

Independent Safeguarding Children Commissioner Calls for Urgent Amendments to Children's Wellbeing and Schools Bill to Close Unregistered Education Setting Safeguarding Loophole

Jim Gamble QPM, Independent Safeguarding Children Commissioner for the City and Hackney Safeguarding Children Partnership (CHSCP), has today issued a strong statement expressing significant concerns regarding the Children's Wellbeing and Schools Bill currently progressing through Parliament. While welcoming the Bill's focus on Unregistered Educational Settings (UES), Mr Gamble warns that the current drafting contains ambiguities that risk perpetuating existing safeguarding failures.

"For many years, we have tirelessly advocated for robust legislation to govern Unregistered Educational Settings," stated Mr Gamble. "While the inclusion of this issue in the Children's Wellbeing and Schools Bill is a positive step, the current proposals fall far short of providing the necessary safeguards for vulnerable children. There is simply no room for ambiguity that allows the status quo to continue."

Mr Gamble highlighted the government's own regulatory impact assessment, which acknowledges the ongoing safeguarding risks in the absence of action. He further pointed to the government's equality impact assessment, which worryingly suggests that UES are likely to circumvent registration by transitioning to part-time provision.

"The equality impact assessment clearly indicates that UES will likely adapt to avoid registration by offering part-time education," Mr Gamble explained. "However, the Bill provides no clarity on how safeguarding will be overseen in these 'new' part-time settings, nor how enforcement action can be taken when standards are not met, and failures are identified."

Mr Gamble emphasised that these part-time UES would fall outside the remit of key oversight bodies such as Ofsted and the Independent Schools Inspectorate, and the Department for Education would remain disengaged due to the lack of a registration requirement. Critically, he noted that local safeguarding partners would continue to have limited powers, as these settings would likely fall outside the scope of the Child Safeguarding Practice Review and Relevant Agency Regulations 2018, removing any statutory duty for them to cooperate with local safeguarding arrangements.

"If this Bill passes in its current form, children currently receiving their full-time religious education in one UES will simply attend two part-time settings. Their educational experience will remain unchanged, and crucially, so will the inadequate safeguarding oversight," Mr Gamble asserted. He also dismissed the proposal to maintain a register of electively home-educated children as an insufficient solution. "While a register might assist Local Authorities in identifying children, it will not, on its own, provide the necessary framework for intervention and change within these settings. To date, relying on local areas to be 'lawfully audacious' has simply not delivered the required protection for children."

Mr Gamble strongly criticised the government's suggestion that the Bill's changes would act as a mere "signal" to bring about behavioural change within UES. "This is naive," he stated. "For over a decade, we have been striving for such change, but our efforts have been repeatedly undermined by the absence of clear, enforceable legislation. For far too long, UES have operated without adequate rules, creating ambiguity and perpetuating a system where oversight and assurance are woefully inadequate. All children deserve to be educated in environments where robust, transparent, and non-negotiable safeguarding arrangements are in place."

In closing, Mr Gamble urged Parliament to recognise and fully address this significant risk as the Bill progresses. "I sincerely hope that as this Bill makes its way through Parliament, the significant

safeguarding risks inherent in the current drafting are fully understood and urgently addressed through meaningful amendments.”

A handwritten signature in black ink, appearing to read 'Jim Gamble', is written in a cursive style.

Jim Gamble QPM

Independent Safeguarding Children Commissioner of the CHSCP

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