



**Kelly Tolhurst MP**

Minister of State for Schools and Childhood

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/contactus/df](http://www.education.gov.uk/contactus/df)

Catherine Wood  
Assistant Coroner  
Coroner Service Team  
Cantium House  
Sandling Road  
Maidstone  
ME14 1XD

24 October 2022

Dear Ms Wood,

Thank you for your letter of 9 August 2022, to the Department for Education, about the death of Samuel Alban-Stanley. I am replying as the Minister responsible for Special Educational Needs and Children's Social Care at the Department for Education.

I would like to begin by expressing my deepest condolences to Samuel's family. This is a tragic case and I agree entirely with my colleague, the former Minister of State for Care and Mental Health, who made clear in her response to you that it is imperative that we learn lessons to improve services to safeguard and prevent harm to vulnerable children and young people.

As the former Minister of State for Care and Mental Health set out in her response, at the start of the Covid-19 pandemic in March 2020, people with serious underlying health conditions, such as Samuel, were advised to follow shielding measures. This included advice not to attend school, even though education and care settings remained open for vulnerable children (including those with Education, Health and Care (EHC) plans) and children of critical workers. We recognise that such measures had a significant impact on many children's mental health and wellbeing, which is why the Government prioritised opening education and care settings for all pupils as soon as it was possible. These measures were kept under constant review and advice on shielding was relaxed as soon as it was considered safe to do so.

This situation was unprecedented and presented new and unfamiliar demands on local authorities, schools, and other services. The department and local authorities developed and improved processes throughout the response to the pandemic, adapting and learning from the latest scientific and medical advice.

During this time, children and young people with EHC plans were a particular concern for us. The guidance the department issued in March 2020 advised local authorities to undertake an individual assessment of all children and young people for whom they maintained EHC plans, to consider the balance of risk between contracting Covid-19 and the risk of disruption to education and support. We expect that Kent County Council and Samuel's parents will have taken account of this guidance and the medical advice and wider government guidance that Samuel should follow shielding measures in deciding that he should not continue to attend Laleham Gap special school.

I am sorry to hear that Samuel was not offered the care and treatment that he needed to keep him safe, and for the poor communication between the agencies that were supposed to provide this care. Local authorities have a duty under s17 of the Children Act 1989 to carry out an assessment of children in need and to provide services to them for the purpose of safeguarding and promoting their welfare. *Working together to safeguard children* (2018), sets out that safeguarding partners should agree with their relevant agencies the levels for the different types of assessment and services to be delivered, including services for disabled children. Safeguarding partners should then publish a threshold document setting out local criteria for action, including procedures and processes for cases relating to disabled children. It would therefore be for Kent local authority to undertake this.

*Working together to safeguard children* (2018), is clear that local areas should have a comprehensive range of effective, evidence-based services in place to address needs, and that effective sharing of information between practitioners and local organisations and agencies is key. We agree that missed opportunities to share information in a timely manner can have severe consequences for the safety and welfare of children and young people. On the 23<sup>rd</sup> May 2022, the Department for Education made a statement in Parliament about the final report arising from the review of Children's Social Care. To support delivery of recommended changes, the department are already working with the Children's Commissioner's Office and the Information Commissioner's Office (ICO) to identify ways to better improve data sharing in child safeguarding cases.

I understand from your report that Kent County Council has taken steps to reflect on the way its services were delivered during this case. I was pleased to see that more recently, Ofsted rated Kent County Council's children's services as 'outstanding' in its most recent inspection report, published in July 2022. The report noted the Council's improvements in areas identified in previous visits and its work to improve services throughout the pandemic.

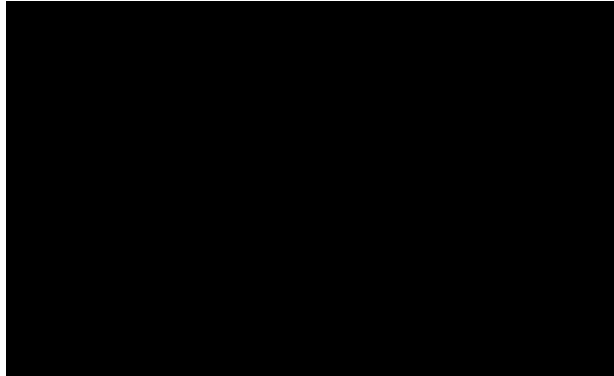
There is nothing more important than protecting children from harm and having a strong and robust system in place to safeguard children and promote their welfare is a key priority for this Government.

We have also announced ambitious reforms through publication of the Special Educational Needs and Disabilities and Alternative Provision Green Paper and in response to the Independent Review of Children's Social Care we have set out actions we are undertaking now to improve support for families and children's social care and have committed to publishing an ambitious implementation strategy later

this year.

I hope this response is helpful. Thank you for bringing these concerns to my attention.

Yours sincerely,



**Kelly Tolhurst MP**  
**Minister of State for Schools and Childhood**