

Protecting What Works

Why the Children's Wellbeing and Schools Bill must change

About New Schools Network

The New Schools Network (NSN) is a charity first established in 2009 to focus on improving educational opportunities for young people, especially those from disadvantaged backgrounds. We have supported the creation of hundreds of free schools and are champions of the work that free schools do in our education system today.

A free school is a new, state-funded school that operates independently of local authority control. All free schools are academies set up from scratch with new teaching staff, student recruitment, and premises. Free schools are designed to inject innovation into the education system, respond to parental demand and community contexts, and provide parents with more choice over their child's education. Free schools have been instrumental in driving up standards, particularly in areas of significant deprivation and low educational attainment.

The Issue

NSN welcomes the Government's focus on standards and the Education Secretary's commitment to spreading excellence and promoting innovation in her speech to the CSJ in February 2025.

However, we are concerned by the Bill's moves to restrict freedoms which academies, and therefore free schools, can use to transform education and outcomes for pupils, especially the most disadvantaged.

The Bill disempowers school leaders, shifting power to Whitehall, the Secretary of State and local authorities. The Government has not identified what problems they are trying to solve by doing this, has provided no evidence such measures are a good thing for schools and have not provided a comprehensive impact analysis for the Bill.

Measures in the Bill reduce flexibility, limit choice and squeeze out space for the innovation that we know supports pupils and teachers to thrive. These measures are not designed to improve the delivery of education and do not solve problems – instead they create new ones by risking a halt to the progress we have seen.

NSN urges Peers to support amendments that retain successful academy freedoms while allowing genuine improvements to go forward.

Problems – and solutions

1. Barriers to Teacher Recruitment

- **Problem:** Clause 46 mandates that all teachers must hold or be working towards Qualified Teacher Status (QTS), removing schools' ability to hire highly-skilled, unqualified teachers and train them on the job. This will increase recruitment issues for shortage and specialist subjects, including in STEM and the arts and cause particular damage in the special schools and Pupil Referral Units who disproportionately hire teachers without QTS.¹ This measure will reduce the pool of potential recruits at a time of teacher shortages. The Government has not pointed to a single situation where unqualified teachers have impacted pupil learning or outcomes. The Government's own impact assessment says this could affect around 700-1,250 potential entrants to teaching a year², which undermines the Government's plan to recruit the 6,500 new teachers it has long promised.
- **Solution:** Remove Clause 46 or allow a four-year grace period for teachers to achieve QTS. Protect the ability of schools to employ professionals with relevant expertise and support them through training. Four years aligns with the time that internationally qualified teachers are allowed to practice in the English education system before requiring QTS.

2. Mandating a National Curriculum for Academies

- **Problem:** Clause 47 forces all academies and free schools to follow the national curriculum, removing a key freedom that has allowed for successful innovation. Until now, they can tailor the curriculum to meet the needs of their pupils and contexts and they are required by the Education Act 2002 to provide a "balanced and broadly based curriculum". His Majesty's Chief Inspector Sir Martyn Oliver has stated in evidence to the Bill Committee that Ofsted has found no evidence of academies not meeting this requirement.³ The Government has not identified any situation where not following the National Curriculum in an academy has negatively impacted pupil learning or outcomes.

The national curriculum itself is currently under review, so academies would be required to deliver an unknown curriculum without knowing whether there will be suitable flexibilities within it to be able to appropriately tailor the curriculum to the specific needs and context of their pupils and communities.

¹ TES, 21st March 2025, [link](#).

² DfE, [Children's Wellbeing and Schools Bill: Regulatory impact assessment](#), p45.

³ Official Report, Children's Wellbeing and Schools Public Bill Committee, 21 January 2025; c. 46, Q99.

The Government's impact assessment suggests that schools may need to hire additional teachers or make adjustments to their facilities and resources but does not suggest how much this will cost schools in terms of funding or teacher workload.⁴

- **Solution:** Remove Clause 47 entirely or delay implementation until the new curriculum is finalised and impact assessed. Maintain flexibility for high-performing schools to innovate in curriculum design.

3. Limiting School Places and Parental Choice

- **Problem:** Clause 56 gives local authorities the power to challenge and reduce pupil numbers at successful schools. This could prevent good schools from expanding and reduce parental choice, forcing them to send their children to underperforming schools solely because the local authority wishes to keep those schools open. The Government's impact assessment explicitly states this measure "could also limit the ability of popular schools to grow".⁵

Parents should be empowered to choose a good school for their child and good schools should be able to expand if there is the parental demand to do so. Creating a situation where good schools could be stopped from expanding, or even forced to take fewer pupils to keep a worse performing and less popular school open is not a way to drive improvement in our school system.

Additionally, Clause 57 removes the requirement for local authorities to seek proposals for free schools where new provision is needed, which will lead to fewer free schools. Free schools have been a mechanism for the injection of new ideas, new energy and new models of education into the state system. Free schools respond to parental and community demand, provide parents with choice over their child's education and have driven up standards.

Free schools are usually part of a strong multi-academy trust which has a strong track record of delivering a high-quality education and the back-office capacity needed to support smooth and financially sustainable operations including across HR, finance, IT, premises and more. Local authorities do not, and never have had, this same capacity and ability to provide tailored support to schools.

- **Solution:** Remove Clauses 56 and 57. Maintain the free school presumption and ensure that school place planning prioritises quality and demand rather than bureaucratic balancing.

⁴ DfE, [Children's Wellbeing and Schools Bill-Non-Regulatory Impact Assessment: Schools Measures](#), p.27.

⁵ DfE, [Children's Wellbeing and Schools Bill-Non-Regulatory Impact Assessment: Schools Measures](#), p 56

4. Restriction of School Flexibility on Pay and Conditions

- **Problem:** Clause 6 in Schedule 3 requires academies to have “regard” for national conditions, which risks stifling innovative employment practices such as flexible working, extended learning hours, or staff wellbeing initiatives, measures schools identify as necessary to provide for their students. The Government has also suggested central innovation around working conditions will come from the Department for Education or the School Teachers Remuneration Board, rather than schools, which, as the experts, have been innovating on the ground, such as Dixons Academies Trust’s nine-day fortnights.
- **Solution:** Remove Clause 6 from Schedule 3 so that free schools and academies do not need to have regard for standardised and centralised working conditions, thus retaining the freedom to innovate to provide what works for their schools and teachers and enables them to recruit and retain great teachers.

5. Centralisation of School Oversight

- **Problem:** Clause 49 introduces sweeping new powers for the Secretary of State to intervene in academy operations, even over minor issues such as school uniforms or parental complaints. This overreach will undermine trust in school leaders and create top-down bureaucracy.
- **Solution:** Amend Clause 49 to restrict the Secretary of State’s powers to cases involving breaches of statutory duties, funding agreements, or charity law. This ensures a proportionate and targeted approach to oversight.

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The importance of free schools and academies within the education system

Today there are 740 open free schools and of those that have been inspected 91% are rated Good or Outstanding. Free schools are popular, effective and have created high-quality new places, especially in areas of disadvantage.

- Free schools outperform other types of non-selective state schools across each key stage for which national data is collected:
 - 85% of pupils at free schools meet the required standard in the **phonics screening check** compared to 81% of pupils at mainstream state primary schools.⁶
 - The average attainment score in the **multiplication tables check** was 21.6 for pupils at free schools, compared to an average of 20.7 in all mainstream state primary schools.⁷
 - 68% of pupils at free schools meet the expected standard in reading, writing and maths at **Key Stage 2** compared to 62% of pupils at all mainstream state primary schools.
 - Free schools have an average **Progress 8** score of 0.24 compared to an average for all mainstream state schools of 0.01.⁸
 - 29% of **A levels** taken by pupils in free schools achieved a grade A or A* compared to 26.2% studied by pupils all state funded schools.⁹
- More than half of all state schools in England are now academy schools. 62% of all children in state-funded in schools are educated in academies, including: 82% of secondary-aged children; 44% of primary-aged children; and 61% of children eligible for free school meals.¹⁰ Additionally, academies employ 60% of teachers, 65% of administrative staff and almost half of all teaching assistants.¹¹
 - Academies are non-selective and inclusive. They follow the same admissions code as other state schools.
 - Academies follow the SEND Code of Practice. They admit and support children with SEND just like maintained schools.
 - Academies are highly financially accountable. They are charities and companies with strict audit and oversight from the Department for Education.
 - Academies are accountable to Ofsted and the DfE. Their results, inspections, and performance measures are public and transparent.

⁶ DfE, [Multiplication tables check attainment](#), 21 November 2024

⁷ DfE, [Key stage 2 attainment](#), 10 September 2024

⁸ DfE, [Key Stage 4 performance](#), 17 December 2024

⁹ DfE, [A level results](#), 13 February 2025

¹⁰ DfE, [School pupils and their characteristics](#), 6 June 2024

¹¹ DfE, [School workforce](#), 6 June 2024