STATUTORY INSTRUMENTS

2026 No. 803 (C. 67)

EDUCATION, ENGLAND

HOUSING, ENGLAND

SOCIAL CARE, ENGLAND

The Children's Wellbeing and Schools Act 2026 (Commencement No. 2) (England) Regulations 2026

Made - - - - 13th July 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. 2) (England) Regulations 2026.

(2) In these Regulations—

"the 2000 Act" means the Care Standards Act 2000(**b**);

"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 6 is already in force for certain purposes by virtue of section 78(1)(a) of the Act, that regulation applies in relation to the provision so far as it is not already in force(**c**).

Provisions coming into force on 15th July 2026

3. The following provisions of the Act come into force on 15th July 2026—

(a) section 1 (family group decision-making);

(b) section 12 (accommodation of looked after children: regional co-operation arrangements);

(**a**) 2026 c. 21.
(**b**) 2000 c. 14.
(**c**) Pursuant to section 78(1)(a)(i) 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, came into force on the day on which that Act was passed (29th April 2026).

(c) in section 14 (powers of CIECSS in relation to parent undertakings), subsections (4) and (5), and subsection (1) so far as it relates to them;

(d) in section 15 (power of CIECSS to impose monetary penalties)—

(i) subsection (2), only in so far as it inserts the following provisions into the 2000 Act—

(aa) section 30ZC(2) to (6) (power of CIECSS to impose monetary penalties);

(bb) section 30ZD (CIECSS monetary penalties: publication of information);

(ii) subsections (3), (4), (5) and (6)(a); and

(iii) subsection (1) so far as it relates to subsections (2) to (6)(a);

(e) section 16 (financial oversight);

(f) in section 18 (power of Secretary of State to impose monetary penalties)—

(i) subsection (1), only in so far as it inserts the following provisions into the 2000 Act—

(aa) section 30ZM(1)(a);

(bb) section 30ZM(2) and (3); and

(ii) subsection (2);

(g) section 19 (procedure for imposing monetary penalties);

(h) section 20 (information sharing);

(i) section 30 (free breakfast club provision in primary schools in England), only in so far as it inserts section 551B(2) to (7) (free breakfast club provision in primary schools in England) into the Education Act 1996(**a**);

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

(i) subsection (3); and

(ii) subsection (1) so far as it relates to subsection (3);

(k) section 47 (deregistration by agreement).

Provision coming into force on 17th August 2026

4. Section 32 (free school lunches: eligibility) of the Act comes into force on 17th August 2026.

Provisions coming into force on 1st September 2026

5. The following provisions of the Act come into force on 1st September 2026—

(a) section 11 (children in temporary accommodation);

(b) section 35 (school uniforms: limits on branded items);

(c) section 65 (amendments to invitation process for establishment of new schools);

(d) section 66 (certain proposals to establish new schools: publication requirements etc);

(e) section 67 (establishment of pupil referral units);

(f) section 68 (process for considering, approving and implementing proposals for the establishment of new schools) and Schedule 4 (establishment of new schools: amendments to Schedule 2 to the Education and Inspections Act 2006)(**b**);

(g) section 69 (transitional provision).

(**a**) 1996 c. 56.
(**b**) 2006 c. 40.

Provisions coming into force on 30th September 2026

6. The following provisions of the Act come into force on 30th September 2026—

(a) section 4 (information sharing and consistent identifiers), only in so far as it inserts the following provisions into the Children Act 2004(**a**)—

(i) section 16LA (duty to share information), and

(ii) section 16LB (information standards);

(b) section 8 (local offer for care leavers);

(c) section 9 (care leavers not to be regarded as becoming homeless intentionally).

Josh MacAlister
Parliamentary Under-Secretary of State
Department for Education

13th July 2026

(**a**) 2004 c. 31.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the Children's Wellbeing and Schools Act 2026 (c. 21) ("the Act"). They are the second commencement regulations to be made under the Act which bring into force provisions of the Act in relation to England only.

Regulation 2 provides that provisions of the Act are brought into force in accordance with regulations 3 to 6 to the extent that those provisions are not already in force by virtue of section 78(1)(a)(i) of the Act (commencement).

Regulation 3 brings into force provisions of the Act on 15th July 2026.

Regulation 3(a) brings into force section 1, which inserts new section 31ZA into the Children Act 1989 (c. 41) ("the 1989 Act"). This places a duty on local authorities, who are considering making an application to court for a care or supervision order under section 31 of the 1989 Act (care and supervision orders) in respect of a child, to offer a family group decision making meeting to the child's parents or any person with parental responsibility for the child before making the application.

Regulation 3(b) brings into force section 12, which inserts new section 22J into the 1989 Act. This provides that the Secretary of State may direct two or more local authorities to make regional co-operation arrangements to carry out their functions in relation to the accommodation of looked after children.

Regulation 3(c) brings into force provisions of section 14. Section 14(3) inserts new subsection (2A) into section 22 of the Care Standards Act 2000 (c. 14) ("the 2000 Act"), to the extent that it is not already in force by virtue of section 78(1)(a) of the Act (commencement). Section 14(5) amends section 37 of the 2000 Act (service of documents) to allow notices and documents issued under Part 2 of the 2000 Act to be served by email.

Regulation 3(d) brings into force provisions in section 15. Section 15(2) of the Act is brought into force, only in so far as it inserts new section 30ZC(2) to (6) into the 2000 Act. This gives the Chief Inspector of Education, Children's Services and Skills ("CIECSS") the power to impose monetary penalties on persons carrying on or managing an establishment or agency where they have acted or omitted to act in a way which constitutes an offence under the 2000 Act and where a person is carrying on or managing an establishment or agency without being registered by the CIECSS.

Regulation 3(d) also brings into force section 15(3), (4), (5) and (6)(a). These provisions make further amendments to the 2000 Act in connection with the imposition of a monetary penalty under new section 30ZC(2) of the 2000 Act, including provision relating to the cancellation of a person's registration, notification, restrictions and offences.

Regulation 3(e) brings into force section 16, which inserts new sections 30ZE to 30ZJ into the 2000 Act (financial regulation (England)). These enable the Secretary of State to prescribe a set of conditions in regulations which non-local authority providers (called "relevant providers" in the 2000 Act) of children's homes and fostering agencies, or their wider corporate group (called "provider group" in the 2000 Act) must meet to enable the Secretary of State to determine whether a person is subject to financial oversight.

Regulation 3(f) brings into force provisions in section 18. Section 18(1) is brought into force, only in so far as it inserts section 30ZM(1)(a), (2) and (3) into the 2000 Act (power of Secretary of State to impose monetary penalties). This provides for the Secretary of State to be able to issue a civil monetary penalty in the case of a breach of the financial oversight scheme by a person subject to financial oversight. Section 30ZM(3) is brought into force to the extent that it is not already in force by virtue of section 78(1)(a) of the Act.

Regulation 3(f) also brings into force section 18(2). This amends section 14(1)(ba) of the 2000 Act to provide that the imposition of a monetary penalty by the Secretary of State on a person under new section 30ZM(1)(a) is a ground for cancellation of registration of that person.

Regulation 3(g) brings into force section 19, which inserts new section 30ZN (procedure for imposing monetary penalties) and Schedule 1A (monetary penalties under part 2) into the 2000 Act. New Schedule 1A to the 2000 Act makes provision about the procedure for the imposition of monetary penalties by the CIECSS under new section 30ZC of the 2000 Act, or the Secretary of State under new section 30ZM, of the 2000 Act.

Regulation 3(h) brings into force section 20, which inserts new section 30ZO into the 2000 Act (information sharing) and new section 56A into the Care Act 2014 (c. 23) (provision of information to the Secretary of State). New section 30ZO makes provision for information sharing between the Secretary of State and the CIECSS and the Care Quality Commission ("CQC"). New section 56A allows for the CQC to provide market oversight information to the Secretary of State for use in respect of the financial oversight scheme.

Regulation 3(i) brings into force section 30, only in so far as it inserts new section 551B(2) to (7) into the Education Act 1996 (c. 56) ("the 1996 Act") (free breakfast club provision in primary schools in England). Section 551B(1), which places a duty on relevant schools in England to provide free breakfast club provision to qualifying primary pupils is not commenced.

Regulation 3(j) brings into force provisions in section 44. Section 44(3) inserts new section 99A into the Education and Skills Act 2008 (c. 25) ("the 2008 Act"). This gives the Secretary of State the power to direct the CIECSS to inspect the institution which is the subject of an appeal, where the Secretary of State refuses their application to register an independent educational institution and report back on the extent to which any relevant standard is likely to be met following registration.

Regulation 3(k) brings into force section 47. Section 47(2) inserts a new subsection (1A) into section 100 of the 2008 Act (institutions no longer required to register: power to deregister) to expressly give the Secretary of State the power to remove an institution from the register where the proprietor agrees to this, or requests it, in writing (for example, by email). Section 47(3) and (4) amends section 100(3) and section 124(1)(a) (appeal by proprietor against decision of Secretary of State to deregister) of the 2008 Act to ensure that decisions to remove an institution from the register under new section 100(1A) cannot be appealed to the First-tier Tribunal, whilst it remains the case that decisions under the existing section 100(1) can still be appealed.

Regulation 4 brings into force section 32 on 17th August 2026. Section 32 inserts a new subsection (4D) into section 512ZB of the 1996 Act (free school lunches and milk), which provides that a registered pupil at a maintained school or a pupil referral unit in England is eligible for free school lunches where that child, or their parent or guardian, is in receipt of universal credit and does not fall within subsection (4) of section 512ZB.

Regulation 5 brings into force provisions of the Act on 1st September 2026.

Regulation 5(a) brings into force section 11, which inserts new section 213AA into the Housing Act 1996 (c. 52) (duty of local housing authority in England to notify in certain cases involving children). This imposes a duty on local housing authorities in England to take reasonable steps to notify relevant bodies, which are educational institutions, health visiting services and general medical practices, when a child is placed in temporary accommodation.

Regulation 5(b) brings into force section 35, which amends the heading before section 551A of the 1996 Act and inserts a new section 551ZA into that Act (school uniforms: limits on branded items). This places a limit on the number of compulsory branded uniform items that relevant schools in England can require pupils to have over the course of the school year.

Regulation 5(c) brings into force section 65, which amends Part 2 of the Education and Inspections Act 2006 (c. 40) ("the 2006 Act") (establishment, discontinuance or alteration of schools) in relation to the arrangements for the establishment of new schools where local authorities think a new school should be established in their area.

Regulation 5(d) brings into force section 66, which amends Part 2 of the 2006 Act. This omits section 11 (publication of proposals to establish maintained schools: special cases) and amends section 10 (publication of proposals with consent of Secretary of State) of the 2006 Act, which makes provision in relation to proposals for new schools made outside of the invitation process set out in section 7 of the 2006 Act (invitation for proposals for establishment of new schools), as amended by the Act.

Regulation 5(e) brings into force section 67, which inserts new subsection (5) into section 28 of the 2006 Act (restriction on establishment, alteration or discontinuance of schools). This provides that pupil referral units can only be established under the provisions of the 2006 Act.

Regulation 5(f) brings into force section 68 and Schedule 4. Schedule 4 amends Schedule 2 to the 2006 Act (proposals for establishment or discontinuance of schools in England), which sets out the process for considering, approving and implementing proposals for the establishment of new schools under sections 7 and 10 of the 2006 Act, as amended by this Act.

Regulation 5(g) brings into force section 69, which provides transitional arrangements where a decision on proposals for a new school has not been made by the time the amendments made by sections 65 and 66 of the Act come into force.

Regulation 6 brings into force provisions of the Act on 30th September 2026.

Regulation 6(a) brings into force section 4, only in so far as it inserts new sections 16LA (duty to share information) and 16LB (information standards) into the Children Act 2004 (c. 31). Section 16LA imposes a duty on "relevant persons" to disclose information that may be relevant to safeguarding or promoting the welfare of a child. Section 16LB gives the Secretary of State power to issue information standards, that will apply to the processing of data by "relevant persons" listed in section 16LA(4).

Regulation 6(b) brings into force section 8, which amends section 2 of the Children and Social Work Act 2017 (c. 16) (local offer for care leavers). The amendments make provision for requiring a local authority in England to publish the arrangements it has in place for the specified needs of care leavers relating to accommodation, homelessness, financial support and financial literacy.

Regulation 6(c) brings into force section 9, which amends section 191 of the Housing Act 1996 (becoming homeless intentionally) to prevent care leavers who are in scope of the local authority's corporate parenting duty and who are not looked after by a local authority from being found intentionally homeless.

An impact assessment has not been prepared for this instrument as a full assessment was produced in relation to the 2026 Act. Copies can be obtained at https://www.legislation.gov.uk/ukia or from the Department for Education at 20 Great Smith St, London SW1P 3BT and will be published shortly after the making of this instrument.

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 33	1st June 2026	2026/551

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