

Written evidence submitted by Adoption UK to The Children's Wellbeing and Schools Bill Committee (CWSB178).

About and why we are responding

1. Adoption UK is the leading charity for adopted and other care experienced people, adoptive families, and others parenting children who can't live with their birth family. We connect people across the adoption community, support adopters and adoptees, and work with them to influence the decisions that affect their lives, across all four nations of the UK.
2. Every year, around 4,000 children in the UK are placed in adoptive families. Government data shows that around 80% of adopted children in England last year will have suffered abuse, neglect, or violence before adoption and a further 11% will have experienced family dysfunction. In addition, adopted children spend an average of 15 months in care, often moving through several foster families, losing everything that is familiar to them along the way.
3. Adoption gives these children a chance to be part of a loving, safe and stable home and evidence shows that outcomes are better for children who are adopted than for those who grow up in care.
4. However, there is a common misconception that once adopted, the trauma a child experiences in their early years ends. But it does not. The combination of early trauma and complex needs will impact a child's education, health and wellbeing and the need for lifelong support is common.
5. Adopted children are much more likely than their peers to have neurological disorders such as Fetal Alcohol Spectrum Disorder (FASD) and Autism. Adopted school children are more than twice as likely to have special educational needs (SEND). Evidence shows adopted young people are more than twice as likely as their peers not to be in employment, education, or training (NEET), more than twice as likely to seek help with their mental health; and are over-represented in the criminal justice system.

Executive Summary

6. Adoption UK welcomes many of the measures in the bill intended to improve the safeguarding and education of children and young people. However, adoption does not currently form part of the bill, despite a Labour Party manifesto commitment to "...work with local government to support children in care, including through kinship, foster care, and adoption."
7. Most children adopted today are care experienced, but adoption has not been included in policy announcements around children's social care reform in recent years, including 'Stable Homes, Built on Love', and 'Keeping Children Safe, Helping Families Thrive'.
8. Despite improvements in the adoption system in recent years, evidence highlights significant gaps in support and last year's Adoption Barometer showed that the proportion of adoptive families who said they were facing severe challenges or reaching crisis point increased from 30% in 2022 to 38% in 2023 – the highest ever over six years of reporting. This comes at a time when the number of adoption disruptions (when a young person leaves the adoptive family prematurely) appear to be rising and the

number of prospective adopters coming forward has declined. There are particular issues with support for contact between adoptees and members of their birth family, with the transition to adulthood; and for adult adoptees.

9. The Virtual School has different remits for different cohorts of care experienced children. The role is limited for Previously Looked After Children to 'advice and information' however, Adoption UK evidence suggests that where Virtual Schools go above and beyond their statutory duty towards this cohort, there are positive results. Furthermore, this bill potentially introduces an inequality in the wording around the remit of the Virtual School to different cohorts of Previously Looked After Children.
10. Adoption UK research shows one in ten adopters home educated their child in 2023, the majority not through choice but because the school system is not set up to support their child's needs. Adopted children have lower attainment, higher rates of SEN, higher prevalence of autism, ADHD and speech and language and communications needs than their peers. They are more likely to be suspended and more likely to be excluded. The bill presents an opportunity for the government to consider the systemic barriers to school attendance that lead to some parents home educating in the first place.
11. This bill offers an opportunity for government to introduce measures that would break barriers to opportunity for adoptees. Adoption UK are calling for amendments to the bill, including those that would require government to:
 1. Review the adoption support offered by local authorities to adoptees and their families, to report back to Parliament. This must include a review of support for birth family contact, around the transition to adulthood; and for adult adoptees.
 2. Review the effectiveness of the role of the virtual school in improving the educational outcomes of previously looked after children.
 3. Review of the barriers to school attendance for previously looked after children.

Response to relevant clauses in the Bill

Part One: Children's Social Care

Addition to Clause 5 to include a review of the information and support offered by local authorities to adoptees and their families

12. Adoption UK welcomes Clause 5, which introduces a duty on local authorities to publish a kinship local offer. We have long called on successive governments to introduce greater support for kinship carers and this duty will help signpost more kinship carers towards support.
13. We are calling on the government to strengthen this bill by including a duty on the Secretary of State for Education to carry out a review of adoption support offered by local authorities to adoptees and their families, to report back to Parliament. This must include a commitment to review existing legislation, in force since 2005, and statutory guidance on adoption, published in 2013. It must also include a review of the current support for all parties related to birth family contact, for adoptees during the transition to adulthood; and for adult adoptees.
14. There currently exists a duty under The Adoption Support Services Regulations 2005 for a local authority to provide adoption support services¹ and to provide information about the support available to adoptive families. Individual adoption agencies (on behalf of the local authority) typically give information on their websites about the support they offer.

¹ <https://www.legislation.gov.uk/ukxi/2005/691/part/2>

However, in practice, we know that the support and information offered varies hugely between local authorities and we hear from families that pressures on local authority budgets have led to cuts in the support being offered.

15. The Adoption Support Services Regulations require updating so that they reflect the changes in adoption over the last two decades, including the regionalisation of adoption agencies in England. We know from anecdotal evidence that out-of-date regulations can impact on family court proceedings, and thus, potentially, the time it takes for an adoption order to be made. In addition, the statutory guidance on adoption is 12 years old and does not reflect the move towards greater direct contact between adoptees and members of their birth family – an area of the system our evidence shows is woefully under supported.
16. Adoption agencies themselves are not Ofsted inspected, meaning there is a lack of accountability and consistency in the system. The thematic inspection of a handful of regional adoption agencies carried out by Ofsted in late 2023 highlighted some of the challenges for adoption agencies and partner local authorities in achieving the services they would like for adoptees and their families.²
17. Over the last decade, successive governments have taken steps to improve the support available for adopted people, reflecting adoption's lifelong impact. This has included the introduction of the Adoption and Special Guardianship Support Fund, the regionalisation of adoption agencies; and the introduction of two national adoption strategies; as well as educational support measures such as an expansion of the role of Virtual School Heads and the allocation of Pupil Premium Plus funding to include previously looked after children, including those who are adopted.
18. However, years of Adoption UK evidence shows that progress is slow and there are huge gaps in support. Last year's Adoption Barometer survey showed the proportion of adoptive families who said they were facing severe challenges or reaching crisis point increased from 30% in 2022 to 38% in 2023 – the highest ever over six years of reporting.³ Respondents were less likely to feel optimistic about their family's future than in any previous year and three quarters said it felt like a continuous struggle to get the support their child needed.
19. According to Adoption UK research, 2023 saw a significant increase in the proportion of adoptive families experiencing a child leaving the home prematurely. The figure appears to have more than doubled since 2021 amid a general increase in the proportion of families facing significant difficulties and struggling to access support. This means hundreds of children moving to semi-independent or independent living arrangements earlier than planned, moving to residential settings or even returning to care.
20. One significant shift in understanding and practice in recent years has been greater contact between adoptees and their birth families, with a growing number of adoptees now having some form of birth family contact – 90% of respondents to last year's Barometer survey reported having indirect contact and one third having direct contact with members of their birth family. Yet support for contact is highly inadequate. 53% of respondents to last year's Barometer said they did not feel well supported by their adoption agency to manage contact arrangements.⁴
21. Most adoptive parents surveyed in the Adoption Barometer 2024 reported their 16 – 25-year-olds needed additional support to transition to independence and 29% of 16-25-year-olds were reported to be out of education, employment or training - more than twice the national average. Just over half of 16-25-year-olds had accessed or attempted

² <https://www.gov.uk/government/publications/thematic-inspections-of-regional-adoption-agencies/thematic-inspections-of-regional-adoption-agencies>

³ Adoption Barometer, 2024, Adoption UK

⁴ Adoption Barometer, 2024, Adoption UK

to access mental health services, but only 12% of parents agreed that statutory services such as health, education, and mental health understand the needs of adopted teenagers and young adults.

22. There is very little support available to adult adoptees for accessing their records and reconnecting with birth relatives. Nowhere is the lack of essential services more apparent than in the lack of adoptee-centred counselling and therapeutic support for adults. 89% of adult adoptees responding to the Adoption Barometer, 2024, said they ‘completely’ agreed that they should be able to access suitable counselling and yet only 24% said that they knew where they could access this kind of support. In addition, 56% of adult adoptees did not feel well supported when accessing their records.

Part One: Children’s Social Care

Amend Clause 6 so that:

- i) it extends to all previously looked after children, including those who are adopted (updating existing legislation), and;**
- ii) there is a requirement on the Secretary of State to carry out a review of the role and remit of the virtual school in regard to all cohorts under the virtual school umbrella, including the allocation of resources for virtual schools to be able to carry out their duties for each of these cohorts, to report back to Parliament.**

23. Clause 6 extends the role of Virtual School Heads to cover children in need and all children in kinship care. Adoption UK welcomes this measure. However, we have concerns that the current wording of clause 6 creates an inequality between the role of the Virtual School for children who are in kinship care and previously looked after; and the role of the Virtual School for children who are previously looked after, including those who are adopted.
24. Under The Children’s Act 1989 S23ZZA, a local authority in England: “..must make advice and information available in accordance with this section for the purpose of promoting the educational achievement of each relevant child educated in their area”. This applies to children who are previously looked after, including those who are adopted.
25. Clause 6 of this bill introduces a duty on a local authority to “...take steps it considers appropriate” and suggests how these steps might benefit children. The existing legislation applying to previously looked after children who are adopted limits the local authority duties to ‘providing information and advice’ and does not expand on what this might mean. In effect, this appears to create an inequality between different cohorts of previously looked after children.
26. We would urge the government to include all previously looked after children in the new clause in this bill, and to amend existing legislation (The Children’s Act 1989 S23ZZA.)
27. Virtual Schools became a mandatory part of local authority provision in 2014. The Children and Social Work Act (2017) extended the role of the Virtual School to include limited duties (the provision of information and advice) for previously looked after children, which came into force in 2018. Since this time, awareness of the Virtual School role has increased among adoptive parents, 43% of whom sought advice from their local Virtual School in 2023 (Adoption Barometer 2024).
28. While the Virtual School is welcome as a source of advice and information, Adoption UK has evidence that some Virtual Schools are going beyond that basic remit, to the benefit of adoptive families and children. For example, 14% of adoptive parents reported that their Virtual School has attended meetings with them in an advocacy role, 6% said their Virtual School has liaised with their child’s school about the appropriate use of post-

LAC pupil premium to support their child and 3% reported that a representative of their Virtual School supported them in an advocacy capacity when their child was at risk of exclusion (Adoption Barometer 2023). When adopters were asked what services they would like to see the Virtual School offer, the most wanted service was attending meetings in an advocacy role. Unfortunately, the limited remit in legislation and guidance means that these additional, highly beneficial services are only available in some areas, leading to a postcode lottery of provision.

29. This bill widens the remit of the Virtual School to include children in need, and children in kinship care who are neither looked after nor previously looked after. It therefore presents a timely opportunity for a review of the remit of the Virtual School regarding all cohorts under the Virtual School umbrella, and a review of the funding available to Virtual Schools to be able to carry out their role for each of these cohorts. While some Virtual Schools are clearly currently finding creative ways to provide enhanced support for previously looked after children, the expansion of the Virtual School role, and constrained resources, risks forcing Virtual Schools to stick to their most basic remit, to the detriment of previously looked after children.
30. Adoption UK has concerns regarding changes to the way in which Virtual Schools will be funded in the future. We understand there is a move away from section 31 grant determination letters which clearly assign specific amounts of funding for specific cohorts of children, including Previously Looked After Children, which includes most adoptees. Instead, local authorities will be given this funding in amongst other grants, affording Directors of Children's Services flexibility in the way the overall pot is allocated. This poses a significant risk to the future funding for Virtual Schools. We are particularly concerned about the security of the funding for the roles of Virtual School PLAC (Previously Looked After Children) Leads. Adoption UK are calling for amended guidance on Virtual Schools to include clarity regarding the expectations of Local Authorities to continue to fund Virtual Schools at the existing level, including ringfenced budgets for individual cohorts.

Part Two: Schools

Additions to Clause 25 to include:

- i) a review of the barriers to school attendance for previously looked after children;**
- ii) an amendment to Clause 25 section 436F (1) to include provision of information on the number of children registered as home educated and the reasons for home education (collected under 436C (2) (f)); and**
- iii) an amendment to section 436G to require the local authority to publish a local offer for home educators**

31. Under Clause 25 of this bill the government will create compulsory registers of children not in school in each Local Authority and require a local authority to provide advice or information about education to the parent of a child on the register if the parent requests it.
32. Measures that seek to improve the safeguarding of vulnerable children are very welcome. This is also an important opportunity for government to consider the systemic barriers to school attendance that lead to some parents home educating in the first place.

33. Adoption UK research shows that one in ten adoptive families were home educating during 2023⁵, the majority not through choice. Most adoptive home educating parents would prefer their children to be in school if the right school was available.
34. In 2022/23 there were 58,995 previously looked after children on roll in England's schools, not far behind the 61,910 looked after children. We found that up to half of previously looked after children struggle to attend school or access lessons.⁶
35. Adoption UK research has evidenced significant challenges for adopted children in school.
36. The attainment of previously looked after children lags behind that of their peers at KS2 and KS4. Department for Education data shows that previously looked after children score 17 points below the national average attainment 8 score and 33% of previously looked after children achieved grade 4 or above in GCSE English and Maths, compared to 65% of all pupils.
37. Data obtained by Adoption UK from the Department of Education using a freedom of information request shows that 50.1% of previously looked after children in England's schools have identified special educational needs (SEN), nearly three times the national rate (18.4%). 18% of previously looked after children have an education, health and care plan (EHCP), nearly four times the rate in the general school population (4.8%). 32% of previously looked after children have SEN Support, more than twice the rate in the general school population (13.6%). 44% of those with SEN have social, emotional and mental health (SEMH) needs as their primary area of need, compared to 20.5% of all children with SEN.
38. The Adoption Barometer 2023 found that 11% of adopted children had diagnosed autism, 16% had ADHD and 22% had diagnosed speech, language and communications needs – all well above estimated national prevalence rates.
39. Adopted children are suspended from school at more than twice the rate of their peers and are more likely to be permanently excluded. They are more likely than their peers to attend school on a reduced timetable and to miss school due to attending essential medical appointments or to access therapeutic support.
40. There is evidence that education professionals lack the training and expertise needed to support the specific learning, developmental, social and emotional needs of previously looked after children (and care experienced children more generally). Just 45% of adoptive parents feel that their child's teachers have a good understanding of the specific needs of adopted and care experienced learners.⁷ Adoption UK would like all teachers to be trained in the needs of those with care experience, including trauma and attachment disorders.
41. Given the significant evidence of barriers to opportunity for previously looked after children and the decision by parents and carers to home educate as a result of a school system unable to meet their child's needs, Adoption UK propose that reasons for home education that are captured under Clause 25, subsection 436C (2) (f) are then utilised to address shortfalls in the system. We are calling for an amendment to Clause 25, subsection 436F (1) that a local authority in England must, if the Secretary of State so directs, provide the Secretary of State with information of a prescribed description from their register under section 436B and that the Secretary of State will use this information

⁵ Adoption Barometer, 2024, Adoption UK:

<https://www.adoptionuk.org/Handlers/Download.ashx?IDMF=88cf796d-c179-4fe1-8f9a-8f0ec0c47301>

⁶ Breaking the Barriers to School Attendance, Adoption UK, 2024:

<https://www.adoptionuk.org/Handlers/Download.ashx?IDMF=e3f051f4-cfda-4670-805f-6c99fb5b5ed9>

⁷ Breaking the Barriers to School Attendance, Adoption UK, 2024:

<https://www.adoptionuk.org/Handlers/Download.ashx?IDMF=e3f051f4-cfda-4670-805f-6c99fb5b5ed9>

to collate data on the numbers of children home educated and the reasons for it. This would go some way to be able to understand the reasons for home education among different cohorts, to help address issues at the systemic level.

42. New sections 436G(1) and (2) require a local authority to provide support to the parent of a child included in their register by giving advice or information about the child's education, if requested by the parent of a child on the register. However, local authorities will "have discretion to provide the advice and information they think is appropriate based on what the parent has requested". Whilst local authorities can still offer other forms of support if they wish to do so, this duty places a minimum requirement on authorities to offer advice and information to parents who want it. It also states this support duty does not apply to certain groups of children, including those in Alternative Provision, those in flexi-schooling and those for whom the local authority has a duty to provide special educational provision for children with an EHC Plan.
43. Adoption UK would like an amendment introducing a local offer for home educators designed to strengthen the information and support local authorities are required to provide; and ensure all children who are home educated receive the same opportunities as their peers who are educated in school, as far as possible. This must include information and advice on the local authority website including the same level of information about careers services, the school nurse, vaccinations etc. as is offered to children educated in schools; the same information and access to services that provide activities; discount and group bookings relevant to the education of children (such as leisure centres, museums and libraries); and a designated exam centre in every local authority for private and home educated candidates.

Further measures in the bill with specific implications for adopted children and young people:

44. Clauses 2 and 3 introduce a new duty requiring education and childcare settings to be included as 'safeguarding partners' (previously they were included as 'relevant agencies' and only involved if deemed appropriate) in multi-agency safeguarding teams. Adoption UK would emphasise the need for safeguarding training for teachers related to children with a history of abuse, neglect and trauma, recognising how this plays out in foster, kinship and adoptive families and the need to have a framework for dealing with safeguarding issues within these families.
45. Clause 4 would insert a new section 16LB into the Children Act 2004 which would allow the Secretary of State to make regulations (subject to the negative procedure) specifying a consistent identifier for children, referred to as a "single unique identifier" (SUI). The government has said this is likely to be a child's NHS number. Designated persons must use the SUI when processing information about a child for safeguarding and welfare purposes. Adoptive families face particular concerns regarding the need for anonymity, which is why an adopted child receives a new NHS number at the time of their adoption. Despite rules around data breaches, the extension of the NHS number's use set out in the bill will open up the number of people able to search data on adoptees, increasing the risk of breaching adoptees' confidentiality. Adoption UK are calling on government to explicitly set out the specific consideration that must be given when sharing data on adoptees to avoid any risk that could potentially cause harm.
46. Clause 40 introduces a requirement for new teachers in all state-funded primary and secondary schools to either hold, or be working towards QTS – bringing academies in line with maintained schools. As illustrated in the evidence given in paragraphs 27 - 34, adopted children and young people currently face significant barriers to learning. As

part of this government's commitment to ensuring teachers receive more high-quality training, Adoption UK would like to see appropriate changes made to the ITTECF standards. This includes (but is not limited to) adding a requirement for teachers to learn that care-experience can impact pupils' readiness to learn; and setting out how teachers will use that understanding to help this cohort thrive in school. In addition, the government should consider introducing a voluntary National Professional Qualification (NPQ) for Designated Teachers in recognition of the importance of this role providing a whole-school approach supporting a significant cohort of children, training of staff, and affecting policy and practice. All Leadership NPQ's should also include training on the specific needs of care experienced children, including those who are adopted and in kinship care.

January 2025