

## Children's Wellbeing and Schools Bill

### Evidence from Support Not Separation & Disabled Mothers' Rights Campaign

The [Support Not Separation Coalition](#) (co-ordinated by Legal Action for Women) includes organisations of single mothers, women of colour, women with disabilities, rape survivors, breastfeeding advocates, psychotherapists, men and individual social workers and former social workers who share our perspective. We defend mothers and children against unwarranted separation and the devaluing of the mother-child relationship. We are in contact with thousands of mothers and other primary carers, children, family law professionals, organisations and concerned individuals. Our publications include [Suffer the Little Children & their Mothers](#) published in 2017 and updated [research](#) published in June 2021.

The [Disabled Mothers' Rights Campaign](#) (DMRC, co-ordinated by WinVisible – women with visible and invisible disabilities) brings disabled mothers together to defend our right to have and to keep our children. We campaign to stop the cruelty and discrimination we face from social services and the family courts which use mothers' requests for the council support we are entitled to as an excuse to label us "unfit" and take our children from us. DMRC is part of the SNS coalition.

### Our perspective on this Bill

There are over 83,630 children in "care" in England with an estimated 107,043 children in care across the UK. [Recent research](#) shows that as many as one in four children in England need social care services before they turn 18. Over 4.3 million children live in poverty and that number rises year on year, made worse by the two-child benefit cap and the overall benefit cap. The [poorest families](#) have an average income 57% below the poverty line, with this gap increasing by almost two-thirds over the past 25 years. Families cannot afford to meet their most basic physical needs to stay housed, clothed and fed, and increasing numbers are forced to use food banks. There has been an **11.4% increase** in households with children who were either threatened with [homelessness](#) or already homeless (2022-23 compared to 2021-22). **10,000 children entered the care system for reasons linked to poverty** in the five-year period from 2015-2020 according to a [Lancet peer-reviewed study](#),

Taking children from mothers and families who love them, and breaking the unique bond between mother and child (which begins in the womb), causes life-long trauma. Protecting that bond should be a major consideration in all proceedings regarding the welfare of children. Yet, family court decisions routinely ignore, dismiss or downplay the damage caused by wrenching children from their mothers and families in order to take them into care, which is often followed, especially for babies, by forced adoption.

Of the hundreds of mothers who come to us for help and support, **94%** are single mothers, **76%** have been victims of domestic violence; **44%** are women of colour and/or immigrant women who face both sexism and racism; **44%** of mothers had

mental health issues and **19%** had a physical disability and this was used against them (see [here](#)).

It is widely acknowledged that the [outcomes for care leavers](#) are disastrous: they are over ten times more likely than their peers not to be in education, employment or training (NEET) by 21; when they leave care, **50%** will be **in the criminal justice system** by age 21; **25%** will end up **in prison**; **50%** have **mental distress**; **70%** **die prematurely** and are **20 times more likely to die by age 25**.

These figures make clear that the **best way to improve the well-being of children is not to take them into “care” in the first place**.

Despite this appalling record, **rather than prioritise support to families under Section 17 (S17) of the Children Act, this Bill extends the control of the “corporate parent”**. The Bill’s Parliamentary Committee (22 January 2025) was told that every year local authority budgets allocated to S17 to support families have been reduced by 50% whilst budgets for S47 for “child protection” leading to removal have more than doubled. This means that when families ask for support, they are most likely to be told that no help is available for cost reasons and to be pushed into “child protection” where they are at increased risk of having their children taken from them. **It is urgent for S17 spending on support to be made a statutory duty** (like S47 spending is) instead of being optional and therefore least likely to be implemented. **Spending on supporting children’s right to family life, especially to their mother, must be prioritised over spending on child removal**.

**(See below our recommendations for improving the well-being of all children.)**

## **Our comments on some specific clauses in the Bill**

### **Clause 1**

We agree that family-group decision-making meetings (FGC) should have the purpose of empowering the child’s family network to promote the long-term safety and wellbeing of the child. However, the ***duty under this section does not apply where the local authority considers that it would not be in the best interests of the child for the family group decision-making meeting to be offered or to be held***. This is unacceptable. In our experience, once children’s services are critical of the mother, their criticisms extend to family and friends whom they view as supportive of the mother. **It may also be inappropriate to have family group conferences when domestic violence has been involved**, because the family of the perpetrator is likely to be hostile to the mother, and some relatives/friends of the father may blame mothers for the situation they’re in – the set-up of the FGC exacerbates this by giving them a voice.

Giving a local authority this let-out from applying the duty opens the way for local authorities to simply ignore it. We know that narrowly defined financial considerations too often determine what a local authority does, even though the consequences of such narrowness may be much more expensive – in the harm they cause both to children, their mothers and families and to the council’s purse. S17 is a good example of this: making savings by cutting what is not statutory (ie support for

mothers so children can stay with their families) has led to council going bankrupt because of the huge increase in the money is remove children. So, it may appear easier and cheaper to remove babies at birth and place them with “foster to adopt” families, especially as this relinquishes the council of all costs once the baby is adopted. But forced adoptions can have costly long-term consequences which support for a mother or a kinship carer (often a grandmother under a Special Guardianship Order) and child would not have. Similarly, placing a baby with a relative may require financial support, whilst placing the baby for adoption.

**Disabled mothers and children are particularly affected by ‘deep’ poverty and discrimination.** When they seek support with their children, as they are legally entitled to do under S17 of the Children Act and provisions in the Care Act, they are most likely to be denied support and to risk having their children removed for having asked for it.

**The real focus of this Bill should be on making Section 17 a statutory duty** so that a child is less likely to be taken from their family. Social workers could then prioritise the safety of children who are actually being harmed rather than targeting single mothers who are young, single, of colour, disabled or a care leaver. These families need real financial support, not the removal of their children, so they can escape poverty and/or domestic violence.

Family-group decision making does nothing to address the crisis of millions of families living in poverty, the increasing numbers of children in “care” or the worsening outcomes for care leavers. It doesn’t get to the bottom of the problems families are facing so that children can stay safely with them.

## **Clause 2**

**Children do not need multi-agency child protection staffed by more professionals.** They need support under S17. Social work assessments under S17 **MUST BE DONE SEPARATELY** from assessments under S47 (child protection leading to removal). Under the current system of a single assessment – which relies on social workers who are not qualified to assess disability/medical needs (for example), and the fact that Section 17 money is not ring-fenced while Section 47 is – mothers are too often blamed for not coping with their disabled child’s needs as way of cutting money spent on supporting families.

## **Clause 4 16LB**

**We are totally opposed to the introduction of a “consistent identifier” – a name or number for each child from birth.** The wellbeing of children is NOT served by more state control. The “identifier” takes state monitoring to an unprecedented degree as if children belonged to the state rather than to their mother and families. When a similar proposal was introduced in Scotland it was defeated. In 2016, the Supreme Court ruled that the Scottish Government’s Named Person scheme for children breached Article 8 of the European Convention of Human Rights (ECHR), which guarantees everyone’s “right to a private and family life”. The UK government should immediately drop this clause which would introduce an illegal and dangerous measure.

## Clause 10

**We oppose the amendments to section 25 of the Children Act 1989 to authorise the Deprivation of Liberty of children in alternative placement types** beyond just a secure children's home. This is essentially a sticking plaster over the lack of suitable secure accommodation, and risks expanding the number of children being placed in unregulated accommodation. We are opposed to placing children under Deprivation of Liberty (DoLs) in accommodation run by private providers whose primary motivation is profit ([83% of children's homes are run for profit](#)). It is completely unacceptable to house vulnerable children in caravans, narrow boats, etc. Allowing such placements to be more easily authorised as proposed in this clause would expose children to even more serious harm.

Rather than expanding the use of DoLs, **there should be an urgent enquiry into why DoLs have risen by 462% since 2023**. We agree with concerns highlighted by the [Children's Commissioner](#), who states that "stronger protections are needed for children being deprived of their liberty and contained, out of the community, often in isolation and surrounded by adults acting security guards."

The majority of children who are under DoLs are autistic, have severe behavioural problems, mental health issues and/or are teenagers who repeatedly run away from care back to their mothers. If they and their mothers had received the support they are entitled to under Section 17, many of these children would never have become subject to DoLs.

In addition, children in secure units are often exposed to being abused, "groomed" and many go entirely missing from "care". A two-year inquiry by the Office of Children's Commissioner for England into child sexual exploitation in gangs and groups, concluding in 2013, found that [more than a third \(36%\) of child safeguarding areas had used "secure accommodation as a refuge for sexually exploited children"](#). The Nuffield Family Justice Observatory (NFJO) analysed 208 deprivation of liberty applications made to the High Court across July and August 2022, [finding sexual exploitation was the primary need recorded for 11% of children, mostly girls](#).

## Clauses 14 & 16

**Rather than capping profits, there should be NO run for-profit organisations** either in children's homes, residential schools or foster care. In Scotland for-profit provision is already illegal, and [Wales](#) are now introducing the same. The money saved should be allocated to Section 17 support.

## Clauses 24-29

**We strongly oppose the introduction on limiting a parent's power to home educate** and a registration of children not in school.

A [study](#) found that the **risk of abuse for home schooled children is half or less than at school** and another [study](#) found that home educated children are at a lower risk of being subject to a Child Protection Plan than teaching staff who have been convicted of abuse.

Most home educated children are removed from school by their families because of the current broken Special Educational Needs (SEND) system, yet the Bill does not address any of the problems with SEND. Children with disabilities and/or SEND needs are automatically known to Children's Services because they need to be involved in care or EHCP plans. Penalising them by refusing to allow them to be home educated is discriminatory and unfair.

In addition, some of the mothers in our network who have fled domestic violence have been pursued through family court by abusive fathers who have challenged the fact that their children are being home schooled as a way of perpetuating their coercive control over the mothers.

This proposal may have been fuelled by the Sara Sharif's case because she was removed from school. However, she was known to social services and the school's concerns were reported to them but no investigation happened and the case was closed. **The issue is not home schooling but the fact that children's services are reluctant to challenge violent fathers and that a family court judge sent her to a man whose history of domestic and physical violence was well known.** Why are mothers (and it is usually mothers) who home school being blamed for the negligence and bias of social services and judges?

Parents and children must have the right to home schooling without unnecessary restrictions. We agree entirely with the view expressed by the home education charity [Education Otherwise](#) who say: "This Bill needs to be taken back to the drawing board."

### **Our proposals for improving Children's Social Care**

- **Recognise the bond between mother and child** as the child's first and most crucial relationship. Mothers are children's first protectors and supporting mothers is the best way to ensure children's health and well-being.
- **Prioritise implementing financial support under Section 17 of the Children Act 1989** with a view to keeping families together. Why aren't mothers and kinship carers (mostly grandmothers) getting the same financial support as foster carers?
- **Implement Care Act support for disabled mothers** who have caring responsibilities for a child. Stop taking children from disabled mothers on the basis that having a disabled mother is "harm" to a child. Support for "child carers" should start with adult social care services for disabled parents.
- **Address child poverty by addressing mothers' poverty**, especially single and/or disabled mothers, often women of colour, who are among the poorest and most likely to be targeted for intervention by children's social care.
- **Stop taking children on the basis of "neglect" conflated with poverty** – "neglect" is the single biggest category of child protection plans (see [Nuffield Foundation](#)). There is already legislation in California forbidding poverty being used as neglect to take children, and a Special Committee in Philadelphia proposes that **neglect should be removed from the law.**[\[vi\]](#)

- **Stop taking children into care because of domestic violence and end the use of predicted “future emotional harm”** which enables social workers prejudices and manipulation to justify taking children who have not been harmed from loving mums.
- **End forced adoptions** which have lifelong consequences for both children and mothers.
- **Victims of domestic violence must be helped to escape** and live independently from violent men. **The “presumption of contact”** in the Children Act **must end** so violent fathers are not allowed unsupervised contact or residence of children. Now that the fake science of “parental alienation” has been formally rejected from inclusion in the Domestic Abuse Act and its Statutory Guidance, CAFCASS and other professionals **must be stopped from using “parental alienation”** in court to undermine mothers and children who raise safety concerns about contact with fathers.
- The **discrimination** that results in so many **children** (including immigrant children taken because their parents have no recourse to public funds) taken into “care” **must be acknowledged and ended**. Other discrimination against mothers who have grown up “in care” or are sex workers must also be acknowledged and ended.
- **End the discrimination in the Working Together document** (2018) which assumes all parents need safeguarding referrals, and results in mothers in poverty or asking for help due to their own or their children’s disability being treated as having harmed their children. “Child protection” must be separated from “child in need”.
- **Recognise that the harm caused to children by separation** from mother and siblings, and by being uprooted from all that is familiar, **invariably outweighs the difficulties children may face within their families**, the majority of which could be overcome with proper financial and practical support.
- **Provide the support families ask for**, rather than what social workers decide is appropriate, which invariably means intrusive and degrading monitoring and prejudicial judgements. Strengthen communities by providing cash and services, not by adding layers of professionals whose priority is intervention, not support.
- **Follow the lead set by Dr Andy Bilson in the 1970s** which showed that when social workers were allocated money to help families rather than to take children into care – up to 70% fewer children were taken. Look at [Neath Port Talbot](#) which is also prioritising support successfully.
- **Remove privatisation from children’s services** to end the profit motive – obscene profits made by private providers/agencies for fostering, residential children’s homes, adoption, etc., are feeding the “child protection” industry which wrecks the lives of children and families.
- **Give mothers and other primary carers a Care Income** so that the work mothers do caring for children is financially recognised and no mother can be accused of neglect because she is poor. This would protect mothers and children from professionals abusing their powers and acting as if they know

best, as if the children belong to the state and not with their families. Foster carers receive between £400 and £600 a week – why not mothers whose caring work would prevent the institutionalisation of children and avoid lifelong trauma?

- **Reinstate legal aid** for all family law cases.

Support Not Separation [sns@legalactionforwomen.net](mailto:sns@legalactionforwomen.net)

Disabled Mothers' Rights Campaign [mumsrights@winvisible.org](mailto:mumsrights@winvisible.org)

Crossroads Women's Centre  
25 Wolsey Mews  
London NW5 2DX

11 February 2025