



The Rt Hon Baroness Jacqui Smith

Minister for Skills

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The Baroness Barran MBE
House of Lords
London
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Monday 13th October 2025

Dear Diana,

Thank you for your contribution to the debate on clause 36 of the Children's Wellbeing and Schools Bill, and Lord Lucas' amendment, 427. I welcome your support for the clause.

I promised to write to you on two technical points you raised in the debate.

You asked about the ongoing status of part-time educational settings (i.e. settings which offer less than a full-time education). Section 92(1)(b) of the Education and Skills Act 2008 ("the 2008 Act") allows for the regulation of certain part-time settings under Chapter 1 of Part 4 of that Act. However, because of how Chapter 1 of Part 4 has been brought into effect, these part-time settings are not at present regulated by it.

The Government thinks it important to ensure that any future regulatory system for part-time settings is effective, complements the legal powers already in place, and is suitable for the sector. We do not think that the 2008 Act meets these criteria. For that reason, the Children's Wellbeing and Schools Bill removes the potential for the part-time settings currently in section 92(1)(b) to be regulated under Chapter 1 of Part 4. Since these part-time settings are not currently regulated, this change and therefore clause 36 will not practically impact them.

You also asked about the regulation-making powers found in new section 92(3)(c) and (d) of the Bill. I can confirm, as you expected, that the use of these powers to add, remove or amend the factors in section 92(4), and to make interpretative provision about these, will be subject to the affirmative procedure – because of amendments made by clause 36(9) of the Bill.

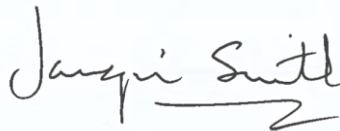
In relation to amendment 427BA, I include a copy of the letter sent to the Member for Harborough, Oadby and Wigston on 24 February 2025 that addresses the matter of why 16-19 academies are specifically exempted from clause 36 of this Bill, while other types of academy school are not.

Clauses 36-44 of the CWSB make changes to Chapter 1 of Part 4 of the 2008 Act. This is the main piece of legislation which applies to, and is used to regulate, independent educational institutions in England.

As a matter of law, an academy school is an independent educational institution. This will remain the case under the new definition of independent educational institution in clause 36 of the Bill and, as such, the changes made by this Bill to the rest of Chapter 1 Part 4 of the 2008 Act will apply in relation to academy schools. This is in keeping with the longstanding regulatory approach taken by successive governments in relation to academy schools. 16 to 19 academies are not covered by Chapter 1 of Part 4 of the 2008 Act because they are principally concerned with the education of young people over compulsory school age and are not independent schools. However, in theory, a 16 to 19 academy could meet the new definition of "independent educational institution" in clause 36. Our policy intent is to maintain the status quo and keep 16-19 academies out of scope of the 2008 Act; therefore, we have explicitly exempted them to provide clarity to those running and using these settings. to provide clarity to those running and using these settings.

Thank you again for taking the time to engage on this matter. I hope this clarification is helpful and I will place a copy of this letter in the House libraries.

Yours sincerely,

A handwritten signature in black ink, reading 'Jacqui Smith', with a stylized flourish underneath.

The Rt Hon Baroness Jacqui Smith
Minister for Skills