

## Written evidence submitted by Coram to the Public Bill Committee (CWSB199)

### Children's Wellbeing & Schools Bill

#### Who we are

Coram is the first and longest continuing children's charity – today we are a group of specialist organisations all dedicated to supporting children and young people.

This evidence is informed by our direct work in legal services, advocacy services and participation programmes, care planning and placement, personal, social and health education across 2,800 schools and extensive research conducted with young people. You can find more about how we work and how we use our experience of delivering services to bring about change [here](#).

#### Summary

Coram welcomes the main provisions in the Children's Wellbeing & Schools Bill while calling for **specific extensions and amendments, notably to increase focus on the timescales and needs of our youngest children**, while also calling for additional measures to improve well-being measurement and support for children and young people.

**Given the importance of making sure that the voice of children and young people is heard, Coram is disappointed that advocacy – a key tool in ensuring children and young people can access their rights and entitlements – is missing from the Bill.**

#### 1 PROVISIONS IN THE BILL

##### Family group decision-making

**Coram supports the promotion of a 'family first' decision-making culture** through the proposed legal duty on local authorities to offer family group decision making (FGDM) to parents of children at pre-proceedings stage when the relevant local authority is seriously considering applying for a care or supervision order, except where the offer is not in the best interests of the child.

**In the experience of Coram's family law team, FGDM definitely helps** and, we believe, the earlier the better so as to rally the family/friends network together to look at support they can offer complementing professional support. In many local authorities this is already standard practice, but **this new duty will help to ensure greater consistency of practice and services across all local authorities.**

Coram understands the rationale for not mandating a specific model but advises that **the evidence in the [randomised control trial](#) that it conducted demonstrates the positive impact of the family group conference (FGC) model** and the need for the highest quality of service backed by proper investment and professional support, including from the voluntary sector.

It is important to note, however, that **FGDM will not necessarily divert children from care**. There has been increasing growth in kinship foster placements, with kinship foster carer households now representing 19% of all active fostering households, according to the [latest available figures](#).

### **Proposed amendment 1**

**Family group decision-making is also important ahead of pre-proceedings phase.**

Many local authorities currently offer family group decision-making support prior to pre-proceedings. **It is important that the new duty introduced by this bill does not take away earlier opportunities to bring the network together when children's services are involved.**

Timescales are acknowledged to be of critical importance in family law. **Statutory guidance must make clear that nothing in the FGDM requirement or the provisions of the Bill should slow down processes or delay solutions for babies and children.**

**Coram supports calls for FGDM to be extended to situations where a child is being reunited with family** and it is important that when the statutory guidance is updated and additional practice guidance is produced, it makes clear how children with family members abroad can equally benefit from FGDM.

### **The role of education in safeguarding**

The Bill is designed to 'protect children at risk of abuse, stopping vulnerable children falling through cracks in services'. Schools and educational settings have a key role in safeguarding: they are the arm of the state that sees children every day unlike the police, local authorities or health.

Coram, like the Local Government Association and others, is surprised that education is not being made a statutory safeguarding partner in line with recommendations from the Independent Review of Children's Social Care and other reviews.

However, whether made a statutory partner or not, it is the reality that it is effective relationships and local systems which are vital and Under Article 4 of the European Convention on Human Rights, schools owe a protective duty towards children at risk of abuse. **For children at risk of child criminal exploitation, it is imperative that school's safeguarding role is properly recognised and formalized in those local arrangements.**

With sexual harassment and peer-on-peer abuse a continuing challenge in schools and colleges, **the Curriculum and Assessment Review cited in the Bill offers an opportunity to support schools with refreshed guidance on teaching RSHE, from early years to post-16.** This would help tackle the rise of domestic violence in young adult relationships, and holistic support for children leaving care.

## **Proposed amendment 2**

### **Advocacy in cases of school exclusion**

In our work on school exclusions, we see decisions to permanently exclude children at high risk of exploitation taken solely through a behaviour lens without safeguarding being considered. It is our view that **direct access to advocacy may also be a timely and effective approach to tackling this issue and supporting other young people in crisis - we recommend that this is introduced.**

### **Multi-agency safeguarding teams**

**Coram supports the multi-agency safeguarding team's duty.** We support the need to strengthen protection against harm that comes from outside the home or online. Cooperation is key. Accountability of all partners is critical and clarity of roles is imperative.

### **Register of home-educated pupils**

**Coram supports the introduction of the register for home-educated pupils as a critical protection to a child's right to education and to safeguarding.**

This should include children with special educational needs and disabilities since all too often home education feels like the only option available to parents in the context of risk to the child – from their anxiety, self-harm or bullying – or where appropriate and sufficient school places are not available or, commonly, not being resourced.

**We further recommend the reintroduction of the national adoption register to ensure that all children waiting receive a proactive matching service** without sequential geographical or financial decision-making.

## **Proposed amendment 4**

**It should only be possible for a local authority to overturn a parent's decision to home educate when there is a fully resourced and agreed school placement available to meet the child's needs and EHCP Plan.**

### **Information-sharing and unique identifiers**

**Coram supports the duty to provide a clear legal basis for sharing information for the purposes of safeguarding and promoting the welfare of children.**

**Coram supports the introduction of the Single Unique Identifier.** The possibility of using the NHS number is well understood, or the Scottish equivalent, the Community Health Index number (CHI) or the NI Health & Care (H&C) number.

It is also important to consider other existing systems, including a child's Police National Computer/LEDS record if they have one having been accused of or convicted of a crime, been a victim of crime, gone missing or as a consequence of family protection issues.

The policy intention is that practitioners will be able to use the new information-sharing duty as a clear legal basis to both disclose and request information about a child for the purposes of safeguarding and promotion of welfare.

**It is vital that this defined purpose is kept firmly in mind and drives drafting and implementation.**

It must clarify when data should be shared - this is rightly a focus in the context of making information-sharing for safeguarding purposes effective. However, **clarity and guidance are also required to make clear when data should *not* be shared.**

Our concern relates to previous data-sharing between the Department for Education (DfE) and Home Office Immigration Enforcement on School Census data. This represented a misuse of a database designed to support education, and the DfE later abandoned the country of birth, nationality and first language questions.

The UK's implementation of the General Data Protection Regulation (GDPR) has an exemption for immigration enforcement purposes. Therefore, we are concerned about the way in which the SUIs of children subject to immigration control may be used or misused.

Measures Coram would support to ensure proportionality and respect for children's rights in roll-out of the SUI include:

- Clear information-sharing structures;
- Guidance on the new legal basis for information sharing relating to safeguarding, including specific examples of when it would not be appropriate to share data;
- A firm commitment to introduce and maintain a firewall between the SUI and immigration;
- Access to and use of the SUI database should only ever be in a child's best interests.
- Particular clarity of provision for children who are adopted and their health records.

#### **Proposed amendment 5**

**In line with its primary safeguarding purpose, access to and use of the Single Unique Identifier database should only ever be where it is in a child's best interests.**

**The GDPR immigration exemption should only operate on a case-by-case basis and the Home Office must balance the purpose of immigration control with an individual's rights and freedoms.**

Current adoption legislation requires that all adopted patients are given a new NHS number, and that all previous medical information relating to the patient is put into a newly created medical record ([NHS England](#)). How the single unique identifier will work for children who are adopted therefore needs careful thought in relation to implementation.

**Clear guidance for NHS, health professionals, social care professionals and adopters will need to be given for how the single unique identifier will be managed for adopted children.**

#### **Local offer for kinship carers**

**Coram welcomes the introduction of a local offer for kinship carers.** This is helpfully supported by the [2024 Statutory guidance on kinship care](#) and sets out key principles that should be behind the

offer and supports the promotion of good information about the full range of services for children and families in the area.

#### **Proposed amendment 6**

However, as in the case of the local offer for care leavers, this must be a local offer at or beyond a consistent core requirement and addressed to the needs of the children.

#### **Regional care cooperatives and care sufficiency**

**Coram recognises the intent of the regional care cooperatives, but it is vital that the same mistakes as were made in adoption regionalisation are not repeated.**

We are concerned about regionalisation distancing decision-making from participatory structures that allow children and young people's voices to be heard locally.

In addition, potential impacts on market sufficiency across statutory, voluntary and private sectors need to be very carefully considered to ensure children's placement options are strengthened in a mixed economy across the continuum of care in kinship, fostering, residential and adoption and not diminished by structural reform. This includes taking a considered approach to implementation of profit-capping.

The adoption register ensured that all children could access an independent service to find the placement they needed with a national gateway enabling all enquirers to consider all types of agencies. **The adoption register and matching service should be restored and consideration given to the benefits of similar approaches in fostering and residential care.**

#### **Support for care leavers**

**We support the extension of support for care leavers in this bill.** Provisions that ensure more consistency across the country in the support that is offered and make the transition from care and reduction in support for care leavers more gradual are to be welcomed.

It will be important that the introduction of Staying Close provisions, which will only be offered to those care leavers 'where an authority assesses such support is required', does not dilute the existing roles and responsibilities of personal advisers.

Evidence from our Bright Spots surveys are that personal advisers are an important source of emotional and practical support for many care leavers. Care leavers reported higher levels of trust and greater stability of workers compared with children in care. PAs were among the most commonly mentioned group providing care leavers emotional support, second only to friends. Staying Close must mean what is close for the individual.

#### **Proposed amendment 7**

Legal duties to publish a local offer for care leavers already exist. The provisions in this bill must be an opportunity to bolster the support that is offered and ensure greater consistency and transparency for young people **in line with a minimum national offer to all care leavers**, as young people feel that what is currently offered is a postcode lottery.

For example, A National Voice, the national children in care council facilitated by Coram, has found that, despite changes following the care review where the DfE announced that the leaving care grant had been increased to £3,000, [this has not yet been implemented for all](#). Our young ambassadors researched local policies following a Freedom of Information request to all local authorities last year and found great variation not only in the amount offered but also to whom, as well as differing rules as to how young people could spend the money – a form of postcode lottery.

### **Agency**

Changes in social workers are a key concern for children and young people and are linked to lower levels of trust in workers. They dislike having to build relationships only to see them ended and have to repeat the process.

Agency staff are only needed where services are unable to recruit and retain permanent staff and it is better to focus on recruitment and retention than provisions around agency use.

This case study sets out what one Bright Spots local authority did to address this:

<https://coramvoice.org.uk/for-professionals/bright-spots/resource-bank/north-somerset-keeping-the-same-social-worker/>

### **Unregulated accommodation**

Coram is concerned with the growth of unregulated accommodation. Whilst new Ofsted inspection of supported accommodation has introduced some oversight of these arrangements, too many children are being placed in settings that do not provide the care they need, expecting them to manage more independently than they are ready to do and much earlier than their peers. The use of bed and breakfasts, barges or other temporary arrangements should never be acceptable.

### **Proposed amendment 8**

**To increase access to advocacy support for 16- and 17-year-olds and those with additional needs in unregulated accommodation, as the best means to help them challenge decisions affecting them.**

### **Ofsted**

The changes to the Ofsted inspection framework for care leavers in 2022 was positive. It incorporated a greater focus on the things that care leavers themselves say are important to their wellbeing. We would like to see the same emphasis on inspections for looked after children.

It is too early to tell whether Ofsted inspections of supported accommodation are making a difference to the experience of looked after children, but it will not resolve the concern that children are being placed in settings where they are supported rather than **cared for**.

### **Deprivation of Liberty**

There is a robust framework in place for reviewing the suitability of arrangements through Independent Persons in relation to the deprivation of liberty of children in secure settings but where DOLS orders are used in other arrangements the same safeguards may not be there.

As recommended by the Children's Commissioner, **the DfE should add a new field to its annual looked after child census to record whether a child is or has been deprived of liberty**. The information should include the child's location, type of setting, the reasons for restrictions and how long they last (Children's commissioner, DOLS report).

### **Proposed amendment 9**

The Children's Commissioner's [recent report](#) also recommended that "Independent advocacy should be provided for all children where a deprivation of liberty order is being considered or is in place. Children who are non-verbal or have additional communication needs should have access to a specialist non-instructed advocate."

The need to extend visiting advocacy provision in residential settings was also a key recommendation of the 2023 [Safeguarding children with disabilities and complex health needs in residential settings](#) report should be taken forward.

## **2 WHAT IS MISSING FROM THE BILL**

### **Wellbeing measurement**

It is important that a bill entitled 'wellbeing' is measured according to its impact on wellbeing. We at Coram are practised in how children's wellbeing can be measured in a child-centred way. Measuring what children say makes their lives good can help focus services on what helps children flourish and drive investment where it will make the most difference. It can help us understand the impact of the work we do and where it can be improved.

A key question for the government is whether they can provide details on how it plans to evaluate its progress on key elements of the Bill, and whether it has considered tools such as national wellbeing measurement to provide a clearer picture of the factors affecting young people's mental health and wellbeing.

In our [Bright Spots research](#) we have found that having a voice improves children's wellbeing. Being included in decision-making is associated with high wellbeing and correlated with greater optimism about the future. Capturing children's subjective well-being can give them a voice and help improve

services. After working with Coram Voice to survey their care leavers about the issues that mattered to them, Stockport Metropolitan Borough Council used the data to make the business case for further supported accommodation and it contributed to a successful £2.3 million bid to develop a Staying Close initiative to support care leavers in their area.

### **Corporal punishment**

The Bill provides an important opportunity to **end the defence of ‘reasonable chastisement’ of children** and this opportunity should not be missed.

### **Early years**

**Whilst the Bill focuses on the care and education systems and contains ‘schools’ in its title, the question remains: what will the Bill do for baby and infant wellbeing?**

Any legislation focused on children’s wellbeing must take account of babies and infants, including when addressing children’s voice, and should encompass education across age groups rather than specifying schools alone.

### **Equality of access for infants**

**Coram welcomes the new universal primary school breakfast club initiative included in the bill as an approach to reducing the impact of poverty. However, there is no equivalent in early years.**

### **Proposed amendment 10**

We believe that expanding the provision of free breakfast and lunch to early years will support the achievement of the Government’s goal for 75% of children to reach a good level of development by the time they start school and propose that the bill is amended to give parity to young children.

### **Free meals**

Government funding for the early years entitlements is for provision of hours only. Outside of maintained nursery schools and school-based nurseries, which make up the minority of provision, there is no equivalent of free school meals (FSM) in early years for children funded under the disadvantaged 2-year-old entitlement or the universal 3–4-year-old entitlement, most of whom are the same cohort of children who will be eligible for FSM once at school. We are concerned that this creates a barrier to take-up of early education for low-income families and should be equalised across age groups.

### **Proposed amendment 11**

**We recommend that the duty to provide free meals to children meeting the criteria be expanded to all registered early years settings, where the child is attending under the disadvantaged 2-year-old or universal 3-4-year-old funded entitlement.**



## **Free school meals**

**Coram supports free school meals in primary school as well as for students in secondary school from families on Universal Credit as an ambition for the future.**

## **Workforce**

Similarly, Coram supports clause 40 of the Bill, requiring new teachers in academies and free schools to have, or be in the process of achieving, qualified teacher status (QTS) and to go through statutory induction processes.

## **Proposed amendment 12**

**Coram calls for a similar strengthening of qualification standards in the early years workforce, the majority of which is provided by the private, voluntary and independent (PVI) sector which has lower qualification requirements than maintained nurseries, which make up only a minority of provision.**

## **Priority admission**

In early years priority admission is given to children with an EHCP and LAC (and previously LAC) children only to nursery classes in schools, who make up just 17% of all providers. This is a clear disparity since the majority of provision is delivered by the private, voluntary and independent (PVI) sector to whom this duty does not apply, regardless of whether a child's place is funded by the government entitlement.

This leaves children with the most to gain from early education at the mercy of a postcode lottery and at risk of missing out on their entitlement.

## **Proposed amendment 13**

**Coram calls for the bill to address the discrepancy in admission experience between early years and schools and to extend the duty to all registered early years settings for priority admission for young children with an EHCP and LAC as a condition of receiving government funding.**

## **Advocacy**

Children's advocacy involves representing and amplifying children's voices, particularly those in care or receiving social services, to ensure their rights and needs are met. It is crucial because it ensures provision of accurate information on entitlements, empowers children to express their views, safeguards their interests, and promotes their well-being, leading to better outcomes in their lives.

**There is an urgent need to publish children's advocacy standards and local authority guidance, and to ensure its sufficiency and consistency for those young people in need of support who are in crisis.**

Joint statutory guidance from the DfE and Ministry of Housing, Communities and Local Government already states that homeless children should 'have access to independent advocacy and support to

assist them in weighing up the advantages and disadvantages and coming to a balanced decision and understanding and navigating the housing system’.

Yet, recent research by the Coram Institute for Children, [‘The Door is Still Closed’](#), found that all too many are not offered advocacy or information on their rights and entitlements and are not treated as children in need of care and protection. Embedding the right to advocacy in legislation would provide important safeguards and ensure homeless children do have someone to stand by their side, can make informed choices and are kept safe and cared for.

#### **Proposed amendment 14**

**Coram recommends extending the scope of advocacy as it exists in s. 26A CA1989, so that advocacy is available for 16- and 17-year-olds presenting as homeless or in unregulated accommodation and for children excluded from school.**

#### **Non-British children in the care system**

It is the reality of the care system and social work practice today that non-British children are part of the looked-after children population, both unaccompanied children seeking asylum and a larger group of children with migration backgrounds. **It is essential that care planning guidance is applied to ensure that nationality and immigration issues of children and young people in the care system are prioritised and resolved.**

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