

## **Written evidence submitted by Action for Children to The Children's Wellbeing and Schools Bill Committee (CWSB225)**

### **About Action for Children**

Action for Children protects and supports children, young people and families. Our vision is that every child and young person has a safe and happy childhood, and the foundations they need to thrive.

In 2023/24 we helped 687,755 children, young people and their families across the UK. We provide practical and emotional support through 426 services in local communities across the UK, in schools and online. This includes 68 children's centres and family hubs, 61 family support services, 14 homes for disabled children, 11 residential children's homes, 15 foster and adoption services, six services for young people at risk of criminal exploitation and one residential school. We are one of the largest voluntary sector providers of residential care in England and the biggest non-local authority provider of disability services for children and young people.

We also campaign passionately and work closely with policy makers to make sure the voices of young people are heard, to influence policy decisions and bring lasting improvements to the lives of children and their families.

### **Executive summary**

The UK could be the best place in the world for children to grow up and the Children's Wellbeing and Schools Bill is an important step towards achieving this. Action for Children welcomes what this Bill has set out to achieve and many of the proposals within it. However, there is still much further to go, and we believe that this Bill must be strengthened in a number of ways to ensure that more children are protected from harm and have the opportunity to thrive.

In our submission, we make four key recommendations: two amendments to the existing proposals and two additions to the Bill:

- Clause 1 be amended to require Local Authorities in England to offer a form of family group decision making to those with parental responsibility for a child within one month of a care order being discharged for the purpose of family reunification.

- An addition is made to Clause 2 of the Bill to give the Secretary of State the power to make childcare and education settings a statutory safeguarding partner, *if* the measures outlined in the Bill are not sufficient to ensure that these settings are included in safeguarding partnership conversations.
- Placing a duty on local authorities to secure sufficient family help services for all children and parents in their area, not just those for whom provision is required under section 17.
- Create a legal definition for the criminal exploitation of children.

## **1 Clause 1 – Family Group Decision Making**

1.1 We welcome a consistent offer across England for families who reach pre-proceedings stages and are pleased to see that the Bill suggests it should also be offered ‘at other stages’. However, we would like clarity on what those other stages are and have them written into the Bill. We would particularly like to see a duty to offer Family Group Decision Making (FGDM) during reunification – the process of returning a child in care to their family.

1.2 Reunification is the most common way for children to leave care, with 27% of those leaving care returning home in 2022-23. However, the number of children who later re-enter the care system is far too high, with 12% of children re-entering after three months, and more than a third (35%) within six years.

1.3 Providing the right support to families is key. Research from the NSPCC and Action for Children has found that there is a growing interest in reunification practice in children’s services across the country. Unfortunately, that is not matched by expertise in how best to achieve successful reunification. There is currently no national strategy for supporting reunifying families, and 78% of LAs say the support they provide pre-reunification is inadequate.<sup>i</sup>

1.4 The result is that too many reunifications break down due to a lack of support, with 1 in 3 children ultimately returning to care.<sup>ii</sup> The depth of the impact of these failed reunifications on the lives of children and families cannot be quantified. Children who experience failed reunifications must endure further instability as they return to care, with all the disrupted attachments and uncertainty that may entail.

1.5 As well as care re-entry often producing worse outcomes for children and families, it is also very costly for local authorities. Recent research by NSPCC found that the failed reunifications cost the Government approximately £317m annually.<sup>iii</sup> Meanwhile the cost of providing

support that would meet the needs of **all** reunifying families across England is estimated at £67m annually.<sup>iv</sup> This could result in a saving of £250m annually.

1.6 Offering FGDM during reunification is accepted best practice amongst professionals.<sup>1</sup>

Where FGDM is used, families report feeling empowered, supported, and better prepared to meet their children's needs.<sup>v</sup> Despite its potential, there is currently no statutory requirement for LAs to offer FGDM at the point of reunification, leading to inconsistent practice across the country.<sup>vi</sup> The NSPCC and Action for Children found that a third of LAs surveyed do not offer any form of FGDM to families at the point of reunification.<sup>2</sup>

1.7 For this reason, we recommend that Clause 1 is amended to require Local Authorities in England to offer some form of FGDM within one month of a care order being discharged for the purpose of family reunification.

1.8 We believe that this new duty would:

- Bring greater consistency across LAs, ensuring families nationwide benefit from this effective approach.
- Strengthen reunification practice by highlighting the importance of proactive planning and family collaboration.
- Complement the existing duty in the Bill to offer FGDM before care proceedings, creating a coherent framework of support at both ends of the care process.

## **2 Clause 2 - Childcare and education as a safeguarding partner**

2.1 In clause 2 the Bill seeks to strengthen childcare and education's role in Local Safeguarding Children Partnerships (LSCPs). LSCPs currently have three statutory partners: - the local authority, police and integrated care boards. In addition, LSCPs can name any other local agencies as 'relevant agencies' which they will include in their boards and subgroups and engage in whatever aspects of their work they see fit. This may include youth justice, CAFCASS, leisure services, smaller health trusts, fire services, probation services, libraries, etc.

2.2 It is currently optional for education to be named as a relevant agency. In the Bill's explanatory note on clause 2, the Department for Education states that 'this is implemented inconsistently nationally and can lead to some settings being left out of arrangements.'<sup>3</sup> Action

---

<sup>1</sup> *Home Again* found that 85% of professionals who use FGDM at the pre-reunification stage found it to be "somewhat effective" or "very effective" as a form of reunification support.

<sup>2</sup> *Home Again* found that 32% of LAs said they do not offer FGDM prior to reunification, whilst 68% said they do.

<sup>3</sup> Department for Education (2024) [Children's Wellbeing and Schools Bill](#) – Explanatory Note

for Children would go further in saying that this also allows some settings to choose not to engage.

2.3 We welcome what is outlined in the Bill to make it compulsory for education to be engaged as a relevant agency and placing a significant duty on the LSCP for education and childcare agencies to have representation. We believe this will provide consistency and a good minimum standard. However, we see this as merely a step in the right direction rather than a solution to ensuring the involvement of childcare and education settings.

2.4 The key issues with the proposed legislation are accountability and resourcing. In the proposals in the Bill, childcare and education providers are not required to engage with the LSCPs, there are no lines of accountability around education's role in safeguarding and no requirement on LSCPs to follow the advice of childcare and education settings. Furthermore, it is not clear that putting the onus on LSCPs to 'enable representation' but without additional resource to do so will have the effect needed. In contrast, where childcare and education are already playing a strong and key role in safeguarding locally the lack of funding, clear structure and legal clout for their role make this difficult.

2.5 We therefore support the recommendation of the Independent Review of Children's Social Care; the Commission for Young Lives, the 2022 reviews into the deaths of Arthur Labinjo-Hughes and Starr Hobson and the latest consultation on Working Together<sup>4</sup> to make education the fourth safeguarding partner, alongside the local authority, police and integrated care boards.

2.6 We do, however, recognise that the Government needs time to fully consult with childcare and education settings on how this would work in practice and give the proposals in the Bill an opportunity to be tested.

2.7 Therefore, at this stage we recommend that the Bill give the Secretary of State the power to make childcare and education settings a statutory safeguarding partner, *if* the measures outlined in the Bill are not sufficient to ensure that these settings are included in safeguarding partnership conversations.

### **3 Family help/early intervention**

3.1 Insufficient early help and intervention is a contributory factor to the high and rising number of children in care. The drivers of this rise are complex but, in many cases, care entry

---

<sup>4</sup> As part of the latest version of Working Together, which was published December 2023, there was very strong support for making education the fourth safeguarding partner. The DfE response to that consultation noted that of 978 respondents, 69% agreed/strongly agreed that education being a statutory safeguarding partner was essential for collaboration.

could have been avoided if the right intervention (of the right intensity) had been offered at the right time.

3.2 Local authorities play a crucial role in delivering and funding targeted interventions and support for children in need and those who are looked after, as well as providing more widely accessible services for children and families who need less intensive help and support.

3.3 Analysis by the Children's Charities Coalition, of which Action for Children is a member, shows that local authorities are spending more than ever on children's social care. Local authorities in England spent £12.2bn on children's services in 2022/3 – over a quarter of their spending power (Children's Charities Coalition, 2024).

3.4 The spending increase is partially due to some positive steps taken by the previous government, in providing initial funding to help rebalance the system towards early help and early intervention, including for Family Hubs and Family Help, and to make improvements to the care system. Despite this, the system is becoming increasingly more skewed towards crisis intervention, child protection and care proceedings.

3.5 The majority of the increase in spend is attributable to late intervention services, including youth justice, child protection and children in care. Between 2010-11 and 2022-23, spending on late intervention has increased by 57%. The cost of this provision reduces funding available for local authorities to invest in early intervention and prevention services.

3.6 The cost of this provision reduces funding available for local authorities to invest in early intervention and prevention services. Over the same period, expenditure on early intervention (including children's centres, family hubs, family support services and services for young people) fell by 44% (Children's Charities Coalition, 2024).

3.7 In turn, the resulting lack of capacity in early help services means that the system is often failing to effectively address children and families' issues before the need for more acute interventions arise.

3.8 Many children who have been through assessments but don't meet the criteria for statutory support do not receive an onward referral to early intervention. In 2021, Action for Children estimated that opportunities were missed to offer help to 60,000 children a year (Action for Children, 2022).

3.9 A system that is so frequently unable to deliver timely, high-quality interventions cannot achieve good outcomes for children. The children's social care system in England frequently struggles to deliver the right support, at the right time. This was acknowledged by the 2022 reports by the Independent Review of Children's Social Care and the Competition and Markets Authority into the provision of homes for children in care.

3.10 In 2023, Action for Children commissioned an analysis of Children in Need Census data, cross-matched to GCSE results, to track the attainment of children with a social care referral. We found that children referred to social care at any point in their childhood are twice as likely to fail an English or maths GCSE than their peers (Action for Children, 2023).

3.11 Research published in 2024 by the University of Kingston and National Children's Bureau shows that attainment (as well as rates of disciplinary exclusion from school) become progressively worse for children receiving services at each threshold of intervention (Child in Need, Child Protection Plan, Looked-after Child). Average Key Stage 4 scores for children in care in the sample were two and a half times lower than children never referred to children's social care (Kingston University et al, 2024).

3.12 The system's inability to deliver sufficient early support is letting many children and families down, with the effects felt long into adulthood. Significant investment in children's services is needed to ensure that local authorities can better meet current need and deliver the necessary 'rebalancing' of the system towards early intervention.

3.13 We know that local authorities are under increasing financial pressure and are struggling to prioritise early intervention. We believe that alongside increased funding there must be a stronger legal framework on early help delivery and that the children's wellbeing Bill is an opportunity to introduce this.

3.14 We, therefore, recommend placing a sufficiency duty on local authorities to secure family help services for all children and parents in their area not just those who come under section 17.

#### **4 A Statutory Definition for the Criminal Exploitation of Children**

4.1 There is currently no legal definition for the criminal exploitation of children (CEC). The lack of a definition hinders data collection, consistent guidance, multi-agency working and swift identification of those at risk. The Jay Review of Criminally Exploited Children, which was undertaken by Professor Alexis Jay and published by Action for Children last March, heard evidence from 75 organisations or individuals, many of whom have long been calling for a statutory definition. The Jay Review described the statutory definition as 'essential' and was clear that the lack has hindered data collection, consistent guidance, multi-agency working and swift identification of those at risk. Without criminal exploitation being placed on a statutory footing, local agencies have adopted a variety of definitions including those from modern slavery legislation, Home Office or serious violence guidance, DfE guidance, charity guidance and/or locally developed definitions.

4.2 In particular, the lack of a formal definition of the criminal exploitation of children means there is no reliable data collection on the overall scale of the problem across the UK, or reliable data sharing between local agencies. Instead, a 'patchwork' of data is available from multiple sources. The most significant in number are data from the National Referral Mechanism, social care referrals and police statistics. However, the lack of definition leaves room for interpretation regarding what constitutes child criminal exploitation. <sup>viiiviiiix</sup>

4.3 For these reasons, the Jay Review made two distinct recommendations on the need for both a definition of criminally exploited children and a new offence of criminally exploiting children.

4.4 As has been trailed, an offence of the criminal exploitation of children is likely to be included in the forthcoming Crime & Policing Bill. We are confident that this definition will help to support, not hinder, this process. However, we want to be clear on the rationale for separating these, for the need for both a definition and offence in legislation, and for the definition to sit in the Children's Wellbeing and Schools Bill:

- While the purpose of the offence is to deter and prosecute perpetrators, the purpose of the statutory definition is to identify risk and prevent harm. It will support multiagency safeguarding responses to children at risk of exploitation or who have been exploited.
- The criminal exploitation of children is a highly complex form of child abuse that sits across safeguarding, child protection, policing and criminal justice. We are clear that tackling this requires a cross-departmental approach that includes DfE, Home Office and Ministry of Justice. Each department has a distinct and essential role.
- Creating a definition of CEC as a form of child abuse within the Children's Wellbeing Bill reinforces the duty of DfE – and local agencies – to approach CEC as an issue of safeguarding, identifying and protecting children at risk of extra-familial harm.
- This is an important step in differentiating the policing and criminal justice responses from the child safeguarding responses.
- If the definition is only created as part of the offence, we are concerned that it may fulfil only the requirements of wording required for prosecution of the offence, rather than best supporting the safeguarding functions outlined above.

4.5 We note that in recent weeks the Department for Education has described the Bill as one that will '[keep children safe from exploitation](#)'. Our view is that in order to fulfil this function the Bill must recognise the criminal exploitation of children by defining it in legislation.

4.6 We recommend creating a legal definition for the criminal exploitation of children and using the following wording:

*'The criminal exploitation of children is a form of child abuse in which a child under the age of 18 is encouraged or forced into an activity for purposes that constitute an offence under British legislation. The victim may have been criminally exploited even if the activity appears consensual.'*

February 2025

---

<sup>i</sup> NSPCC and Action for Children (2024) *Home Again: Understanding reunification practice in the children's social care system in England*, available at: <https://learning.nspcc.org.uk/research-resources/2024/home-again-reunification-practice-in-england>

<sup>ii</sup> Ibid.

<sup>iii</sup> Holmes, L. (2024) *Supporting children and families returning home from care: counting the costs*. Sussex: University of Sussex. Available at: <https://learning.nspcc.org.uk/media/vhbfj2xk/reunification-costings-report-home-again.pdf>

<sup>iv</sup> Ibid.

<sup>v</sup> NSPCC and Action for Children (2024) *Home Again: Understanding reunification practice in the children's social care system in England*, p. 20. Available at: <https://learning.nspcc.org.uk/research-resources/2024/home-again-reunification-practice-in-england>

<sup>vi</sup> NSPCC and Action for Children (2024) *Home Again: Understanding reunification practice in the children's social care system in England*. Available at: <https://learning.nspcc.org.uk/research-resources/2024/home-again-reunification-practice-in-england>

<sup>vii</sup> Action for Children (2024) *Shattered Lives, Stolen Futures – the Jay Review of Criminally Exploited Children*. Available at: [Shattered\\_Lives\\_Stolen\\_Futures\\_Report\\_-\\_Full\\_Report.pdf](#)