

## **NSPCC Briefing: Second Reading of the Children, Schools and Families Bill**

### **Summary**

Second Reading of the Children, Schools and Families Bill takes place in the House of Commons on **Monday the 11<sup>th</sup> January 2010**. The Bill will bring into force a number of new measures which the NSPCC support, as well as some which we believe need further scrutiny by Parliamentarians.

- We support the measures in Clauses 11-14 of the Bill to make Personal, Social, Health and Economic Education (PSHE) a statutory subject for Key Stages 3 and 4, and welcome the incorporation of Sex and Relationships Education (SRE) into the curriculum.
- We support the recommendations in Clause 26 and Schedule 1 of the Bill to establish a registration scheme for children who are educated at home in England. However, it is important that workers who undertake home visits receive specialist training to identify possible signs of child abuse or neglect.
- We are in favour of making the work of family courts more transparent, but we believe that the proposals in Part 2 of the Bill to allow the media greater access to report on family court proceedings may subject already vulnerable children to further risk. The NSPCC is calling on the Government to commit to further Parliamentary scrutiny of these proposals in the Bill, including an independent review of their impact on children and young.

### **About the NSPCC**

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

### **Personal, Social, Health and Economic Education (PSHE)**

The NSPCC welcomes the government's commitment to making PSHE a statutory subject for Key Stages 3 and 4 and incorporating this in the new primary curriculum at Key Stages 1 and 2, we also welcome the incorporation of Sex and Relationships Education (SRE) into the curriculum.

PSHE lessons improve children's ability to recognise the importance of healthy relationships and help young people to develop the skills that they need in order to ask for help with relationship support. PSHE lessons can signpost sources of help and support for children who have suffered abuse.

### **Training for Teachers**

Currently, not all teachers have the knowledge and skills to deliver the SRE component of the curriculum effectively, so when statutory teaching of PSHE is introduced it will be

essential that the teachers responsible for delivering the lessons receive specialist training and are fully supported by the school. It is also vital that teachers know how to respond if a child or young person discloses that they have suffered abuse, and this should be consistent with the existing procedures and guidance<sup>1</sup>.

### **Consult with Pupils and Parents**

PSHE and SRE have an important role to play in safeguarding children, but this needs to be provided sensitively by schools, and both parents and children should be involved in decisions about its delivery. Parents, carers, children and young people and members of a schools governing body should be involved in open consultation when developing and reviewing their schools' SRE policy. If parents raise particular objections to the SRE element on the grounds of faith and culture, the school should consider creative ways to discuss sensitive subjects such as SRE, possibly in single-sex groupings and with materials that parents are happy with.

Schools should also ensure that PSHE is tailored to the specific needs of deaf and disabled children as research has shown that this group is at a much higher risk of abuse and neglect, so it is particularly important that they learn to identify abusive behaviours.<sup>2</sup>

### **Home Educated Children**

The NSPCC welcomes the Government's commitment to establish a registration scheme for children who are educated at home in England in order to simplify the current arrangements for home educating parents and local authorities. A registration scheme could also help local authorities to distinguish between home educated children and those who are simply missing from education.

Our concern is that children are safeguarded effectively in all settings, including in the home. We believe that workers who undertake home visits should receive specialist training to identify signs of child abuse or neglect.

### **Registration**

In NSPCC's submission to the Badman Review of Home Education<sup>3</sup> we recommended a consistent approach which requires all parents to notify a local authority if they decide to educate their child at home. The NSPCC supports the measures in the Bill to make registration annual, in order to ensure information held by local authorities is up-to-date.

Currently, local authority registration of home education is inconsistent. The NSPCC would like local authorities to use the registration process as an opportunity to provide information to parents and children about the rights of home educated children and the resources available to support them and their parents and carers.

### **Monitoring**

We agree that Local Authorities should be required to visit the place of education, however it is essential that staff undertaking home visits should have received specialist training in identifying possible signs of child abuse or neglect.

The Bill currently states that a local authority cannot make arrangements to see the child on their own if the child or the parent objects to such a meeting. Where a local authority

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<sup>1</sup> DSCF (2006) *What to do if you're worried a child is being abused*

<sup>2</sup> Sullivan, P and Knutson, J (2000) *Maltreatment and disabilities: A population based epidemiological study* Child Abuse and Neglect 24 (10).

<sup>3</sup> Badman, G (June 2009) *Report to the Secretary of State on Review of Elective Home Education in England*. [http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-610\\_Home-ed.PDF](http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-610_Home-ed.PDF)

visitor is not able to see the child, a clear record should be made which notes the reasons for not seeing the child alone. If staff see children on their own, it is important that they should have the requisite skills to communicate with children and know how to respond if a child discloses abuse.

The following anonymous quote from a girl who called our ChildLine service in 2008/09 provides an insight into why it is important that the legislative framework must be fit for the purpose of establishing that children are safe when they are being educated at home:

*“My dad is hitting me and I am scared. He is touching me in naughty places. My mum has gone to heaven. Dad is saying he will rape me if I tell anyone. My dad has kept me away from school last two years.”* (Girl aged 10)<sup>4</sup>.

The Association of Directors of Children’s Services (ADCS) state that the monitoring and registration proposals in the Bill are “basic and fulfil the minimum requirement which would support local authorities in keeping children safe”. They also state that “Most local authorities keep a register of children who are educated at home, and this is good practice. Making this standard practice would be an advantage.”

### **Media Access to Family Courts**

The media have been permitted to attend family court hearings since April 2009. Under Part 2 of the Children, Schools and Families Bill there are measures to allow the media greater access to the proceedings of Family Courts.

The NSPCC is in favour of making the work of family courts more transparent to a wider audience but is deeply concerned that any relaxation of the rules on publishing sensitive personal information will increase yet further the likelihood of identification of children and families in press reporting.

The Bill sets out two ‘phases’ to implement these measures. Phase 1 would allow some reporting of family proceedings – including placement proceedings – which in practice may result in little difference to the current position. However, phase 2 would go further and would see the relaxation of rules on reporting ‘sensitive personal information’. The Bill defines ‘sensitive personal information’ in Schedule 3 under four categories:

- Information given by a relevant child;
- Information relating to a medical, psychological or psychiatric condition;
- Information relating to a medical, psychological or psychiatric examination;
- Information relating to health care, treatment or therapy.

The effect of this could mean that sensitive personal information could then be published - unless a court specifically imposed restrictions.

Lord Justice Wall told the annual Bond Solon expert witness conference in London:

*“The advantage of transparency, properly addressed, is, of course, that it will demonstrate to the public the difficulty and sensitivity of the decisions which the family justice system has to take on a daily basis. The disadvantage is that we are in the hands of the media, which is interested in personalities, not issues. Thus if, for example, a journalist reports day one of a hearing, the evidence may be contradicted or wholly*

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<sup>4</sup> ‘Children talking to ChildLine about sexual abuse’ (November 2009), NSPCC  
[http://www.nspcc.org.uk/Inform/publications/casenotes/children\\_talking\\_to\\_childline\\_about\\_sexual\\_abuse\\_wda69414.html](http://www.nspcc.org.uk/Inform/publications/casenotes/children_talking_to_childline_about_sexual_abuse_wda69414.html)

*negative on day two, when the journalist is not present. And of course, if the journalist chooses not to report the judgment, there is nothing, as I understand the government's present proposals, which can be done about it."*

The NSPCC is concerned that the anonymity of children cannot be guaranteed under the proposals. The NSPCC has experience of cases where enough information about young witnesses in the criminal courts has been placed in a public case which allows the clear identification of the young witnesses and caused them great distress. The Bill currently does not give sufficient information about when information is likely to identify a young person involved in the family proceedings. We believe it would be preferable to use the model in Australia's Family Law Act 1975 which prohibits the publication of any information likely to identify an individual to a member of the public.

We would urge the Government to conduct an independent review of the measures in the Bill at the end of phase 1, before considering a progression on to phase 2. Additionally the move to phase 2 should be considered by Parliament, and should be subject to Parliamentary approval. Specifically we would urge the Government to:

- Conduct a full evaluation of the impact on both children, courts and reporting following the changes introduced in April 2009 which permit media to observe family court hearings;
- Commission an independent assessment of the impact on clinicians in the context of their ethical framework when working with children and families. Interim findings [Brophy, forthcoming]<sup>5</sup> indicate that children and young people are unwilling or unable to talk openly with clinicians once they are made aware that a reporter might be in court to hear evidence of what they have said in a clinical setting;
- Take account of the delay and cost implications of a case-by-case assessment of any necessary reporting restrictions.

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<sup>5</sup> The Views of children and Young People regarding media access to family courts in the context of Article 12 of the UNCRC, (forthcoming); Office of the Commissioner for Children, England