

## Briefing: The Children's Wellbeing and Schools Bill 2025 Second Reading 8<sup>th</sup> January 2025

### About The Fostering Network

The Fostering Network is the UK's leading fostering charity and membership organisation. We are the essential network for fostering, bringing together everyone who is involved in the lives of fostered children. We support foster carers to transform children's lives and we work with fostering services and the wider sector to develop and share best practice. We work to ensure all fostered children and young people experience stable family life and we are passionate about the difference foster care makes. We champion fostering and seek to create vital change so that foster care is the very best it can be. We have been leading the fostering agenda for 50 years, influencing and shaping policy and practice at every level.

### Summary

The Children's Wellbeing and Schools Bill and its focus on early intervention, tackling profiteering in the sector, and kinship care, is a welcome step towards addressing key issues within children's social care. There has been a lack of priority given to children's social care for far too long and this is a much-needed reset.

However, we believe the Bill has a distinct lack of focus on foster care and does not bring forward key commitments from the independent review into children's social care and the previous government's strategy 'Stable Homes, Built on Love'.

This briefing responds to the first draft of the Bill and outlines where we think it could go further to address the key issues facing foster carers and children and young people in foster care:

- This Bill, is a missed opportunity to bring forward the commitments to extend Staying Put from age 21 to 23 and introduce delegated authority by default for day-to-day decisions into legislation. These were commitments set out in 'Stable Homes, Built on Love' and are based on the independent care review's extensive consultation with the fostering sector, foster carers and care leavers.
- This Bill should include measures to address the UK-wide disparities foster carers are facing in their foster carer fees – up to £38,000 per year. Many foster carers are being left out of pocket.
- This Bill should make the National Minimum Allowance a statutory minimum for local authorities and monitor compliance in line with these rates. Many local authorities are not meeting these rates and not providing foster carers with the financial support they need to support children to thrive.
- Work on introducing a register is making progress in other nations of the UK and should be prioritised by the Government, as per the recommendation of the previous chair of the Education Select Committee.
- This Bill should also include commitments to improving the learning and development (L&D) of foster carers to ensure they have the skills and knowledge to support the children in their care. Most children

come into care due to abuse or neglect and often have complex emotional needs. Foster carers must be adequately equipped to meet the needs of the child(ren) in their care.

### **Staying Put extension**

The Bill is a missed opportunity to provide support for care leavers by extending the Staying Put scheme for children in foster care to stay with their former foster carer from the age of 21 to 25. Instead, the Bill only extends Staying Close support to the age of 25 for any former relevant child, which is for children in residential care. Whilst we welcome this increased support for care leavers, it does not go far enough for young people in foster care who want to remain with their fostering family past the age of 21 and creates a two tier system for care leavers in residential and foster care. We know many young people and foster carers would like the children they are fostering to stay with them past 21 but cannot because there is currently no funding to support it.

It is well evidenced that it is in a young person's best interests to live in foster care and a family environment post-18 to improve outcomes as they transition into adulthood and so they can be afforded the same support as their non-care experienced peers. On average, a young person doesn't leave home until the age of 24. The current cliff-edge faced by care leavers puts them at a significant disadvantage when navigating adult life, with poorer outcomes in accessing higher education, becoming homeless and entering the youth justice system.<sup>1</sup> A recent evaluation has shown that Staying Put also significantly lowers the risk of homelessness for care leavers – if participants in the scheme increased by 13%, over 300 care leavers could be prevented from experiencing homelessness per year.<sup>2</sup>

### **Delegated authority**

This Bill has also missed the opportunity to bring forward the commitment to support foster carers and improve children's lives by introducing delegated authority by default into legislation for day-to-day decision making as set out in the previous Government's 'Stable Homes, Built on Love' strategy.

In our 2024 forthcoming State of the Nations' foster care survey<sup>3</sup> we asked foster carers which sort of day-to-day decisions they felt were the most difficult to make for the children in their care. 17% of foster carers' answers referred to social opportunities – with sleepovers being the most common example. This theme was followed by difficult decisions around healthcare (15%), relationships (14%), childhood experiences, holidays and trips (12%) and more. Foster carers tell us that introducing delegated authority by default would mean they are more respected by children's services and have more freedom to make better day-to-day decisions about the children in their care, who they know best.

### **Foster carer fees**

Our report on foster carer fees published in September 2024 showed that foster carers experience a postcode lottery on fees - some local authorities provide as little as £18 a week, and others as much as £750 a week, - a maximum difference of £38,000 per year.<sup>4</sup> Our report also found that 60% of local authorities increase their fee rates as foster carers are deemed to gain skills, either through attending training, completing qualifications or length of time being a foster carer. FOIs confirmed that where local authorities did not have tiered fee structures, these fees were more consistent within local authorities and across the UK.

For foster carers on low or no alternative income, insufficient fees could result in them not being able to meet the costs of living and, in worst cases, living in poverty. Fees must also be competitive to bring more carers into the field, as well as being fit for purpose to ensure that anyone who wants to foster is financially supported to do so and not left out of pocket. This is particularly relevant where services want to attract a greater skill level into fostering and for the public to see fostering as a viable role.

### **Foster care allowances**

Whilst we welcome the recent 3.55% uplift in the National Minimum Allowance (NMA) rates to above inflation for 2025/2026, this only scratches the surface of the extra financial support foster carers require.

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<sup>1</sup> Josh MacAlister (2022) [The Independent Review of Children's Social Care: Final Report](#).

<sup>2</sup> Centre for Homelessness Impact (2024) [Staying Put: Leaving Care and the Risk of Homelessness](#).

<sup>3</sup> To be published in February 2025.

<sup>4</sup> The Fostering Network (2024) ['Out of Pocket: Fairer Fees for Foster Carers'](#).

Our 2023/24 report on foster carer allowances showed that there was a real inconsistency in allowances for foster carers across the UK resulting in a postcode lottery.<sup>5</sup> In England, 32% of LAs are paying under the NMA and only 26% are paying at the NMA for all age bands. This results in the difference in allowance rates for 11-15 year olds per year in England of £8,470.80. The NMA rates are based on out-of-date research and do not cover the full costs of caring for a child. Foster families are currently receiving much less than they need to support the children and young people in their care to achieve their best possible outcomes.

### **Foster carer register**

We believe that a national register for foster carers would improve matching and sufficiency, safeguard children, increase the portability of foster carers and improve foster carer's status. Through introducing a register, local authority fostering services could be given access to information on the number of fostering households with vacancies for children in their local area, including those with independent fostering providers and in neighbouring local authorities. The number of children in care in England moved outside their council boundary has increased from 41% in 2020 to 45% in 2024.<sup>6</sup> A register would allow services to make matches more quickly at a local level and ultimately reduce out-of-area placements.

The register would also safeguard children by keeping a central record of foster carers who have had their approval terminated for safeguarding reasons, ensuring they aren't re-approved by another service. Improve foster carer's status and conditions with a formal recognition for their role and increase the portability for foster carers by enabling them to take their registration with them rather than having to repeat the approval process if they move or foster for a different service.

### **Learning and development**

We are also disappointed that the Bill does not feature any commitments to improve foster carer's learning and development (L&D). Foster carers have a unique role of caring for children in their homes 24/7, they must be equipped to care for children with a range of needs.

In our 2024 forthcoming State of the Nations' survey, only 72% of foster carers in England said they have an agreed learning and development plan for the next 12 months. Out of all foster carer respondents, 63% rated their post-approval training as excellent or good. This has decreased considerably from 2021, when 71% of foster carers we surveyed rated their L&D (overall) as excellent or good. Foster carers survey responses told us they want more training that covers: therapeutic care, safeguarding, mental health and trauma, neurodiversity and more areas that would improve the care provided to children and young people.

### **Questions to the Minister:**

- Will the Minister commit to increase the Staying Put scheme to the age of 25 to mirror the Bill's commitments to extend Staying Close to 25 to ensure that young people with care experience are supported to stay in family environments and have the same opportunities to succeed as those living in residential care?
- Will the Minister continue the work that was being undertaken to introduce statutory 'opt-out' maximum delegated authority by default for foster carers to make day-to-day decisions on behalf of the children and young people they foster?
- How will the Minister ensure foster carers are equipped to meet the needs of the children and young people in their care, considering there is no standardised framework for pre- and post-approval training for foster carers?
- How does the Minister plan to monitor the NMA and ensure all local authorities are paying at least these rates, given we know 32% are paying under in one or more category?
- Will the Minister consider a national register for foster carers, as exists for social workers, as a means to improve recruitment and retention, best-practice and oversight?

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<sup>5</sup> The Fostering Network (2023) ['Our children deserve better' Calling for a fairer funding framework for children and young people in foster care.](#)

<sup>6</sup> Department for Education (2024) [Children looked after in England including adoptions.](#)