STATUTORY INSTRUMENTS

2026 No. 1165 (C. 100)

EDUCATION, ENGLAND

SOCIAL CARE, ENGLAND AND WALES

The Children's Wellbeing and Schools Act 2026 (Commencement No. 1) Regulations 2026

Made - - - - 4th November 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by section 78(5) and (6) of the Children's Wellbeing and Schools Act 2026(**a**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Children's Wellbeing and Schools Act 2026 (Commencement No. 1) Regulations 2026.

(2) In these Regulations, "the Act" means the Children's Wellbeing and Schools Act 2026.

Commencement of provisions

2. Where a provision of the Act specified in any of regulations 3 to 7 is already in force for certain purposes by virtue of section 78(1)(a) of the Act (commencement), that regulation applies in relation to the provision so far as it is not already in force(**b**).

Provisions coming into force on 18th November 2026

3. The following provisions of the Act come into force on 18th November 2026—

(a) in section 44 (independent educational institution standards)—

(i) subsection (1), to the extent it relates to the provisions in sub-paragraphs (ii) and (iii),

(ii) subsection (2), and

(iii) subsection (6)(b), only in so far as it inserts subsection (10) into section 125 of the Education and Skills Act 2008(**c**) (appeal by proprietor against other decisions of Secretary of State);

(**a**) 2026 c. 21.

(**b**) Pursuant to section 78(1)(a) of the Children's Wellbeing and Schools Act 2026, any provision of or amendment made by Part 1 or 2 of that Act, so far as it relates to a power to make regulations, or, an order in relation to the amendments made to the Education Act 2002 (c. 32) by Schedule 3 of the Children's Wellbeing and Schools Act 2026, came into force on the day on which that Act was passed (29th April 2026).

(**c**) 2008 c. 25.

(b) section 50 (application of schools provision to independent educational institutions);

(c) section 53 (school teachers' qualifications and induction).

Provisions coming into force on 16th December 2026

4. Section 10 of the Act (sibling contact with children in care) comes into force on 16th December 2026.

Provisions coming into force on 31st January 2027

5. Section 2 of the Act (inclusion of childcare and education agencies in safeguarding arrangements) comes into force on 31st January 2027.

Provisions coming into force on 1st April 2027

6. Section 3 of the Act (multi-agency child protection teams for local authority areas) comes into force on 1st April 2027.

Provisions coming into force on 1st September 2027

7. The following provisions of the Act come into force on 1st September 2027—

(a) section 6 (promoting educational achievement);

(b) section 44, to the extent it is not already in force;

(c) section 45 (unregistered independent educational institutions: prevention orders);

(d) section 49 (powers of entry and investigation etc);

(e) Schedule 3 (pay and conditions of Academy teachers: amendments to the Education Act 2002), to the extent it is not already in force.

Josh MacAilster
Minister of State
Department for Education

4th November 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fourth set of commencement regulations bringing into force provisions of the Children's Wellbeing and Schools Act 2026 (c. 21) ("the Act"). They are the first set of regulations commencing provisions of the Act which substantively relate to a territory other than England, namely section 10 which relates to social care in England and Wales.

Regulation 2 provides that provisions of the Act are brought into force in accordance with regulations 3 to 7 to the extent that those provisions are not already in force by virtue of section 78(1)(a) of the Act (commencement).

Regulation 3 brings into force provisions of the Act on the 18th November 2026.

Regulation 3(a) partially commences section 44 of the Act. Regulation 3(a)(ii) brings into force section 44(2), which inserts new subsections (1A) and (3A) into section 94 of the Education and Skills Act 2008 (c. 25) ("the 2008 Act") (independent educational institution standards), expanding the Secretary of State's powers to prescribe standards for independent educational institutions in England. Regulation 3(a)(iii) brings into force section 44(6)(b), to the extent it inserts new subsection (10) into section 125 of the 2008 Act (appeal by proprietor against other decisions of Secretary of State), which enables Tribunal Procedure Rules to provide for the suspension of certain enforcement decisions relating to independent educational institutions in England pending appeal.

Regulation 3(b) fully commences section 50 of the Act. Section 50 inserts new section 137A into the 2008 Act, which enables the Secretary of State to make regulations to provide for any relevant enactment to apply (with or without modifications) in relation to an independent educational institution, or an independent educational institution of a prescribed description, in England which is not an independent school as that enactment applies in England in relation to an independent school. Section 50 also amends section 166(2) of the 2008 Act (orders and regulations) to provide that regulations made under new section 137A are subject to the affirmative parliamentary procedure.

Regulation 3(c) fully commences section 53 of the Act. Section 53 amends the definitions of "school" and "relevant school" in sections 133(6) (requirement to be qualified) and 135A(4) (requirement to serve induction period: teachers in England) of the Education Act 2002 (c. 32) ("the 2002 Act") respectively, giving the Secretary of State the power to make regulations requiring teachers in Academies in England to have qualified teacher status and to undertake a statutory induction period.

Regulation 4 brings into force section 10 of the Act on 16th December 2026. Section 10 amends the Children Act 1989 (c. 41) ("the 1989 Act") to strengthen duties on local authorities in England and Wales to allow reasonable contact between children in care and their siblings.

Regulation 5 brings into force section 2 of the Act on 31st January 2027. Section 2 amends section 16E of the Children Act 2004 (c. 31) ("the 2004 Act") (local arrangements for safeguarding and promoting welfare of children) to require the safeguarding partners for a local authority area in England to make arrangements for designated childcare and education agencies to work together with other safeguarding partners to safeguard and promote the welfare of children in that area.

Regulation 6 brings into force section 3 of the Act on 1st April 2027. Section 3 amends the 2004 Act to require arrangements made under section 16E of the 2004 Act by the safeguarding partners for a local authority area in England to include the establishment of one or more multi-agency child protection teams to support the local authority in discharging its child protection duties under section 47 of the 1989 Act (local authority's duty to investigate).

Regulation 7 brings into force provisions of the Act on 1st September 2027.

Regulation 7(a) brings into force section 6 of the Act. Section 6 inserts new section 23ZZZA into the Children Act 1989 to require local authorities in England to appoint at least one person to promote the educational achievement of children with a social worker and children who live in kinship care. It also extends the definition of a "relevant child" to include children subject to a Special Guardianship Order and those living in kinship care.

Regulation 7(b) brings fully into force the remainder of section 44, specifically subsections (4), (5), (6) (to the extent not commenced by regulation 3 of these Regulations), (7) and (8), which make further amendments to the 2008 Act relating to the standards, enforcement and appeals framework applicable to independent educational institutions in England.

Regulation 7(c) brings into force section 45 of the Act. Section 45 inserts new Schedule A1 into the 2008 Act, which enables a court to make a prevention order following conviction for operating an unregistered independent educational institution in England.

Regulation 7(d) brings into force section 49 of the Act, which strengthens Ofsted's powers to investigate suspected unregistered independent educational institutions in England. It introduces powers of entry, investigation and seizure, together with offences for obstructing or failing to comply with an investigation.

Regulation 7(e) brings fully into force Schedule 3 of the Act, effectively commencing paragraph 6 of that Schedule, which requires Academy schools and alternative provision Academies to have regard to the School Teachers Pay and Conditions Document. With the exception of paragraph 6, Schedule 3 commenced on 29th June 2026 by virtue of section 78(2)(i) of the Act.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Children's Wellbeing and Schools Act 2026 (c. 21) have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Section 1	15th July 2026	2026/803
Section 4 (partially)	30th September 2026	2026/803
Section 8	30th September 2026	2026/803
Section 9	30th September 2026	2026/803
Section 11	1st September 2026	2026/803
Section 12	15th July 2026	2026/803
Section 14(1) (partially)	15th July 2026	2026/803
Section 14(4) and (5)	15th July 2026	2026/803
Section 15(1) and (2) (partially)	15th July 2026	2026/803
Section 15(3) to (6)(a)	15th July 2026	2026/803
Section 16	15th July 2026	2026/803
Section 18(1) (partially)	15th July 2026	2026/803
Section 18(2)	15th July 2026	2026/803
Section 19	15th July 2026	2026/803
Section 20	15th July 2026	2026/803

Section 30 (partially)	15th July 2026	2026/803
Section 32	17th August 2026	2026/803
Section 33	1st June 2026	2026/551
Section 34	1st September 2026	2026/933
Section 35	1st September 2026	2026/803
Section 44(1) (partially)	15th July 2026	2026/803
Section 44(3)	15th July 2026	2026/803
Section 47	15th July 2026	2026/803
Section 65	1st September 2026	2026/803
Section 66 (partially)	1st September 2026	2026/803
Section 67	1st September 2026	2026/803
Section 68	1st September 2026	2026/803
Section 69	1st September 2026	2026/803
Schedule 4	1st September 2026	2026/803

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