

## Written evidence submitted by the Fostering Network to the Children's Wellbeing and Schools Public Bill Committee (CWSB184)

### 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

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'. Given that 67% of children in care in England are in foster care and widespread acknowledgement that foster care and a family home has the best long-term outcomes for young people transitioning into adulthood, we are disappointed about the absence of measures to improve fostering in the Bill.

Ahead of the initial sessions of the Committee we worked with Ellie Chowns MP who tabled amendments 12-17 to clause 7 on the extension of Staying Put provision from 21 to 25 and new clause 13 on introducing delegated authority by default for foster carer's day-to-day decisions into legislation (See appendix). 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.

This written evidence 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 and which amendments we would recommend the Committee support.

### Summary of key areas

- **Staying Put** - 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) and amendments 12-17 sought to address this.

- **Delegated authority** - 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 face barriers to making key day-to-day decisions such as difficulty with social workers, bureaucracy and a lack of consent from birth families. Introducing delegated authority by default would mean that foster carers 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. New clause 13 tabled by Ellie Chowns MP seeks to address this.
- **Allowances** - In England, 32% of local authorities (LAs) are paying under the National Minimum Allowance (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. Whilst we believe the NMA does not provide enough financial support for foster carers to support children to thrive – fostering services must be monitored to ensure they are at least meeting the NMA. We recommend the Committee introduce an amendment to ensure that all fostering services pay the NMA and are monitored by Ofsted or the Government.
- **Fees for foster carers** - Our report on foster carer fees published in September 2024 showed that foster carers experience a postcode lottery on fees and there is no standardised fee framework - 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. We recommend the Committee introduce an amendment to require the Government to undertake a review of the current fee structure and introduce a national recommended fee framework.
- **Register for foster carers** - Work on introducing a foster carer's register is making progress in other nations of the UK and we would urge the Committee to consider this as an amendment at later stages of the Bill. The introduction of a register was a recommendation made by Robin Walker MP, the previous chair of the Education Select Committee<sup>1</sup>. 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.
- **Training framework** - Foster carers should feel confident that they are equipped with 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. However, there is no standardised framework for pre- and post-approval training for foster carers. **We recommend the Committee consider an amendment to introduce a standardised framework for pre- and post-approval training for foster carers.**

## Staying Put

1. 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). Amendments 12-17 to clause 7 tabled by Ellie Chowns MP would 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.
2. 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 24<sup>2</sup> 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.
3. 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

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<sup>1</sup> Robin Walker MP (2024) [Correspondence to the Parliamentary Under-Secretary of State for Children, Families and Wellbeing on the Committee's inquiry into Children's social care.](#)

<sup>2</sup> ONS (2024) [Milestones: Journeying through modern life.](#)

five years.<sup>3</sup> 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.<sup>4</sup> 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.

4. 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.
5. 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.
6. 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."*

7. We worked with Ellie Chowns MP to table amendments 12-17 to clause 7 to extend Staying Put provision to the age of 25. In response to the amendment, Minister Catherine McKinnell MP expressed the Government's intention to prioritise Staying Close support due to young people leaving residential care having 'often the most complex needs'. However, many young people leaving foster care also have complex needs and remaining or having the choice to remain with their former fostering family who they know and trust to support them into adulthood, is often the best outcome for them.
8. Whilst we are pleased that the Government has stated that they remain committed to the Staying Put programme, this Bill will create a two-tier system for care leavers which means that young people leaving foster care are forced into independence before they are ready or can afford to.

➤ **We urge the Public Bill Committee to recommend an amendment on this to ensure parity with Staying Put and Staying Close.**

#### **Delegated authority**

9. We are grateful for Ellie Chowns MP for tabling new clause 13 on delegated authority which at the time of writing has not yet been debated in Committee.

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<sup>3</sup> 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.

<sup>4</sup> Centre for Homelessness Impact (2024) [The Impacts of Staying Put on Housing Outcomes for Young People Leaving Care](#).

10. 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.
11. 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.
12. In our forthcoming 2024 State of the Nations' foster care survey<sup>5</sup>, 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
13. 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.”*

14. 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.
15. The extent of foster carers delegated authority is 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.
16. Our 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.

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<sup>5</sup> To be published 11th February 2025.

- **We urge the Public Bill Committee to recommend the passing of new clause 13 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.**

### **Foster care allowances**

17. 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.
18. 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>6</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 government must consider how to monitor the NMA and ensure all local authorities are paying at least these rates.
19. 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. In our 2024 State of the Nations' research foster carers shared how inadequate allowances have impacted them:

*"The annual rate of inflation has gone up dramatically in comparison to the rise in the allowance, which already had shortfalls. This has resulted in most of the extra things, like after school clubs, swimming, playgroups, football clubs etc now are no longer possible."*

*"£12.00 a week goes nowhere these days to providing a growing child adequate clothing, shoes and uniform etc."*

*"The overall cost of living has increased but the allowances have remained low. Without benefits I would have to stop fostering."*

20. On top of this, LAs have a wide variation in the additional allowances they provide for holidays, birthdays, nappies and other essentials. Our survey of LAs revealed that one-off payments ranged from £20 at the start of the school year to £400 for a holiday.
21. In response to this continual under-funding of foster carer allowances in England, we have calculated recommended rates based on extensive research and evidence of the full costs of caring for a child based on Loughborough University's Minimum Income Standard and our work with Pro Bono Economics. We encourage all local authorities and fostering services to pay these rates.
22. The Fostering Network's 2023/4 recommended rates are:
- £227 per week to raise a child in foster care aged 0-4 years
  - £275 per week to raise a child in foster care aged 5-10 years
  - £349 per week to raise a child in foster care aged over 11 years.
- **We recommend the Committee introduce an amendment to ensure that all fostering services (including both LAs and IFAs) pay at least the NMA and are monitored by Ofsted or the Government to do this.**

### **Foster carer fees**

23. In September 2024 we published our report '[Out of Pocket: Fairer Fees for Foster Carers](#)' which showed the low level and disparate postcode lottery of foster carer fees across the UK. There is no statutory minimum framework for fees as there is for allowances.
24. Based on our FOIs responses from 80% of local authorities (LAs) for the period April 2023 to March 24, the findings show that an absence of a standardised fee system has resulted in both a large variation in

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<sup>6</sup> The Fostering Network (2023) '[Our children deserve better](#)' Calling for a fairer funding framework for children and young people in foster care.

foster carer fees and too many local authorities providing limited financial support to their foster carers. 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.

25. Our 2024 State of the Nations Survey findings show that most foster carers do not work alongside their fostering role (around 60%) and under 20% of foster carers are in full-time employment. Therefore, 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.
26. 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. Most foster carers on the lowest fees are those who are new to fostering or have not yet completed certain training. Local authorities and government officials must consider how providing new foster carers with very low fees impacts the recruitment and retention of foster carers.
27. We recommend that every foster carer, approved with LAs or IFAs and including kinship foster carers and post foster care carers, should receive the same consistent fee – and the Government should introduce a national recommended fee framework.
28. On 27 November 2024, Jess Asato MP, in a parliamentary question to the Secretary of State for Education asked ‘if she will make an assessment of the potential merits of introducing a statutory minimum fee framework for foster carers.’<sup>7</sup> The Children’s Minister responded that ‘there are no current plans to introduce a statutory minimum fee framework for foster carers.’ The response also stated that ‘fostering service providers, including local authorities, have the flexibility to pay additional fees. Decisions to pay fees are therefore made independently by the fostering service provider. The department encourages all fostering service providers to regularly review the fees they pay to their foster carers to ensure they remain appropriate.’
  - **We urge the Committee to table an amendment to ask the Government to carry out a comprehensive review of foster carer fees and then introduce, invest in, and monitor the delivery of a national recommended fee framework for foster carers, paid for 52 weeks a year, including between placements and during allegation investigations and include an inflationary uplift each year.**

### **Foster carer register**

29. The Fostering Network believes that introducing 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.
30. The register is making great progress in other nations of the UK. The Scottish Government is now consulting on introducing a register in its Future of Foster Care consultation which closes on 6th February 2025.<sup>8</sup> In Wales, the Health and Social Care Committee’s Stage 1 Report on the Health and Social Care (Wales) Bill recommended that the Minister should amend the Bill to “make it mandatory for all foster carers to register with Social Care Wales.” The Government responded that they would explore further how this would work but introducing such a change would require consultation with all parts of the sector so would be done outside of the Bill.
31. The register would make improvements to the matching of children and foster carers and support local authorities to meet their sufficiency duties. Through a register, local authority fostering services could be

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<sup>7</sup> UK Parliament (2024) [Question for Department for Education, Foster Care: Pay](#).

<sup>8</sup> Scottish Government (2024) Future of Foster Care Consultation, open until February 6th 2025.



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.

32. The number of children in care in England moved outside their council boundary has increased from 41% in 2020 to 45% in 2024.<sup>9</sup> A register would allow services to make matches more quickly at a local level and ultimately reduce out-of-area placements. We know it is best for children to be placed close to family and other support networks and not moved out of area.
33. The register would also:
- **Safeguard children** – keep a central record of foster carers who have had their approval terminated for safeguarding reasons, ensuring they aren't re-approved by another service. The introduction of a register would go hand in hand with an accredited training framework and robust national standards of practice, improving the quality of care for children.
  - **Improve foster carers' status and conditions** with a formal recognition for their role. Decisions on continued suitability to foster following an allegation would be made by a central registration body, ensuring greater impartiality and fairness. We also propose that registration should entitle all foster carers to a minimum level of fees and support.
  - **Increase portability for foster carers** by enabling them to take their registration with them rather than having to repeat the approval process if they decide to move or foster for a different service. This would drive up standards of support for foster carers and give those who might be considering resigning an easier route to transferring service instead, improving retention.
34. There is widespread support from foster carers for a national register for foster carers. In our 2024 State of the Nations' Foster Care survey, excluding those who said they need more information (19%), 60% of foster carers said they support proposals to create a national register of foster carers, 14% oppose them, and 27% neither support nor oppose them. Of fostering service respondents, excluding those that need more information (21%), 42% said they support the proposals, 30% oppose them and 28% neither support nor oppose them.
- **We would urge the Committee to consider an amendment at later stages of the Bill to introduce a register of foster carers.**

### Learning and development

35. The Bill does not feature any 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 have a unique role of caring for children in their homes 24/7, they must be adequately equipped to meet the needs of the child(ren) in their care.
36. In our 2024 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.
37. Foster carers survey responses told us they want more training that covers:
- Therapeutic care, including attachment, trauma informed care and life story work.
  - Safeguarding, particularly around drugs and alcohol and internet safety.
  - Mental health, particularly trauma.
  - Neurodiversity, including fetal alcohol spectrum disorder, autism and ADHD.
  - Health and disability, including alcohol and drug withdrawal in babies.
  - Equality, diversity and inclusion, including caring for LGBTQ+ children and unaccompanied asylum-seeking children.
  - Communication needs, including sign language.

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<sup>9</sup> Department for Education (2024), [Children looked after in England including adoptions](#).

38. Training for foster carers can vary between different services and in different parts of the UK. In our 2024 State of the Nations' survey we asked foster carers and fostering services whether they think there should be a standardised accredited framework for the training of foster carers, which sets out a minimum level of training all foster carers should receive. Almost three quarters of foster carers (72%) and fostering services (73%) agreed that this should be the case for both pre- and post-approval training.

- **We recommend the Committee consider an amendment to Government to invest in the creation, implementation and monitoring of a standardised framework for pre- and post-approval training for foster carers, including opportunities for foster carers to gain qualifications.**

For more information, please contact Natalie Williams, Head of Policy and Campaigns: Natalie.Williams@fostering.net
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## **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

*January 2025*