

Written evidence submitted by NAHT (National Association of Head Teachers)
(supplementary) (CWSB209)

1. NAHT welcomes the opportunity to submit written evidence in response to the Committee's call for evidence on the Children's Wellbeing and Schools Bill.
2. NAHT is the UK's largest professional association for school leaders. We represent more than 38,000 head teachers, executive heads, CEOs, deputy and assistant heads, vice principals and school business leaders. Our members work across: the early years; in primary, special and secondary schools; independent schools; sixth form and FE colleges; outdoor education centres; pupil referral units; social services establishments and other educational settings, across England, Wales and Northern Ireland.
3. In addition to the representation, advice and training that we provide for existing senior leaders, we also support, develop and represent the senior leaders of the future, through the middle leadership section of our union. We use our voice at the highest levels of government to influence policy for the benefit of leaders and learners everywhere. This puts us in an excellent position to provide evidence for this call for evidence.
4. As the committee will be aware, the NAHT General Secretary, Paul Whiteman, gave oral evidence on Tuesday 21st January. This written evidence should therefore be read in conjunction with the oral evidence previously provided to the committee.
5. In this written evidence, our focus will be predominantly on part two of the bill as it is that section that directly affects schools and NAHT members.

Clause 22: Breakfast Clubs

6. NAHT agrees that breakfast clubs can play an important role in ensuring all children start the school day well fed and ready to learn. Many schools already provide such clubs, often aimed particularly at pupils from disadvantaged backgrounds.
7. Despite NAHT's broad support for school-based breakfast clubs, we have a number of significant concerns about this clause and its implications for schools and school leaders.
8. Schools will only be able to provide such clubs if the level of funding provided to them is sufficient. The level of funding announced for the initial pilot scheme is likely to be insufficient for many schools. We have particular concerns about schools with a lower than average number of pupils eligible for Free School Meals, due to how the funding will be allocated during the pilot period. Whilst funding levels are understandably not stipulated in the bill itself, unless they are sufficient schools will be put in an extremely difficult position as complying with the law could lead to increased pressures on already stretched budgets.
9. Concerns raised by NAHT members about this provision do not relate to funding alone. Another major concern is how this new requirement will interact with existing wraparound provision. Many schools already run or work with external providers to

provide breakfast clubs for pupils that exceed the 30-minute duration outlined in the bill. The practicalities of running paid for provision that exceeds 30 minutes (which many parents need) in parallel with a universal offering of a 30-minute breakfast club are extremely complex. For example, it could mean pupils leaving the existing wraparound provision 30 minutes early, thus making such provision financially unsustainable, or a large number of additional pupils arriving for the last 30 minutes of existing wrap around provision – making staffing arrangements incredibly difficult, if not impossible.

10. School leaders have also raised concerns about space and capacity within the school should a high number of pupils access the club, particularly when the 30 minutes before the start of the school day are crucial in terms of classroom preparation and set-up. NAHT members have also raised concerns about their ability to staff such clubs. It would not be reasonable to ask teaching staff to run such clubs as the 30 minutes before the start of school is a crucial time for preparing for the day ahead. This means schools will likely need to rely on support staff being willing to take on additional hours if they intend to run the club ‘in-house’ or if using a private provider is not an option.
11. NAHT also has concerns about the impact on school leader workload. We cannot see evidence that a thorough workload impact assessment has been carried out by government, but it is highly likely that a significant amount of the work relating to the setting up of such clubs will fall on school leaders’ shoulders. Given that the DfE’s own data shows that, on average, primary school leaders are already working 57.9 hours a week there is clearly very little scope for them assuming additional responsibilities.¹
12. NAHT appreciate and welcome the fact that the government is currently undertaking a pilot year involving around 750 schools. It is imperative that the concerns outlined above are fully addressed before national roll-out is considered.

Clause 23: School Uniforms

13. NAHT is broadly supportive of the introduction of a limit on the number of branded items of uniform schools can require. It is reasonably common for primary schools to require around three items of branded uniform (with some requiring less). That often takes the form of a branded jumper, branded t-shirt and a book bag. We anticipate this change in the law will not cause significant problems for most primary schools. Some secondary schools may find this new cap more of a challenge, but we do not envisage it causing significant difficulties for most.

Clause 24: Children not in School

14. NAHT strongly supports the introduction of the requirement for local authorities to maintain a register of children not in school. NAHT has long-argued that such a

¹ [https://www.gov.uk/government/publications/working-lives-of-teachers-and-leaders-wave-2/working-lives-of-teachers-and-leaders-wave-2-summary-report#:~:text=The%20survey%20asked%20teachers%20and,\(57.5%20in%202022\)%20hours.](https://www.gov.uk/government/publications/working-lives-of-teachers-and-leaders-wave-2/working-lives-of-teachers-and-leaders-wave-2-summary-report#:~:text=The%20survey%20asked%20teachers%20and,(57.5%20in%202022)%20hours.)

register should be in place and that it is an important measure to help safeguard children and to ensure that they are receiving the education they are entitled to.

15. NAHT also supports the introduction of a local authority consent mechanism for the withdrawal of certain children from school, including those at special schools. Given the additional and often complex needs that pupils attending special schools have, it is sensible to have that additional layer of safeguarding and protection in place.
16. It is essential that Local Authorities have the necessary resources and capacity to be able to put these measures in place and to be able to respond to requests in a timely manner. Repeated budget cuts have put many Local Authorities under significant pressure and so the government will need to satisfy itself that the resources are in place for them to meet these new and welcome requirements.

Clauses 30 – 38: Independent Educational Institutions

17. NAHT supports the measures outlined in clauses 30 – 38. There is no place in the education system for illegal schools. It cannot be right that any child is educated in an unregistered school where teachers require neither qualifications nor criminal record checks.
18. It is right that Ofsted should have stronger powers to investigate illegal schools and to seize relevant evidence.

Clause 39: Teacher Misconduct

19. NAHT does not object to the broadening of the teacher misconduct and prohibition regime as outlined in the bill in principle. However, we do have significant concerns about the ability of the Teaching Regulation Agency (TRA) to expand its role.
20. NAHT has first-hand evidence of the TRA's current inability to deal with referrals in a timely manner. Currently, teachers and school leaders are often left waiting months, if not years for the TRA to complete investigations. This has had a hugely damaging effect on the health and wellbeing of many professionals who have been left in limbo. That is clearly magnified in cases where there was no basis or evidence to support such referrals. NAHT would argue in the strongest possible terms that the TRA should be required to demonstrate it can meet its current obligations in a timely manner before its powers are extended. This will almost certainly mean that the agency requires significant additional resources. A failure to provide such resources could see more harm done to the health and wellbeing of dedicated professionals.

Clauses 40 – 45: Changes Relating to Academies

21. **The requirement for new teachers in academies and free schools to have or be in the process of achieving, qualified teacher status (QTS):** NAHT supports this measure. Parents have a right to expect that all teachers are fully qualified and have been through the appropriate induction process. Teaching is a graduate profession,

and as with any other profession, going through the relevant training and holding the appropriate qualification is essential. Few would argue that we should have unqualified doctors, dentists, lawyers or accountants and the same should apply to the teaching profession. NAHT sees this measure as an important step towards restoring the status of the teaching profession.

22. Arguments put forward by some that this would prevent people with particular skillsets becoming teachers are both spurious and unhelpful. They also fail to recognise the specific skills and knowledge required to be an effective teacher. Being an expert in a specific field does not automatically mean that person will be an effective teacher. For example, previous experience in the armed forces is not in itself evidence of an individual's ability to be an effective teacher. The argument is also largely irrelevant as there is no evidence to suggest schools are not currently dealing with an influx of such people wishing to teach without teaching qualifications.
23. NAHT recognises that there may be some schools that currently rely on unqualified teachers and that a sudden change in the law could inadvertently disrupt some pupils' education. Therefore, the proposal for this to apply only for *new* teachers or those unqualified teachers that move school, appears to be a reasonable compromise, particularly in light of the current recruitment and retention crisis schools are facing. However, NAHT would urge the government to encourage and support all unqualified teachers to gain QTS. A postgraduate assessment only² route for unqualified teachers who are able to meet the Teachers' Standards is already available. Successful completion of the assessment leads to qualified teacher status without the need for further training.
24. **The requirement for academies to teach a revised national curriculum:** NAHT supports this measure. There is very little evidence to suggest that many academies deviate significantly from the National Curriculum. The assessment and qualification systems running through primary and secondary schools mean it would be very difficult for a school to deliver a curriculum that differs drastically from the requirements set out in the current National Curriculum.
25. When the current National Curriculum was introduced in 2013, the government described it thus: *"The new national curriculum embodies high expectations in every subject and will raise standards for all children. It combines the best elements of what is taught in the world's most successful school systems, including Hong Kong, Massachusetts, Singapore and Finland, with some of the most impressive practice from schools in England."*
26. The then Prime Minister said: *"We are determined to give all children in this country the very best education – for their future, and for our country's future. The new national curriculum is a vital part of that."*³
27. Given the above comments, there was always a strong sense of cognitive dissonance when the government decided that some schools could opt out of it if

² <https://getintoteaching.education.gov.uk/train-to-be-a-teacher/assessment-only-route-to-qts>

³ <https://www.gov.uk/government/news/education-reform-a-world-class-curriculum-to-drive-up-standards-and-fuel-aspiration>

they wished. If the curriculum was as good as the government claimed, why only make it mandatory for some?

28. NAHT is of the view that if there is to be a national curriculum, then it should be genuinely national and apply across all schools. A national curriculum should outline the minimum entitlement pupils and parents can expect and ensure that all pupils experience a genuinely broad and balanced curriculum experience.
29. NAHT has a number of concerns about the nature of the current National Curriculum and, in particular, the sheer amount of content contained within it. The current curriculum and assessment review is an opportunity to review and reduce that content, allowing schools to cover fewer items but in greater depth so that all pupils are ready for the next stage in their education or life after school. NAHT has submitted detailed evidence to curriculum review's call for evidence.
30. **Allowing the Education Secretary to direct an academy trust to do (or not do) something if it isn't discharging its powers or meeting its duties properly:** NAHT does not object to this measure, particularly as it appears to be drafted in such a way as to allow a more proportionate response where an academy is not meeting its statutory duties. Only having the extreme option of a termination notice does not seem proportionate, particularly in light of the new duties being introduced in this bill.
31. **The removal of the existing duty of the Education Secretary to make an academy order if a maintained school is in special measures or has serious weaknesses:** NAHT supports this change to the law.
32. NAHT is agnostic on the issue of school structures and governance models. There are both highly successful academies, and highly successful maintained schools. For many of our members, the choice to become an academy has been a positive one. Equally, we have many members that run equally successful schools in the maintained sector. There are examples where conversion to an academy has helped precipitate school improvement, but there are also many examples of maintained schools showing rapid and sustained improvement too.
33. It is essential that decisions about intervention are taken on a case-by-case basis. For example, where a school is able to demonstrate it is improving and has the capacity to continue to do so, a change in structure may actually distract from that work rather than support it.
34. NAHT believes that the shift from a duty to a power provides the Secretary of State with a degree of flexibility that allows case by case decisions to be made.
35. **Bringing teachers in academies within the statutory national framework for pay and conditions:** NAHT broadly supports the government's plans to align teachers' pay and conditions under a single framework.
36. We believe there are significant advantages in having a single national framework for pay and conditions and, as the DfE has noted, most academies already follow the existing framework. For many academies, this change will make little difference in practice.

37. The advantages of a single national pay framework include, but are not limited to: a sense of fairness and equity across the system, an opportunity to make progress towards pay equality and the elimination of persistent pay gaps for those with protected characteristics, protection and security for individual employees, the ability of teachers and leaders to move between schools and across the system, and the avoidance of a plethora of local pay disputes emerging.
38. NAHT recognises that some employers, including a small number of Multi Academy Trusts (MATs) currently offer pay and conditions that are better than those offered under current national pay scales and conditions. NAHT therefore supports the government's desire to explore how such flexibilities could be extended across the system to all schools.
39. An example of that would be employers that are currently exploring different models of flexible working. We would like to see such opportunities being offered to all schools, regardless of their governance structure. However, NAHT would also emphasise that the freedom to offer such flexible approaches is not the same thing as having the resources to be able to do it. If the government is genuinely committed to extending flexible working and developing bespoke approaches across the school system, a change in the law will not be enough - financial investment will also be required.
40. NAHT notes recent suggestions from the government that there will be a 'floor but not a ceiling' when it comes to pay. Whilst we acknowledge the good intentions behind this statement, we are concerned about the potential unintended consequences of such an approach.
41. The most obvious danger of this approach is the potential for the emergence of difficult industrial relations and potentially even conflict at a local level. Staff will understandably be unhappy to discover that a teacher in a local school doing exactly the same job as them is being paid more for the role and would likely expect their union representatives to challenge that. Whilst this risk may exist to some extent already, the attention drawn to it through the passage of this bill could well exacerbate the situation further. We would urge the government to take great care in this approach and think through all possible outcomes carefully.
42. There is also a danger that such an approach means that only schools or trusts with healthier budgets will be able to pay above the top end of the national pay scale, putting schools and trusts with tighter budgets at a serious disadvantage when it comes to attracting and retaining staff. There are all sorts of reasons why some schools might have tighter budgets than others e.g. local demographic changes, and it does not necessarily follow that schools with the greatest need have the most flexibility in terms of budget. In fact, it could well be that schools with the greatest need face the biggest budget challenges. Government's focus should be on fixing the *national* recruitment and retention crisis rather than creating competition between schools for teachers and leaders.
43. At the time of writing, we note that the government has published an amendment to the bill stipulating that academies should have *regard* to the whole of the STPCD. NAHT is concerned by the lack of clarity around '*having regard*' and how that will be

determined in practice. The government must be very clear about how they expect this duty to operate, particularly who and how it will be determined whether or not a change clearly does benefit both teachers and pupils as the amendment stipulates. It would be unhelpful to create an opportunity for some schools or trusts to work outside the desired national pay framework set out through the STPCD.

Clauses 47 – 50: School admission arrangements

44. NAHT has long argued that it makes little sense for Local Authorities to have the responsibility for place planning if they do not have the requisite powers. It is right that the legal duty to co-operate applies to local authorities and all types of school. It makes little sense for there to be different rules for different types of school, particularly when they may be serving the same community.
45. Whilst the changes to school admission arrangements detailed in the bill appear reasonable, NAHT wishes to emphasise that schools must have the necessary *resources* to be able to fully meet the needs of all pupils that they are expected to admit. This is particularly true in the case of pupils that have been excluded from other schools.
46. Over a decade of chronic underfunding and the decimation of specialist support services under the previous government has left schools in a position where they can find it extremely difficult to meet the needs of some pupils, particularly those with more complex needs. This must be addressed in parallel with any changes to the law surrounding admissions. What is most important is that a suitable school place is found for the pupil in question, with the right level of support in place. Compelling a school to admit a pupil without the necessary level of support in place is unlikely to be in the best interest of that child.

Clauses 51 – 55: Opening new schools

47. NAHT welcomes the removal of the requirement for most new schools to be academies, and to restore local authorities' and other bodies' powers to propose opening new maintained schools and pupil referral units (PRUs).
48. NAHT wishes to emphasise again that it is agnostic on the issue of school structures. However, the existing 'free school presumption' has been unnecessarily restrictive and often unhelpful at a local level. It makes sense for decisions about new schools to be based on what will work best in a given locality. For example, where there exists an existing network of strong maintained schools working well together, it may well be that the most sensible decision is for a new school to also be a maintained school. In other situations, it may make more sense for the school to be an academy. The crucial point is that the decision should be taken on a case-by-case basis determined by what is in the best interests of children and the local community, not based on an inflexible ideological standpoint.
49. NAHT would also draw attention to the fact that there has been a number of cases in recent years where, despite place-planning data showing a new school is not required, permission has been granted for a new school to be built. In these cases, other local schools have then often had to reduce their PANs as a result. Such decisions are clearly not a good use of public funds. NAHT urges the government to

use this opportunity to ensure the law is clear that permission should only be given for the building of new schools where there is a demonstrable and genuine need.

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