CHILDREN'S WELLBEING AND SCHOOLS BILL: Suggested amendments from the Disabled Children's Partnership and the Special Educational Consortium

A briefing for parliamentarians - April 2025

The Children's Wellbeing and Schools Bill has completed its passage in the Commons. As it begins its passage in the House of Lords, colleagues at the Disabled Children's Partnership (DCP) and the Special Educational Consortium (SEC) have come together to develop a briefing for Peers outlining the Bill's impact on disabled children and our proposed amendments. SEC and DCP are two leading coalitions in the SEN and Disability field and together represent 130+ organisations.



Key Bill priorities & impact on disabled children

DCP and SEC have drafted two amendments:

- Ensuring that breakfast club provisions are accessible to disabled children & those with SEN
- Proposing an Attendance Code of Practice.

In this briefing, we also share our concerns about adequate setting, school, and college placements for disabled children and young people, accessibility of school buildings, and the use of isolation rooms.

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Breakfast Clubs and Disabled Children

The provision of universal free breakfast clubs is a positive step towards supporting children's wellbeing. However, the Bill does not sufficiently ensure that these clubs will be accessible to disabled children and those with SEN. Many disabled children currently face barriers to accessing breakfast clubs due to:

- Food Provision: Some children may require specific dietary accommodations or feeding assistance.
- Transport: Council-provided school transport typically only operates at the start and end of the school day, leaving children unable to attend breakfast clubs.
- Specialist Support: Schools may lack the staff or resources needed to support children with complex needs during breakfast club hours.

These concerns are backed up by research from DCP and SEC member Contact, which found that a third of eligible disabled children were missing out on free school meals to which they were entitled. Helen Hayes, the Chair of the Education Select Committee, put forward an amendment in the Commons that would require the providers of breakfast clubs to make particular provision for the needs of children on schools' Special Educational Needs (SEN) and Disabilities Registers, but this was not voted on.

Proposed Amendments

We recommend the following amendments related to the Bill to strengthen the breakfast club provisions and ensure equitable access to the:

- A clear requirement for schools to make reasonable adjustments to ensure breakfast clubs are inclusive of disabled children and those with SEN, including the provision of specialist support staff.
- Duties on local authorities to co-operate with schools in delivering their duties, including ensuring that where home to school transport is provided it enables attendance at breakfast clubs; and that support needed to access breakfast clubs should be included in Education, Health and Care Plans.
- Duties on local authorities to make arrangements for breakfast provision for children receiving education otherwise than at school.

We have drafted an amendment to this effect, which you can see in the insert.

Place Planning and Local Admissions

We believe that the bill must address lack of adequate school places for disabled children and those with SEN and the delays in EHCPs which prevent children accessing appropriate placements.

We recommend making it explicit in the Bill:

- Measures to ensure that SEN units in mainstream schools foster an inclusive culture and are not segregated from the wider school community.
- A requirement for local authorities and schools to prioritise SEND-specific provisions in place planning.

Children Not in School Register

Compulsory Children Not in School registers in each local authority area in England.

Implications for disabled children:
Local authorities to include relevant information about the child's circumstances (where held or possible to obtain), such as whether they have SEN, or current or historic children's social care involvement. The government will use this power to stipulate which information contained within the registers must be provided by local authorities to the Secretary of State upon request. This could include the provision of information such as whether the child has any SEN or Disability.

The data is intended to be used to understand the reasons why parents' home educate a child or why the child has been placed in alternative provision and identify any trends or common issues within a particular area. This could help improve understanding of SEND or issues like off-rolling, bullying or mental health.

However, we are concerned that local authorities may use these registers to put increasing pressure on parents for their children to attend inappropriate and unsuitable school placements. Parents also would need local authority consent to home educate if a child registered at a special school maintained by a local authority, special academy or non-maintained special school, or at an independent school which is specially organised to make special educational provision for pupils with SEN, where the child became a registered pupil at that school under arrangements made by the local authority. The relationship between many families and their local authority is often adversarial and characterised by mistrust. This Bill must seek to improve that relationship, rather than cause further strain.

We recommend:

- Safeguards to prevent local authorities from using the register to pressure families into unsuitable school placements.
- A commitment to foster a supportive relationship between families and local authorities, including the creation of an Attendance Code of Practice that delivers a support-first approach and clear cross-Departmental, cross-Parliament input to its creation. This would afford safeguards, protections, entitlements, setting out best practice planning on the use of the Register, Unique Pupil Identifier, school attendance registers and joint commissioning arrangements for all children and their families, but particularly our most vulnerable and underserved.

See insert for draft amendment.



Accessibility of school buildings

The 1978 Warnock Report called for "Any impediments to easy movement around the school will need to be overcome through adaptations to premises if children with severe physical disabilities are to be enabled to join ordinary classes and share in school activities. Other more general considerations, such as the degree of open planning, may affect the suitability of a school for children with emotional disorders or with impaired hearing". Para 7.26 p 109.

However, this was not implemented in any statutory way until the Disability Discrimination Amendment Act of 2001 introduced the Access Planning Duty and was incorporated into the existing Equality Act in 2010.

We are calling for a probing amendment on making all premises accessible to the standard of Section M of the Building Regulations by 2034, and that substantial annual progress is made to this goal by means of a designated Capital Grant.

Establishing a date by which all state-funded school buildings are accessible did come up in a debate in the SEND bill in 2001 but was not taken any further.

Use of isolation/seclusion rooms

We have identified concern across our membership about the use of isolation and seclusion rooms across schools in England. We are deeply worried about the use of these rooms as a disciplinary measure that results in children being denied access to the curriculum, deprived of physical activities, stimulation, and social interaction.

According to the ICARS (International Coalition Against Restraint and Seclusion) Report England, 86% of respondents reported that their child had been subject to seclusion, suggesting this practice is widespread.

Young person's account: "I was sent there because I had an anxiety disorder and that was their 'solution' for calming me down. I can't possibly tell you the horrific nightmares I had based around that room. They never stopped sending me."

Our recommendations for a probing amendment include:

- A mandatory legal duty to inform families when their relative is subject to restraint or seclusion;
- Improve monitoring of data on seclusion and isolation rooms; and
- Statutory guidance on how to use restrictive practice in school.

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