

Written evidence submitted by ATD Fourth World to The Children's Wellbeing and Schools Bill Committee (CWSB262).

1. This submission sets out what we feel are positive aspects of the Wellbeing and Schools Bill along with areas of concern of how it will impact families and children. We include recommendations on how we believe the bill could be improved to better meet family's needs. The following are our primary points within our submission:
 - Family group decision-making meetings – we are very pleased to see this become a requirement.
 - Virtual School Heads – we recommend that separate roles be created to focus on the educational attainment of each of the following: disabled children, children in care (including kinship care) or living at home considered at risk of abuse or neglect.
 - Multi-agency child protection teams – we recommend that resources be focused on supporting families rather than developing multi-agency child protection teams.
 - Withdrawing children from school – we recommend removing the proposed legislation that requires the local authority to consent to a child be withdrawn from school and creating a mechanism that allows families to appeal a local authority's decision in a way that brings outside level accountability.
 - Children Not in School register – we recommend that the required information be reduced to what is absolutely necessary.
 - School attendance orders – we recommend the legislation focuses on a supportive approach to work with families to meet orders.
2. ATD Fourth World is a human rights-based anti-poverty organisation with 60 years of experience tackling inequality and promoting social justice in the UK. We are submitting Written Evidence because of the link between the Wellbeing and Schools Bill and poverty. The proposed legislation will impact families in poverty that regularly face discrimination when interacting with the child protection system¹. The proposed legislation will also impact families with disabled children, almost half of whom are struggling to find schools that meet their children's needs². Additionally research

¹ATD UK, "[Submission for the Examination of the UK's 7th periodic report to the UN Committee on Economic, Social and Cultural Rights from ATD Fourth World The University of Birmingham & Human Rights Local \(a project of the Human Rights Centre of the University of Essex\)](#)", January 2025.

²Peerbacos, Anjum, "[Almost half of parents of children with disabilities struggle to find a school that meets their child's needs](#)", 9 February 2025.

suggests that this may be difficult for families with low-incomes and living in deprived areas as they are less likely to be in receipt of an EHCP³.

Kinship care and family networks

3. We are very pleased at the requirement for family group decision-making meetings to be held before applying to take a child into care. We also appreciate the focus on supporting children in need and children in kinship care so that they can achieve educationally.
4. However, we are concerned about Virtual School Heads covering children in care, children in need, and children in kinship. Our concern is that all these children have very different situations and needs that must be considered to help them achieve in education. By grouping them all together, there is a risk that some needs may be overlooked, especially if Virtual School Heads have too big a workload. In addition, the term “children in need” is currently used to conflate both children with disabilities and also children who may be at risk of neglect or abuse. While both groups of children of course deserve support, their needs are quite different. Maintaining them in this single category does them a disservice because the system needs to be adapted in very different ways to meet the needs of children with disabilities, children who are in the care system, or children living at home.
5. We recommend that separate roles be created: one to support the educational attainment of disabled children; and the other to support children in care (including kinship care) or living at home but considered at risk of neglect or abuse.

Child protection

6. We are concerned that there is not much evidence to suggest that multi-agency child protection teams are effective, and they might ramp up investigations.⁴ There is already a constant push to increase harsh investigations of families without regard for the harm created when an investigation proves to be unwarranted. Even as the number of investigations increases over the years, there has been little change in the number of investigations that have found children that are being seriously abused. The number of children who have died due to abuse has not fallen despite the increase in investigations. Not only is the culture of investigation not protecting children; it is actively causing them and their families lifelong harm.
7. We recommend that, instead of developing multi-agency child protection teams to support the Section 47 duties of the government, resources be used to support vulnerable families. Recent figures show a 102% increase in the number of children taken into State care in the past 12 years due to “declining spending on early intervention services mean[ing] many families are not receiving support before they

³Campbell, Tammy, “[Inequalities in provision for primary children with special educational needs and / or disabilities \(SEND\) by local area deprivation](#)”, 13 November 2023.

⁴Bilson, Andy, “[Why the Evidence Does Not Support Multi-Agency Child Protection Units](#)”, Community Care, 10 June 2022.

reach crisis point”.⁵ Putting resources into early preventative support for families would do more to ensure children's well-being and educational achievements.

Children not in school

8. We are concerned about the proposals to increase barriers to withdrawing certain children from school, as well to maintain a register of children not in school, with related requirements for school attendance orders to be issued in some cases. This shows a lack of understanding of children's needs, many of which parents feel are not met in school.⁶ Children with disabilities already face many barriers; this legislation to require local authority permission to remove them from school would put further barriers in place. In the many cases where schools cannot meet the needs of these children, the wiser investment of public resources would be offering families support to meet their children's needs as best they can. We are concerned that local authorities will insist that children with disabilities remain in school when it does not meet their needs.

Case Study as told to ATD by an activist with lived experience of caring for a child with a disability

9. *“My little sister has significant physical disabilities. The local school does not have a bathroom she could use. They do not have the staff or the equipment to support her. We have to be on constant watch for signs she is deteriorating as she has a VP shunt that if it blocks she will die within hours. These signs are headaches, grumpiness, lethargy, impatience—symptoms that could be attributed to anything. If you aren't looking out for them you could too easily miss them. I don't blame a teacher trying to manage 30 children who will all be needing them, if they simply didn't realise my sister was unwell. But that is putting my sister's life at risk and putting an unfair burden on the teacher. But the school cannot provide one-to-one support, so how is right to send my sister to school? Not to mention the fact that the school is full of stairs with no lifts. The playground is inaccessible so she would spend every day watching her friends play but not getting to join in. I want better for my sister, so we are home-educating her. However, the school and the local authority keep pushing for her to go, because as she is a disabled child they would get extra in their budget by having her there; but they don't intend to spend any of it on providing the support she needs. Right now, my family is able to say 'no, it best meets her needs to home educate'. But I am really worried that if the local authority gets to override our decision, then my sister would spend every day in a school where she was made to feel like there was something wrong with her, where she didn't fit. And that's assuming she survived to tell the tale.”*
10. We recommend removing this part of the proposed legislation. The proposal says that if a parent disagrees with the local authority's decision about requiring their child

⁵The NSPCC, “[102% Increase in the Number of Children in Care in the Past 12 Years](#)”, 9 May 2024.

⁶Pritchard, Ruairidh, “More Families Are Choosing Home Education But Many Feel Forced Into It”, Made for Mums, 18 November 2024.

to go to school they can refer the request to the Secretary of State. If the Secretary of State supports the local authority or simply asks the local authority to determine whether it made the right decision, there is no further appeal. We are concerned that parents—who are the best placed to know their children's best interests—will be left with no way to ensure that their children's need are met.

11. We recommend creating a mechanism that would allow parents to appeal a decision made by the local authority in a way that would bring in an outside level of accountability.
12. We are also concerned that empowering schools to force children who have social services involved in their lives to attend school will have a negative impact on these children. Undergoing an investigation by children's social care can be incredibly stressful⁷ and cause emotional harm⁸. Children in this situation may not feel able to get the best out of school every day. They may better be able to maintain a positive relationship with the school if they can choose to study at home and go back later when they are feeling better able to engage. This is equally true for the siblings of a child involved in an investigation, all of whom are under an enormous amount of stress. Forcing them to attend school during this period could cause long-term harm to their relationship with the school, including long after the end of the investigation.

The Children Not in School register

13. We are concerned about the amount information that will be required for the Children Not in School register, much of which seems unnecessary and could potentially prove to be problematic.
14. Requiring information about the amount of time a child receives education without their parent being actively involved seems unnecessary, given the many sources of education that exist. If this requirement is kept we would ask that it be rephrased to sound less accusatory of the parent's support for their child's education.
15. The requirement to include a reason why the child is not in school or to specify when the parent has not given a reason seems unnecessarily accusatory. Why not make it the default not to give a reason unless the parents specifically ask for a reason that they give to be included?
16. The proposal is for the register to include whether the child is "receiving suitable education", but it does not say how this is determined. We recommend asking parents whether they feel their child is receiving a suitable education or whether they would like to work with the local authority if they feel something needs to be improved. But the register ought to support families rather than souring their relationship with the local authority.

⁷ End Child Poverty Coalition and Youth Voices, "[Examination of the United Kingdom's 7th periodic report to the UN Committee on Economic, Social and Cultural Rights Submission to the List of Issues End Child Poverty Coalition & Youth Voices \(a project of ATD Fourth World and Teen Advocacy\)](#)", December 2022.

⁸ End Child Poverty Coalition and Youth Voices, "[Submission to the examination of the United Kingdom's 7th periodic report to the UN Committee on Economic, Social and Cultural Rights from End Child Poverty Coalition & Youth Voices \(a project of ATD Fourth World and Teen Advocacy\)](#)", January 2025

17. We recommend that the amount of information the register requires be reduced to what is absolutely necessary, such as the parents and child's name and address. The register should be used for the purpose of providing support to families rather than making them feel that the goal is to catch them out and punish them.
18. We are concerned that increasing the consequences (such as fines they may not be able to afford) of disobeying a school attendance order does not serve to properly address the issues that cause families to disobey the orders. Instead, this is simply punishing families that are already struggling.
19. If there are concerns, we recommend that local authorities investigate what may be the most suitable way for the child to receive their education, but that the outcome be a recommendation to the parents rather than a requirement.
20. We recommend that instead of focusing on punishing families the legislation should encourage local authorities and schools to take a more supportive approach and work with the family to identify the issues that are preventing them from meeting the attendance order.

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