



Children's Wellbeing and Schools Bill

Briefing on committee stage amendments 12-17 to clause 7 and new clause 13 on foster care

23rd 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 children in foster care. 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 children and young people in foster care 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

We support the Children's Wellbeing and Schools Bill and its focus on early intervention, tackling profiteering in the sector, and kinship 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.

This briefing covers the two amendments tabled by Ellie Chowns MP (Green, North Herefordshire) on the extension of Staying Put provision from 21 to 25 and introducing delegated authority by default for foster carer's day-to-day decisions into legislation. These were commitments set out in the previous Government's strategy and are based on the Independent Care review's extensive consultation with the fostering sector, foster carers and care leavers. We urge MPs on the Committee to support these amendments 12-17 to clause 7 and new clause 13 on foster care. You can read the full amendments in the annex on page 4 of this briefing.

We also support new clause 40 tabled by Ellie Chowns MP on a national offer for care leavers, amendment 23 tabled by Neil O'Brien MP which takes into account the wishes of young people when providing Staying Close support and amendment 40 tabled by Munira Wilson MP on providing financial literacy and financial support within Staying Close.

Extend Staying Put support for young people up to the age of 25 in line with Staying Close support

We believe that the Bill is at risk of creating a two-tier system for care leavers in residential and foster care as it only extends Staying Close support (which is designed for children in residential care) to the age of 25 for any former relevant child, and not Staying Put (which allows young people to stay with their former foster carer).

An extension of Staying Put to age 23 was proposed by the Independent Care Review and was committed to in the previous Government's 'Stable Homes Built on Love' strategy so we were disappointed not to see this

included in the Bill. On average, a young person doesn't leave home until the age of 24¹ and the current cliff-edge that care leavers face puts them at a severe disadvantage when navigating adult life. We know many young people and foster carers would like the children they are fostering to stay with them past 21 but are not able to because there is currently no funding to support it. It is well acknowledged and found by the Independent Care Review that young people experience better outcomes when they remain in family environments such as foster care in comparison to residential care.

The Independent Care Review found that extending Staying Put and Staying Close up to age 23 and scaling up supported lodgings would have an overall cost benefit to local authorities of £84 million over five years.² This is largely from reduced homelessness episodes and reduced use of other types of accommodation. The Centre for Homelessness Impact also found that Staying Put significantly lowers the risk of homelessness for care leavers.³ If the number of participants in the Staying Put scheme increased by just 13%, over 300 care leavers could be prevented from experiencing homelessness per year.

The extension of Staying Close in the Bill will provide enhanced support for those leaving care from children's homes or other forms of residential care. We are aware the Government has stated that Staying Close support will be available for those in supported lodgings, residential care and foster care, although this isn't made clear in the Bill. Supported lodgings allows young people age 16 plus to live with a 'host' who provides them with emotional and practical support but are not an approved foster carer. Foster carers are often best placed to prepare the young people in their care for independence as they are the most trusted adult known to them.

We believe that young people should have the same opportunities to stay in the environment they feel most comfortable in, as those living in residential care, and the Bill needs to enable this by extending the offer of Staying Put to young people up to 25 so they can stay with their former foster care if they wish.

We know from our work with foster carers and young people how important this would be to them both, these quotes below from foster carers in forthcoming State of the Nations' Foster Care 2024 report illustrate this:

"The increase in the age for staying put would be of amazing benefit to care leavers. At the age of 21 many who have had the opportunity to go to university are just obtaining their qualification and have to face negotiating the next huge step, the job market, and to find that they are possibly homeless due to leaving their placement is a catastrophic step backwards."

"The cost of living is at its peak and to be able to secure decent accommodation in a safe area is way out of most young people's reach, let alone at the age of 21, which is why so many young people are still living with their parents at that age. Care leavers, in a majority of cases, do not have that choice unless their foster parents are prepared to continue to provide them with a home with no financial support from the state."

"This transition has been traumatic and felt like we were being abandoned and also the continuing work we will do with the child unrecognised purely because they have reached a chronological milestone rather than adapting to the child's needs."

We urge the Committee to pass this amendment to ensure parity with Staying Put and Staying Close, given the Government's widespread acknowledgement that foster care and a family home has the best long-term outcomes for young people transitioning into adulthood.

Introduce statutory delegated authority by default for foster carers for day-to-day decision making

Foster carers should have delegated authority to make day to day decisions for the children in their care, but our research and the Independent Care Review have found that in reality foster carers are unable to make key day-to-day decisions.

¹ ONS (2024) [Milestones: Journeying through modern life](#)

² Alma Economics (2022) [Costing and outline CBA of the Independent Review of Children's Social Care recommendations: Modelling assumptions](#)
Independent Review of Children's Social Care

³ Centre for Homelessness Impact (2024) [The Impacts of Staying Put on Housing Outcomes for Young People Leaving Care](#)

This means children and young people in foster care miss out on every day activities such as school trips, holidays or sleepovers and also important appointments for their health, and wellbeing such as medical appointments or haircuts. This can make children and young people feel even more different from their non-care experienced peers and prevents them from living a happy and healthy childhood. In our forthcoming 2024 State of the Nations' foster care survey⁴, less than a third (31%) of foster carers said children's social workers are always clear about which decisions they have the authority to make in relation to the children they foster. Only half of foster carers said social workers respond to requests for decisions in a timely manner. When asked about the main barriers they face in making decisions for children in their care, the three most common themes were:

- Difficulties with social workers' involvement, including a lack of communication, clarity and information; long waits for decisions; and not feeling listened to
- Bureaucracy – unnecessary paperwork, box-ticking and complicated processes
- Lack of consent from birth family

17% of foster carers' reported that social opportunities were the most difficult decision to make – with sleepovers being the most common example, followed by healthcare (15%), relationships (14%), childhood experiences, holidays and trips (12%), education (11%), self-expression (10%), parenting decisions (10%) and systemic issues within fostering service staff. Comments included:

“Everything has to be run by my social worker first, who then has to discuss with child's social worker, then has to be discussed with managers and then time for them to implement the action depending on their diary availability.”

“Told parents have to give permission for haircuts, and parents either ignoring requests, or dictating when and how to cut hair, when the child wishes for another style, or desperately needs a cut as hair impacting sight, or not growing as never been cut.”

“Having to ask permission to take them away for the weekend and describe exactly what accommodation and rooms and where the child will be sleeping. Surely if you have been trained to be a foster carer you should be trusted to make arrangements without being interrogated.”

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, whom they know best.

Foster carers have delegated authority to make day to day decisions for the children in their care as set out in the child's placement plan whilst the birth parent or the local authority still retain parental responsibility. Guidance on delegated authority was last strengthened in 2013 and urgently needs updating.

This amendment will set out in legislation that foster carers have default delegated authority on key everyday decisions where the child's placement plan does not specify an alternative decision maker. This should speed up decision making and provide foster carers with the confidence and autonomy to make day-to-day decisions for the children in their care. This includes decisions in day-to-day parenting such as healthcare and leisure activities and excludes routine but longer-term decisions such as school choice and significant events such as surgery. There will need to be further changes to fostering regulations to ensure placement plans reflect this.

We urge the Public Bill Committee to pass this amendment to make it easier for foster carers to make decisions about the children they know best and ensure that children and young people do not miss out on living a happy and healthy childhood.

⁴ To be published February 2025

For more information, please contact Natalie Williams, Head of Policy and Campaigns:
Natalie.Williams@fostering.net 020 7620 6433

Annex – Amendments on foster care

Annex A: Amendments 12-17 to clause 7 on extending Staying Put

Ellie Chowns _12

Clause 7, page 11, line 38, after “support” insert “and staying put support”

Member's explanatory statement

This amendment would include staying put support in the support provided by local authorities under this section and extend the provision of Staying Put for young people to the age of 25.

Ellie Chowns _13

Clause 7, page 12, line 7, after “support” insert “or staying put support”

Ellie Chowns _14

Clause 7, page 12, line 10, after “support” insert “or staying put support”

Ellie Chowns _15

Clause 7, page 12, line 11, after “support” insert “or staying put support”

Ellie Chowns _16

Clause 7, page 12, line 14, after first “support” insert “and staying put support”

Ellie Chowns _17

Clause 7, page 12, line 22, at end insert—

“(5) “Staying put” has the meaning given by section 23CZA(2) of the Children’s Act 1989.”

Annex B: New clause 13 on delegated authority for foster carers

Ellie Chowns _ NC13

To move the following Clause—

“Foster carers’ delegated authority for children in their care

(1) Where a child (“C”) who is looked after by the local authority is placed with a foster parent (“F”) by a local authority, F may make decisions on C’s behalf in relation to the matters set out in subsection (2) where C’s placement plan does not specify an alternative decision maker.

(2) The matters referred to in subsection (1) are—

(a) medical and dental treatment,

(b) education,

(c) leisure and home life,

- (d) faith and religious observance,
- (e) use of social media,
- (f) personal care, and
- (g) any other matters which F considers appropriate.”

Member's explanatory statement

This new clause would enable foster carers to make day-to-day decisions on behalf of the children and young people they foster