

Written evidence submitted by Hampshire County Council (CWSB222)

Part one: Children's social care

Part one of the bill would:

Kinship care and family networks

- **Require local authorities to offer a family group decision-making meeting (FGDM) before applying to take a child into care (clause 1)**
- **Define kinship carers in law, require local authorities to publish information about the services they offer in their area for children in kinship care and their families (a "kinship local offer"), and extend the role of Virtual School Heads to cover children in need and all children in kinship care (clauses 5 and 6)**

HCC have already undertaken significant work in respect of Kinship care, we welcome proposals that strengthen families and increase the opportunities for children to remain safely within their families and communities. This fits well with our family help model, our reunification work and our efforts to ensure that only a small minority of children enter public care.

We welcome the proposals to extend the role of the Virtual School Head to promote the educational engagement of children in Kinship Care. Work is already underway to raise awareness of the barriers to educational achievement and to provide support for persons who work with children in kinship care. This is also incorporated into the wider work of the local authority's inclusion and educational engagement hubs to improve attendance.

Child protection

- **Require education and childcare providers to be included in an area's safeguarding arrangements (clause 2)**
- **Require local authorities to establish multi-agency child protection staffed by people from education, social work, health and the police (clause 3)**

We think that it is imperative that education and childcare providers are included in an area's safeguarding arrangements. HCC already have strong multi agency arrangements e.g. MASH, Willow, we welcome the formation of multi-agency teams however, we would like to see the proposals strengthened to focus on Family Help teams being multi agency to strengthen our preventative work. It is crucial that there is an increased focus on prevention so that we can tackle issues at the earliest opportunity prevent families escalating to children in need or child protection. Families are complex and it is essential that this prevention work is multi agency and adopts a think whole family approach, incorporating mental health, domestic abuse, community safety and education partners as well as the voluntary sector to address the problems of the family.

It should also be noted that whilst we recognise the benefits of localism, consideration needs to be given to implementation, economy of scale and funding across different size and geographies of Local Authorities. For example, in HCC it is

likely that 4-8 teams would need to be created, and we'd work with agencies partners (i.e. Health and Police) that would have to work across these teams, plus neighbouring LAs. It is not feasible for them to staff this number of teams without additional investment.

When considering localised multi-agency teams consideration must also be given to the benefits of more centralised decision making – which led to the formation of MASH arrangements. A balance must be struck between ensuring consistent applications of thresholds and approach, along with local knowledge and stakeholders.

Allow for the creation of a single unique identifier for children and introduce new duties around data sharing (clause 4)

The unique identification number will support information sharing however the proposal needs to go further with work expediated on ensuring that professionals are freely able to share information where there are safeguarding concerns.

There are benefits to introducing a unique identifier, for example from a technical perspective, one number across all systems makes it easier to link data (providing that the numbers have been entered into the various systems accurately in the first place). It would mean that we will be able to create a firmer match outside of our matching techniques which rely on the forename, surname, DOB and Postcode. It would also mean data sharing with our partner organisations becomes easier (pending the correct lawful basis) as we will be able to collate information across the services for our children.

However there are considerations to using a single identifier, specifically an NHS number. Those are:

- Adoptions – children are assigned a new one when they are adopted.
- UASC/Refugees – may may not have an NHS number
- Gender Reassignment – new numbers are given

The implementation of the single identifier will be the biggest burden on LA's, and especially the larger ones where there are many records on the systems.

Care leavers

- **Require all local authorities to offer Staying Close support to care leavers where deemed necessary and to include information on procedures to ensure a supportive transition to independent living in their published local offer for care leavers (clauses 7 and 8)**

We are in support of this clause.

Accommodation for looked after children

- **Allow the Secretary of State to direct local authorities to establish regional co-operation arrangements for planning and commissioning homes for looked after children (clause 9)**

This proposal builds on the idea of regional care cooperatives and HCC are already open to joint commissioning of services especially for care placements (Westwood

House). HCC are part of the Regional Fostering Hub and are also involved in the existing work in respect of the regional care cooperative.

Provide a statutory framework for children to be deprived of their liberty in accommodation other than a secure children's home (clause 10)

Given the national shortage of secure and tier 4 health beds which corresponds with an increase of children subject to deprivation of Liberty orders a clear framework for LA's and practitioners is welcomed. We would also like the proposals to prompt some work on considering the expansion of the secure estate (nationally).

Increase Ofsted oversight of organisations that operate multiple children's homes or independent fostering agencies and allow Ofsted to fine unregistered children's homes (clauses 11, 12 and 16)

This will contribute to the raising of standards of care.

Introduce a financial oversight scheme for designated independent fostering agencies and providers of children's homes (clauses 13, 15 and 16)

We agree with this being considered so that the quality of care provided to children meets the standards.

Allow the Secretary of State to cap the profits of providers of children's homes and independent fostering agencies (clauses 14 and 16)

In our view this is long overdue, for too long the private sector has been able to profiteer from vulnerable children often charging well more than running costs and reasonable profit. For example, a placement in a HCC children's home costs an average of £3500, a similar placement in the independent sector can often be in the range of £6 to £16k per week.

Children's social care workers

- **Allow the Secretary of State to make regulations on the use of agency workers in children's social care (clause 18)**

This will further strengthen recent agency regulations and further support our reduction of agency use; we believe that it is long overdue and will support LA's returning to a permanent children's workforce.

Extend legislation against ill-treatment or wilful neglect to children aged 16 and 17 in certain care and detention settings (clause 19)

This cements the position of 16 –17 year-olds firmly as children and will ensure their safety within these settings. Will ensure that allegations and concerns are robustly explored through child protection investigations. Adverse effect may exacerbate the recruitment and retention problem in these settings.

Employment of children

- **Introduce a new single set of rules for the employment of children across England which would provide more flexibility in the hours when children can work than the existing rules (clause 20)**

Changes to the existing rules on hours of employment permitted are welcomed. It is believed that this will remain as is for maximum hours permitted per week (12 hours per week during term time and 25 – 13&14 years/35 – 15&16 years hours during school holidays). Current permitted hours are between 7.00am-7.00pm with a maximum of 2 hours per day M-F and Sundays and either 5/8 hours on Saturday. We understand the changes will make it possible for children to work until 8.00pm any day of the week and the 2 hours per day on a Sunday will be increased to maximum permitted (either 5 or 8 hours per day) subject to the weekly allowed hours.

- We would like the latest permitted times to be increased on Friday and Saturdays to 10.00pm for 15/16 year olds
- The proposed legislation is taking away Local Authorities ability to set byelaws. Our existing byelaws (created in 1998) gives details of permitted/excluded occupations for children. These are due to be replaced by 'National Byelaws'. Are we to be consulted on this?
- Is there going to be provision made in law for children who are 'employed' as influencers etc.? There are currently no laws/safeguards in place within current Child Employment Law. There is nothing in place to keep children safe online or what is or is not permitted
- Will the new legislation prohibit the employment of a child to do work of a specified description and will these be clearly identified
- Will there be provision to update these definitions easily as 'new' types of work can happen at any time. Equally, some employment that could be deemed as unsuitable could change if new processes were to be introduced with the advancement of technology etc.
- Are the penalties to be increased for those who do not abide by the laws (these have not been increased for decades)
- With the unprecedented increase in parents choosing elective home education can clarification be given about whether a child is permitted to work during a 'normal' school day
- Work experience for electively home educated children is also not clear. This is something normally arranged by a school with all necessary checks/insurance in place. Are they permitted to take part? How long for? Who carries out the checks?

Part two: Schools

Breakfast clubs and school food standards

- **Require state-funded primary schools to provide free breakfast clubs (clause 21)**
- **Clarify the law on the application of school food standards to academies, including at breakfast (clause 22)**

Properly funded this would be welcome, as it would also enable longer working hours for parents and may reduce school transport costs.

Currently, however, this would present another pressure on schools, both in terms of responsibilities but also cost, limited funding is being provided per meal and based on the experience of Universal Infant Free School Meal funding, this will result in schools having to subsidise the activity from funding provided to meet core education.

Feedback from mainstream heads also raised concerns that this would end the ability of the school to offer small group breakfast provision for vulnerable pupils.

School uniforms

- **Place statutory limits on the number of branded items of uniform state funded schools can require (clause 23)**

Agree with this proposal - most schools have already worked hard to carefully consider restricting branded items.

Children not in school

- **Introduce a local authority consent mechanism for the withdrawal of certain children from school, including those at special schools (clause 24)**
- **Introduce a requirement for local authorities to maintain a register of children not in school, with duties for parents and related requirements for school attendance orders to be issued in some cases (clauses 25 to 29 and schedule 1)**

This would significantly support the safeguarding of children already known to be vulnerable. A new burden assessment must be undertaken to assess the additional cost to LAs of managing these responsibilities.

Independent educational institutions

- **Expand the regulation of independent educational institutions that provide all or most of a child's education (clauses 30 to 35)**
- **Strengthen Ofsted's powers to investigate unregistered, and therefore illegal, independent schools (clauses 36 to 37)**
- **Amend Ofsted's requirements to report on independent school inspectorates, and clarify information sharing powers (clause 38)**

Greater regulation in unregistered alternative provision would be welcome. If LAs are expected to undertake then funding would also need to be in place to support.

Teacher misconduct

- **Broaden the teacher misconduct and prohibition regime to include teachers in more settings, regardless of their current teaching status or when the alleged misconduct or offence occurred (clause 39)**

As a LADO service we are in support of the suggested changes:

- Broadening the teacher misconduct regime's scope to explicitly capture anyone who has ever been 'employed or engaged' in teaching work in a relevant setting
- Allowing the Teaching Regulation Agency (TRA) to investigate and prohibit teachers employed or engaged in teaching work in a wider range of settings

Changes relating to academies

- **Require 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 (clause 40)**

All schools, regardless of status, should employ qualified teachers, or those working towards gaining such qualifications, however, far greater support needs to be put in place to allow apprenticeships and other forms of training to be undertaken as part of the working week so that more people are able to afford to train whilst they work.

- **Require academies to teach a revised national curriculum (clause 41)**

The local authority agrees that the national curriculum should be in place in **all** schools.

- **Allow the Education Secretary to direct an academy trust to do (or not do) something if it isn't discharging its powers or meeting its duties properly (clause 43)**

Agree - academy trusts should be fully held to account for their discharge or not regarding duties.

- **Remove the existing duty of the Education Secretary to make an academy order (beginning the process of converting a maintained school to an academy) if a maintained school is in special measures or has serious weaknesses (clause 44)**

Yes – agree and fully supportive of this removal.

- **Bring teachers in academies within the statutory national framework for pay and conditions, which currently only applies directly to maintained schools (clause 45)**

Agree – all teaching staff should be subject to national pay and conditions.

School admission arrangements

- **Require schools and local authorities to cooperate to manage school admissions, and the supply of local school places; give local authorities powers to direct academy schools to admit pupils; and give an independent body (the Schools Adjudicator) new powers around maximum admission numbers (clauses 47 to 50)**

Co-operation on admissions and place planning (clause 47):

There is an ongoing challenge with the increased autonomy in the system about the LAs ability to ensure a level playing field for schools, parents and pupils.

However, whilst the recognition of the challenge is welcomed with the inclusion of this clause, its success will depend on the LA being given levers to ensure children, including some of the most vulnerable children, can be quickly placed and the LA can meet its statutory duty to ensure each child can access a school place. It would be helpful for any clause to recognise the LAs strategic role in these issues, as too often schools are unwilling to support the admission of a child, where it has been determined strategically by the LA that it is the most appropriate school for the child.

Furthermore, a duty to co-operate does not imply mandatory provisions being placed on own admission authority schools, which means that too often LAs will have to rely on moving to direction for some of the most vulnerable children (as they do now), which only increases their length of time without a school place, and creates scenarios where multi academy trusts refuse to help address a local pressure causing, for instance, a form of entry to be allocated places many miles away from their home town.

Local authority direction powers (clauses 48 and 49):

The current process takes too long and means that children potentially spend longer out of school than is necessary, so the streamlining of this process is welcomed. Having the same process for maintained and non-maintained schools also helps to ensure the process is better understood and levels the playing field for each type of school which is positive. Giving LAs the levers they need to secure school places for children more quickly and efficiently, when schools are resistant to the usual admissions processes, therefore, is supported by the LA.

Functions of the Adjudicator in relation to admissions numbers (clause 50):

The LAs experience of a recent objection made to the Schools Adjudicator is positive. This is because the LAs objection was upheld based on its forecast data that showed the proposed reduction from the academy would create a sufficiency issue in the local area. In doing so, the Schools Adjudicator confirmed the Published Admission Number, so the difference here appears to be quite minor.

Opening new schools

- **Remove the requirement for most new schools to be academies, and restore local authorities' and other bodies' powers to propose opening new maintained schools and pupil referral units (PRUs) (clauses 51 to 55)**

Would support in developing provision of quality that the LA is able to influence and ensure standards thereof.

Local authorities should be permitted to propose the opening of new schools and PRUs as they are fully aware of the local context and the needs of the interdependent schools' system. Schools are not autonomous places serving separate communities, and the instruction of stand-alone schools has already resulted in fractures to provision, relationship and the community. The local authority

is strongly of the view that the local authority in best place to rating strong overview of the school landscape and therefore welcomes these proposals to best support the needs of young people.

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