September 2025.
11. Furthermore, is proposed that the 2.8% would not be funded and schools would have to make 'efficiencies'. Senior leaders already go through a rigorous process of examining every budget line every year. The reality is that there are no 'efficiencies' that can be made without further damaging cuts to education provision. A recent [DfE report](#) looking at school finances, found that just 3% of primary schools and 6% of secondary schools described themselves as "financially secure." It would be a mistake and deeply damaging for the Government to cut schools' spending power any further because after 14 years of austerity – England now has the largest class sizes in Europe, the highest secondary class sizes on record and more than a million pupils taught in classes of more than 30.
12. Initial Teacher Training (ITT) numbers were released in December. They once again show the depth of the crisis in recruitment, with over 10,000 fewer postgraduates starting ITT courses in September 2024 than are needed.
13. Problems remain in shortage subjects but are visible across the board. Shortages exist in primaries and in most secondary subjects, despite most secondary trainees receiving either a bursary, salary or another form of payment.
14. The Union welcomes recent [comments](#) from the Secretary of State for Education that "teaching should be the career of choice for our best graduates". To help make this vision a reality, the NEU is calling on the new Government to establish a Commission into raising the status of the profession and its attractiveness, to address the recruitment and retention crisis.
15. Support staff are an essential part of the education service and must be offered better terms and conditions. The re-establishment of a discrete negotiating body for support staff is welcome and long overdue. Support staff, predominantly female and already the lowest paid members of the school workforce, have experienced the same real-terms cuts in pay as their teacher colleagues, and similar workload pressures. So, the government is right to foreground how collective bargaining via the new negotiating body can help to resolve the severe recruitment and retention crisis in support roles. Tens of thousands of NEU support staff members will be keen to contribute to its success.

Child Poverty

16. The NEU welcomes the Government's focus on breaking down barriers to opportunity and on the goal of supporting every child to thrive. It is shameful that the Government inherited a situation where more than four million children live below the poverty line. Urgent policy interventions are required because more children are falling into poverty.
17. We look forward to the publication this spring of a strategy to reduce poverty and to the commitment to cross-department collaboration and planning. A Child Poverty Strategy must set out a long-term plan to eliminate the deep patterns of child poverty.

Two-child limit and benefit cap

18. However, we would stress that a significant step forward would be to scrap the two-child limit and the benefit cap, which are the key drivers increasing child poverty. From 2014-2023, the number of children in households with three or more children growing up in poverty rose from 35% to 46%. In the same period, child poverty for those with no sibling or one fell.
19. Scrapping the two-child limit and benefit cap is not only affordable but will save the Government money. While child poverty costs our economy £39. billion per year, removing the two-child limit would require spending £1.8 billion and removing the benefit cap would require just £0.5 billion. This would have an immediate and life changing impact on the pupils our members educate.
20. Removing the two-child limit would lift 300,000 children out of poverty and mean 700,000 children are in less deep poverty, and ending the benefit cap would see 300,000 children in less deep poverty.

Breakfast clubs

21. The NEU supports the introduction of universal breakfast clubs. To be effective, breakfast clubs will need to be properly funded and staffed to ensure that schools have the capacity to deliver a healthy and nutritious meal without being an extra task for very hard-pressed current staff, already covering many responsibilities.
22. The next goal should be funding free school meals for all primary school pupils, which would benefit more children, ensuring that all are able to access a free meal. Where this provision has existed in Sweden for decades, [economists have found](#) that universal FSM increases pupils' lifetime earnings, with the biggest increase for the most disadvantaged children, thereby reducing inequalities for a generation beyond school.

School uniform

23. The NEU welcomes the proposal to make school uniform more affordable by limiting the number of branded items of uniform and PE kits that a school can require. We think that this should be accompanied with grants for families who are struggling to buy uniforms.

24. Research from the DfE on school uniform shows that children from households facing financial hardship are much more likely to report that their child has been sent home from school because they did not have the right uniform.
25. The cost of a school uniform is a clear barrier to attendance, and it features strongly as a concern among parents. Behaviour policies require school uniform to be appropriate and this is a real worry for parents; it can send students down a pattern of breaching the behaviour code with the sanctions that this brings and can undermine regular school attendance.

Safeguarding, Inclusion and SEND

26. The Bill also outlines a new duty on local authorities to have and maintain Children Not in School registers and provide support to home-educating parents. The NEU agrees that stronger oversight of pupils who are not in school is required. However, the Government's approach should be non-punitive with a focus on improving inclusion and support to address the underlying causes. Quicker access to specialist SEND support for staff and students in mainstream schools is essential to improving attendance.
27. Changes must acknowledge the significant workload pressures that frontline staff, including those in schools, face due to cuts to services and increasing levels of social deprivation. Therefore, solutions must include increased funding for additional staff capacity and training as well as time for each service to share information, liaise, make plans and engage with parents/carers.
28. The system must also focus on improving inclusion and providing support, rather than taking a punitive approach. Addressing the underlying causes of exclusion requires greater investment in SEND support, including local hubs with specialists in mental health, education psychology, and therapy. These services should work closely with schools to provide timely assessment and support for children and families.
29. With huge waiting lists for Child and Adolescent Mental Health Services (CAMHS) and other mental health services, there is currently an acute lack of support for children who are struggling with mental health and anxiety related illness. The proposal to fund a counsellor in every school is welcome and will address some of the early support needs but will do little for those students already in crisis.
30. The NEU also wants to see increased funding for inclusion in mainstream schools. This would include improved working conditions for SENCOs with enough school funding for them to have sufficient non-contact time to do the job and support class teachers. It would also include access to local SEND hubs and increased capacity of pastoral teams in school, in order to build closer links with families.
31. The NEU welcomes clause 2 of the Bill and the inclusion of education agencies in safeguarding arrangements. We believe that currently:
 - Incidents of domestic and other abuse within families are not adequately communicated to schools and colleges.
 - Designated safeguarding leads who make referrals receive little or no feedback.

- Strategy meetings/discussions are not always recorded accurately and efficiently, with actions clearly identified for individual schools and colleges to undertake.

32. We believe the barriers that lead to these behaviours are:

- Inadequate processes.
- Lack of staff; and
- A belief that, except where concerns are raised about school/college staff, child safety concerns should flow in one direction only i.e. from schools and colleges to children's social care and the police.

33. School/college staff do not always know about the outcomes of the cases they report, even to the extent that, in many cases, they do not know what has happened once they have reported the case to children's social care. This has implications for their confidence in the child protection system, their development of a professional practice-based knowledge about case management, and ultimately, their ability to accurately detect and report safeguarding concerns.

34. To view themselves as a team of professionals working towards a shared goal, education, health and social care professionals require more opportunities to work collaboratively, particularly when local safeguarding policies and practices are being formulated. In previous years, Local Safeguarding Children's Boards (LSCBs) did little to involve a wide range of schools and colleges in the formulation of such policies and practices.

35. The replacement of LSCBs with Safeguarding Partners in or around 2018 has not improved the situation. Safeguarding Partners have also failed to create better join-up between children's social care, police, health services and education. It is hoped that a duty to automatically involve schools and colleges will ensure that the knowledge, experience and expertise of educators feature more prominently in the plans of safeguarding partners going forward.

Academies

Academy Presumption

36. The Bill proposes to end the presumption that all new schools must be academies. This marks a welcome shift in policy and demonstrates a willingness to set a new direction. The removal of the 'duty' to force schools into MATs is another positive development. This policy was never evidence-led and undermined the autonomy of schools and local communities.

37. The NEU also advocates for mandatory local governing bodies in MATs, with parent and staff representation to ensure accountability. MATs can also choose whether their schools should have local governing bodies at all. This structure means that an academy within a MAT may have little influence over the trust's direction, leading to reduced accountability and responsiveness to the views and needs of local schools and their communities.

38. The Bill would be strengthened through an amendment to give schools the ability to leave poorly performing MATs to join local authority control or other suitable arrangements. Currently, schools in MATs lack separate legal entities, leaving it up to the MAT board to delegate which powers, if any, to individual academies. A consequence of academies not having independent legal identities within trusts is their inability to leave a MAT that is not supporting them, whether to join another MAT or return to local authority control. Preserving the one-way street for schools – that they can only become academies and not return to the LA – goes against the evidence about what works for schools.
39. Plans to end the academy presumption are particularly important for addressing the SEND funding crisis. Local authorities need the power to open special schools to reduce the unaffordable reliance on independent providers and ensure cost-effective, locally tailored solutions.

Inspection of MATs and ending of automatic academisation

40. The Labour Party's 2024 manifesto promised to "enhance" school inspection in several ways, including by bringing MATs into the inspection system.
41. We agree that bringing MATs into a system of quality assurance is a sensible principle and think this should be in the Bill. We think that financial transparency for MATs is particularly important.
42. However, this should come together with a wholesale review of how to reduce the burden of school inspection, so that it does not drive perverse outcomes, such as teacher turnover, student exclusions, and the SEND issues. School and MAT inspections need to be supportive, effective, and fair. Labour's manifesto pledge to scrap one-word judgments is a welcome commitment. It signals a new openness to learning from other countries and sectors about balanced performance indicators and staff motivation.
43. The NEU is also pleased to see the Bill repeal the duty to make an Academy order in relation to schools causing concern. This will remove some stress and pressure associated with Ofsted and our accountability regime. However, given that the Secretary of State will still have the power to academise, this means that forced academisation remains a possibility. The NEU would like to see a removal of the power to force schools to academise altogether.

Co-operation on Admissions

44. The Bill includes an important proposal to require all schools to cooperate with the local authority on school admissions, SEND inclusion, and place planning. This is a step in the right direction. Under the current system, MATs act as their own admission authorities and there are no powers for local authorities to direct them to increase or reduce their published admissions number (PAN) to meet local need. Planning of provision to meet the needs of pupils with SEND is much more difficult in this system.
45. We are pleased to see that the briefing on the Bill refers to local authorities being given "greater powers to help them deliver their functions on school admissions and ensure admissions decisions account for the needs for communities." Effective and efficient co-ordination of admissions, place planning and SEND inclusion will require that local authorities hold real powers in these areas.

National Curriculum and Qualified Teacher Status

46. The NEU also welcomes proposals to ensure greater consistency and coherence between academies and maintained schools by introducing a requirement for academies to follow the national curriculum and stipulating that teachers in academies must hold or be working towards Qualified Teacher Status (QTS). The national curriculum should be an entitlement every pupil deserves and so it is right that all state schools offer the national curriculum. A level playing field is an essential part of fairness and building good outcomes.
47. While not within the scope of the Bill, the Government's commitment to reviewing the national curriculum and its assessment is both exciting and important. Driven by the experiences of NEU members, and supported by research, the NEU has made it clear in our response to the Becky Francis Review that:
- The curriculum is currently not, and must become, broad, diverse, inclusive and fit for the future in order for young people to thrive.
 - The content mandated for each subject needs to be more manageable and enable students to enjoy and consolidate their learning.
 - Assessment methods are not varied/mixed enough to develop the breadth of skills required nor to properly allow students to show what they can do – in many instances using just one mode, the formal written test. Results of tests are misused for school accountability, leading to damaging, perverse consequences to curriculum breadth and student and staff wellbeing.
 - Professionals must be at the heart of curriculum and assessment reforms. No significant change to curriculum and assessment can be made without meaningful, consistent engagement with the profession.
48. The interim findings of the Review are to be published this term. Ensuring we have a responsive curriculum and fair assessment methods links to engaging students and securing their attendance and motivation. It is fundamental to the mission around 'thriving' students and the desire to retain more teaching staff. The *Exam Factory* model of education is not sufficiently attractive for teachers.
49. Clause 40 will help to ensure parity of treatment between teachers in maintained schools and teachers in academies and this is therefore welcome. It is important that teaching is carried out by qualified teachers, and this is a key principle to support good outcomes for learners.
50. However, it is important to plan for the potential negative impact this change may have on overseas trained teachers (OTTs). Not all OTTs are granted automatic QTS when they arrive in England. Currently, the regulations give OTTs in maintained schools four years to acquire QTS. Presumably, this will be the same for OTTs in academies. It might be helpful for the relevant period to be less than four years, since some academies, in order to pay OTTs 'unqualified teacher pay rates', indefinitely, have resorted in the past to undermining the efforts of some OTTs to gain QTS through the assessment only route. There is a risk that some employers make insufficient effort within the four-year window to support their OTTs in obtaining QTS.
51. We recommend, to avoid exploitation of teachers who qualified overseas, that the Bill should be amended to introduce a statutory duty that would require the employers of teachers (including academies) to fund access to the assessment only route before the four-year window expires.

Finances

52. The soaring pay of academy CEOs is a significant problem, which means that money is not going to where it should be – into teaching and learning, improved adult to pupil ratios, and individual attention for children and their progress. Due to a lack of meaningful local governance and accountability in MATs, these decisions cannot be scrutinised or challenged effectively by schools, staff or parents. The NEU believes that the Government should introduce a cap on CEO pay within academies. It should also introduce rules to ensure greater financial transparency so that academies are not financially disadvantaged by excessive top-slicing by MATs.

Teacher pay and conditions

53. The NEU is pleased that the Bill at Clause 45 proposes the extension of statutory pay and conditions arrangements to Academy teachers. Academy proponents claims that Multi Academy Trusts use their freedoms to pay teachers and support staff more, but the opposite is true: on average academies spend less on teacher and support staff salaries than maintained schools. Many big academy trusts claim to offer “enhanced” pay, however this is not a consistent pattern.

54. Classroom teachers within LA maintained primaries are paid £41,052 on average which is £772 higher than the average pay received by classroom teachers in primary academies (£40,279). Classroom teachers in LA maintained secondary schools are paid £44,830 which is £629 more than in secondary academies (£44,201).

55. The average pay for head teachers in LA maintained primaries (£73,528) is £638 lower than the average pay in primary academies (£74,166). Head teachers in secondary schools maintained by the LA are paid £2,469 more than head teachers in secondary academies (£105,066 and £102,597, respectively).

56. In the latest data (2022-23 into 2023-24), large MATs saw 1 in 5 teachers leave their jobs and more than 1 in 9 teachers leave the teaching profession entirely. This compares with local authority maintained schools where 1 in 7 teachers left their jobs and 1 in 11 teachers leave the teaching profession.

57. Among large MATs (defined as those containing at least 21 schools), the rate of leaving the profession has remained consistently higher than in other governance structures over the past 10 years. Several had retention rates of 75% or lower at the end of the 2022-23 school year, meaning that at least 1 in 4 members of staff left at schools in these MATs. The large MAT with the worst retention rate was Unity Schools Partnership (71.9%), followed by RISE Multi Academy Trust (72.4%), Harris Federation (72.5%), ARK Schools (73.0%), Reach2 Academy Trust (74.1%), The Diocese of Chelmsford Vine Schools Trust (74.2%), E-ACT (74.5%), and The White Horse Federation (74.9%).

58. Many of the MATs with the worst teacher retention rates have been consistently underperforming on retention compared to other MATs, and all had a rate of staff leaving the profession entirely of at least 12% (higher than the average for large MATs) in 2022-23.

59. The NEU welcomes the clarification from Government that pay levels in the School Teachers Pay and Conditions Document (STPCD) will be a “floor” and not a “ceiling.” But the Secretary of State needs to go further than this, to ensure that all teachers in our publicly funded schools are paid properly and fairly.
60. Pay “flexibility” is part of the problem. The existing STPCD provides too much “flexibility” already and this has been used to drive pay levels down for many teachers. The removal of national mandatory pay scales and pay portability, and the imposition of PRP, have contributed to pay unfairness and recruitment and retention problems. We need a fair national pay structure for all teachers with appropriate and mandatory pay levels, guaranteed pay progression with no PRP and pay portability when moving between schools.
61. The “guaranteed minimum pay offer” for all teachers needs to be significantly improved from the current levels, with pay losses against inflation since 2010 reversed, if the Government is to achieve its recruitment and retention objectives. These and future changes to the pay structure must be subject to appropriate negotiation with the unions, not to the School Teachers Review Body process.
62. Academisation is also part of the problem and must not be seen as in any way a model for good practice. Where MATs claim to offer enhanced pay, this is often undermined by denial of pay progression to some teachers and worsened non-pay terms and conditions. Such trade-offs must be explicitly forbidden.
63. All teachers working for a given employer must be treated the same. The new arrangements must not permit preferential pay arrangements, with some teachers benefiting but not others. Instead, where an employer uses higher pay levels those pay levels must apply to all teachers. Pay safeguarding arrangements in the STPCD must be a “floor” for all teachers in publicly funded schools.

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