

## London Councils Written Evidence for Children’s Wellbeing and Schools Bill

### Contents

Introduction .....	1
Summary.....	2
What we welcome .....	2
Our concerns .....	2
Support for children leaving care.....	3
Accommodation for Looked After Children .....	4
Changes relating to Academies.....	5
School places and admissions arrangements .....	5
Future proofing the education system .....	6
In-year admissions.....	6
Opening new schools .....	7

### Introduction

London Councils London Councils is the collective of London local government, the 32 boroughs and the City of London Corporation. They come together through London Councils to work in collaboration to deliver their shared ambitions for London and Londoners.

London Councils welcomes the introduction of the Children’s Wellbeing and Schools Bill, which sets out the government’s firm commitment to taking early action to improve the lives of future generations. To deliver on the ambitions of the Bill, we would like to see the government provide full funding for any new burdens to local authorities and analysis of any workforce implications for new duties.

In many cases workforce shortages in crucial roles, such as health visitors, will make it challenging to immediately fulfil the new duties proposed in the bill. The government needs to consider workforce implications carefully, including the lack of affordable accommodation in London for the schools, children’s social care and early years workforce, which is a significant challenge.

## Summary

### What we welcome

1. We welcome many of the measures proposed in the Children's Wellbeing and Schools Bill that will help to improve the safeguarding of children and to raise educational standards, including the proposals to:
  - Allow local authorities to establish regional co-operation arrangements for planning and commissioning homes for looked after children (clause 9)
  - Introduce a local authority consent mechanism for the withdrawal of certain children from school (clause 24)
  - Introduce a requirement for local authorities to maintain a register of children not in school, with duties for parents (clauses 25 to 29 and schedule 1)
  - Remove the existing duty to make an academy order if a maintained school is in special measures (clause 44)
  - Require schools and local authorities to cooperate over school admissions and school places; and give local authorities powers to direct academy schools to admit pupils (clauses 47 to 50)
  - Remove the requirement for new schools to be academies, and restore local authorities' and other bodies' powers to propose opening new maintained schools (clauses 51 to 55)

### Our concerns

2. We have a number of concerns relating to local authority powers to fulfil duties to identify and safeguard all children not in school, and for school place planning and admissions. Therefore, we also recommend that the Department for Education (DfE) take forward the following:
  - Ensure all new duties are fully funded so they do not create additional financial burdens on local authorities, which are already facing significant financial pressures.
  - Work with local authorities and other partners impacted by the Bill to understand the workforce implications of any new duties and ensure sufficiency before full implementation.
  - Extend corporate parenting responsibilities to other government departments and public bodies).
  - Introduce a duty for local authorities to undertake annual monitoring visits to home educated children so they are able to fulfil their safeguarding duties to all children in their local area.

- Strengthen proposed measure in the bill to ensure that schools comply with local authority place planning arrangements and that the DfE have levers they can use to enforce this duty.
- Give local authorities the overall responsibility for managing applications for in-year admissions for all state funded schools in their area to minimise delays and lost learning, as well as reducing bureaucracy for parents.
- Give local authorities greater decision making powers over the future of closed schools to ensure that they can be used to meet local needs, including protecting them for education purposes in the longer term.

## Child protection and safeguarding children

3. We support the measure to bring education and childcare providers into safeguarding arrangements (clause 2) but would welcome clarity around their duties in relation to safeguarding and further guidance on how to engage them in local partnerships.
4. We welcome the proposal to improve multi-agency safeguarding through multi-agency child protection teams (clause 3). We have concerns about workforce shortages and how this will affect implementation in London. The Bill allows for local authorities to decide the number and size of teams to meet needs in their areas. These teams cannot be effective without sufficient support provided by police and health services, who face significant workforce pressures. Police and health services have also undergone structural changes, with governance operating at a subregional level. This may present further challenges for representation on place-based MACP teams in London.
5. Improved clarity around data sharing and how GDPR relates to safeguarding would be welcome (clause 4). Local Safeguarding Children Practice Reviews invariably raise issues relating to lack of information sharing, which is usually caused by a lack of confidence among practitioners regarding what they are allowed to share. It is critical that there is enough support and training put in place for practitioners to improve information sharing.

## Support for children leaving care

6. We welcome the measure around publication of the local support offer for children leaving care in the Bill (clause 8) but are disappointed that the government has not included an extension of corporate parenting responsibilities to other government departments and public bodies.

7. Extending corporate parenting responsibilities would be a vital step to securing necessary support for both care leavers and children in care. The government has committed to this in their recent report *Keeping Children Safe, Helping Families Thrive*: “We plan to extend corporate parenting responsibilities to government departments and relevant public bodies to create a culture change in which we realise our shared ambition to support children in care and care leavers.”<sup>1</sup>
8. The list of corporate parents should be named in legislation and include government departments and public bodies. **London Councils would welcome an amendment to the Bill to extend corporate parenting responsibilities as previously committed to by the government.**

## Accommodation for Looked After Children

9. We welcome measures to create Regional Co-operation arrangements (clause 9). This will enable creation of new provision to meet the needs of children with the most complex needs. **There is appetite in London to deliver regional arrangements but the model will need pump priming to support set up.**
10. The number of vulnerable children with complex needs has been rising in recent years with local authorities struggling to balance budgets. Association of Directors of Children’s Services (ADCS) figures show that the average total placement budget 2022/23 for London boroughs was approximately £16m, with an average overspend on placements of almost £3m. The London region had the highest average proportion of overspend in 2022/23 at 18%.
11. There is a lack of beds for children with complex needs across London. The ability of placements to meet complex needs also presents a challenge. There has been a significant increase in young people with autism, social emotional and mental health challenges, complex trauma and learning disabilities who require residential placements.
12. Many local authorities in London have been developing their own provision to meet growing demand and reduce costs. Boroughs have also been collaborating on Pan-London and Sub-regional levels, alongside national partners to improve sufficiency.

## Children not in school

13. London Councils strongly supports the proposal to introduce a register of children not in school, with duties for parents and schools (clauses 25 to 29 and schedule 1). We welcome the introduction of a local authority consent mechanism for the withdrawal of certain children from school (clause 24). London Councils shares the government’s commitment to ensure all children, especially the most vulnerable, are safe, visible and have access to an excellent education.

---

<sup>1</sup>[https://assets.publishing.service.gov.uk/media/67375fe5ed0fc07b53499a42/Keeping\\_Children\\_Safe\\_Helping\\_Families\\_Thrive\\_.pdf](https://assets.publishing.service.gov.uk/media/67375fe5ed0fc07b53499a42/Keeping_Children_Safe_Helping_Families_Thrive_.pdf) (p14)

14. **However, we have concerns that a register alone will not be sufficient to fully safeguard children at risk. This is why we are also calling the government to introduce a duty for local authorities to undertake annual monitoring visits to home educated children.**
15. We recognise that only a minority of home educated children present risk factors relating to neglect and abuse, but it is only by monitoring all home educated children that local authorities can identify those children that are vulnerable to harm and take action to address any risks to a child's welfare.
16. We have concerns that Elective Home Education is used as a cover to off-roll pupils who are impacting negatively on a school's results or resources, such as pupils with Special Educational Needs and Disabilities (SEND). A mandatory register and annual visits would help local authorities identify instances of unlawful exclusions. It would also enable families in this situation to receive support in finding a school that would meet the child's needs.

## Changes relating to Academies

17. We welcome the measure to remove the existing duty to convert a maintained school to an academy when it is in special measures (clause 44). The existing duty can undermine local authority processes for managing school places and the school estate in the best interests of their communities.
18. In the face of falling school rolls and rising deficits, London boroughs are working hard to minimise the impact on children in the local area. In some cases, this will mean that a local authority will need to close an underperforming and financially unviable school, relocating pupils sensitively to nearby schools. It is vital that academisation does not undermine these efforts, which is why we are supporting this measure.

## School places and admissions arrangements

19. We welcome proposed measures to ensure that local authorities can manage the admissions and places planning systems more fairly across the local area with all state funded schools (clauses 47 to 50). Surplus school places cause pressure on school finances, with implications for school standards. Local authorities are working with schools to mitigate the impact of falling rolls on school budgets and performance. In some cases this means closing schools to keep other local schools financially viable and standards high. Some primary schools in London have already closed due to falling demand and more are scheduled to close in the near future.
20. Local authorities make decisions about where to close schools based on a range of factors, including the popularity of schools, Ofsted ratings, travel routes, demand forecasts and budget deficits. Local authorities want to ensure that local areas have choice in the system and don't disadvantage particular groups of children as a result of school closures.

21. Currently, local authorities are not able to deliver a collective strategic approach to places planning across all schools in the local area. In many cases academies work well with local authorities, recognising their role in local school systems. However, some academies are unwilling to engage and act in isolation without considering local needs. For example, there have been instances in London when an academy has decided to increase its Published Admissions Number (PAN) when a local authority is working to reduce PANs and keep other local schools financially viable in the face of falling school rolls.
22. **We welcome the proposed new duty for schools to cooperate on places planning but this needs to be strengthened to ensure that academies comply with local authority place planning arrangements and that the DfE have levers they can use to enforce this duty.**

### Future proofing the education system

23. Educational premises that are not currently required due to falling rolls provide an opportunity for alternative temporary uses of spaces to support families. They can be used to deliver services such as nurseries, family hubs, and special schools in line with the needs of the local community.
24. **Local authorities need more decision making powers and flexibility to be able to manage what happens to closed school buildings locally. There is a need to balance the immediate needs of a local area with longer term planning for education provision. These decisions should be undertaken at a local level.**

### In-year admissions

25. We welcome the proposed measures in the Children's Wellbeing and Schools Bill to increase fairness in the admissions system (clauses 47-50) including the new duty that will give local authorities the power to direct the admission of a child to a maintained school or an academy. This will support fair allocation of in-year admissions for vulnerable children and help to ensure that admissions decisions reflect local needs. However, this does not resolve the issue of children missing education while they go through the lengthy admissions process.
26. London's local authorities are also grappling with a considerable increase in in-year admissions. For school admissions outside standard entry points, parents and carers must follow different processes for different schools and local authorities. This can involve lengthy delays resulting in many children having to wait for a school place.

27. While many head teachers work with the local authority to admit children where they can, the lack of levers for local authorities allows for less inclusive practice to occur unchecked. London Councils has examples of schools deciding not to fill vacancies to avoid taking on children with additional needs. Boroughs have reported instances of schools discouraging families from applying, signposting them to other local schools, delaying decisions in the hope an alternative school offers a place, and bypassing the process through premature referral to the Fair Access Panel (FAP) – all leading to children missing out on education.<sup>2</sup>
28. **To minimise delays and lost learning, as well as reduce bureaucracy for parents, London Councils has long been calling for local authorities to have the overall responsibility for managing all applications for in-year admissions for all state funded schools in their area. In order to fulfil this role fully local authorities also need better access to data on school rolls, and changes to the Admission Code to speed up the process (including removing the need to wait four weeks to refer to FAP and stipulating the children should be admitted within two weeks of the decision).**

## Opening new schools

29. We welcome the proposed measure in the Children’s Wellbeing and Schools Bill that will remove the academy presumption for new schools (clauses 51 to 55), enabling other bodies including local authorities, to open new schools, including special schools. This will enable local authorities to ensure that there are sufficient school places available locally, and act faster and more cost effectively to increase the availability of high quality provision, including specialist, that best meets local demand.
30. Local authorities are best placed to make sure that local areas have the right provision in the right places. They want to take a strategic approach to managing local increases in demand for additional school places as well as drops in demand.
31. While demand for school places is dropping at a regional level, there are some pockets of rising demand for school places across London. And across London we are seeing ongoing rising demand for places for children with SEND. In January 2024, the number of Education, Health and Care Plans in London was 93,487, an increase of 9.2% since January 2023.<sup>3</sup>

---

<sup>2</sup> London Councils (2023) Seeking School Places

<sup>3</sup> LIA (2024) [SEND Data Dashboard](#)

32. Supporting inclusion in mainstream schools is paramount, but there is also a need to grow specialist provision in London to support children whose needs are not able to be met in mainstream settings. Many children with SEND have to travel long distances to access specialist provision due to a lack of available local places. Reliance on costly independent non-maintained special schools is putting significant pressure on local authority high needs budgets. 24 London boroughs have High Needs Block budgets in deficit. Deficits are expected to reach £530 million by 2026-2027.<sup>4</sup>
33. **For these reasons, London Councils has long been calling on the government to enable local authorities, and other organisations, to be able to open up new schools, and we strongly support the removal of the academy presumption in respect of new schools.**

---

<sup>4</sup> London Councils survey (2024)