

Written evidence submitted by an individual who wishes to remain anonymous to The Children’s Wellbeing and Schools Bill Committee (CWSB268).

I am submitting this evidence in a personal capacity and because I am committed to improving children’s social care locally and nationally. -For example, I am a member of a local campaign group which aims to improve the local authority’s children’s services which were assessed as “Inadequate” by Ofsted.

Executive Summary

- I recommend that the Children's Wellbeing and Schools Bill is amended in particular in respect of “family group decision-making” meetings.
- I recommend a windfall tax on the profiteering children’s home companies and independent fostering agencies as recommended by the Independent Review of Children’s Social Care. This would be invested in Family Help to reduce the number and cost of children in care.

Clause 1: “family group decision-making” meetings

Firstly, overall I commend the Children’s Wellbeing and Schools Bill but I agree with amendments proposed by the national charity the Family Rights Group (FRG), especially in respect of “family group decision-making” meetings. The FRG has proposed a few amendments in addition to those relating to FGDM meetings. The ‘Written evidence submission from Family Rights Group: Children’s Wellbeing and Schools Bill’ includes their rationale for the proposed amendments and its Appendix details them which are reproduced in the appendices of this submission. To see their submission, go to webpage:

<https://frg.org.uk/policy-and-campaigns/childrens-wellbeing-and-schools-bill/>

and click on ‘Written evidence to the Bill Committee - January 2025’.

For example, one of the proposed amendments defines the key principles of an effective family group decision-making meeting (in red font in the relevant appendix). Otherwise, I agree that they will not be effective. The FRG calls its type of FGDM meetings “Family Group Conferences” (FGCs) and has quality standards for them at:

<https://frg.org.uk/wp-content/uploads/2023/01/FGC-Quality-Standards.pdf>

I recommend that when the Bill is enacted, guidance for effective family group decision-making meetings is published based on the FRG’s quality standards.

Windfall tax on profiteering children’s homes companies and independent fostering agencies

The Bill includes the following clauses:

- 12 Power of CIECSS to impose monetary penalties
- 13 Financial oversight
- 14 Power to limit profits of relevant providers
- 15 Power of Secretary of State to impose monetary penalties
- 16 Procedure for imposing monetary penalties

The Final Report of the Independent Review of Children's Social Care (May 2022)ⁱ recommended:

“A windfall tax on profits made by the largest private children's home providers and independent fostering agencies should be levied to contribute to the costs of transforming the care system.”

The windfall tax would be invested in what the Review called Family Help to reduce the high number and exorbitant cost of children in care. I consider a windfall tax would enable larger and quicker investment to reset children's social care (CSC).

I urge the government to reconsider its decision not to implement the windfall tax on profiteering providers. For example, as Ofsted has little expertise in company accounts, it would be ineffective in issuing civil fines to curb profiteering, hence my preference for a windfall tax on CSC providers.

Appendix: Family Rights Group’s proposed amendments to the Children's Wellbeing and Schools Bill in respect of Family Group Decision-Making Meetings

Family Group Decision Making

1a. Children aged 16 and over can accept the offer

Clause 1, page 1, line 9, leave out after “child’s parents” to the end of the subsection, and insert

“and any other person with parental responsibility for the child, or the child, if they have reached the age of sixteen.”

1b. A presumption in favour of inviting the child

Clause 1, page 2, line 21, leave out from “Where” to end of subsection 8 and insert-

“The child should be invited to their family-group decision-making meeting, where consistent with their welfare”

2. Tightening up the discretion for when a family group decision making is not offered

Clause 1, page 1, line 14, leave out from “The duty” to the end of subsection 3 and insert –

“A local authority shall offer, or as the case may be shall hold, a family group decision-making meeting unless there is evidence that to do so is not consistent with the child's welfare.”

3a. More than a one-off meeting

- i) Clause 1, page 2, line 3, insert after “is a meeting” –

“following preparation”

- ii) Clause 1, page 2, line 7, after “welfare” insert-

“and (4)(c) the local authority shall work with the child and their family network to implement the proposal, where it addresses the local authority’s concerns about the child’s welfare.”

3b. Family taking the lead

- i) Clause 1, page 2, line 9, leave out “as the authority considers appropriate to attend the meeting having regard to the child’s best interests”

- ii) Clause 1, page 2, line 14, after “the child” insert new subsection (6)

(6) A family group decision-making meeting may only be attended by such members of the "family network" as are agreed by those persons listed at section (1) and subject to (3).

3c. Defining key principles of effective family group decision making

Clause 1, page 2, line 7, after “welfare” insert new subsection:

“The family group decision making meeting shall:

- (a) be facilitated by a trained coordinator, who has no decision-making responsibility for the child, and*
- (b) include private time for the family network members attending the meeting and the child, if in attendance, to draw up their proposal to address concerns about the child’s welfare.”*

“(8) Where a local authority is not intending to make an application under section 31 of the Children Act 1989, or issue a letter before proceedings in relation to a child, but where a Director of Children’s Services is satisfied that holding a family group decision-making meeting would assist in formulating a plan to help meet the needs of the child the Director must arrange for an offer of a family group decision making meeting to be made to:

- (a) the child’s parents*
- (b) any other person with parental responsibility for the child, and*
- (c) the child, if they have reached the age of sixteen”*

Kinship care

5. Information on legal support and family group decision making

Clause 5, page 9, line 20, change full stop to semicolon, and insert

- e) legal support;*
- f) family group decision making.*

Appendix: Family Rights Group’s proposed amendments to the Children's Wellbeing and Schools Bill excluding Family Group Decision-Making Meetings

6. Parity of expectations with other local offers

Clause 5, page 9, line 38, insert

8) A local authority must from time to time publish—

(a) comments about its kinship local offer it has received from or on behalf of children, kinship carers and others with lived experience of aspects of kinship care;

(b) the authority's response to those comments (including details of any action the authority intends to take).

(9) Comments published under subsection (8)(a) must be published in a form that does not enable the person making them to be identified.

(10) Regulations may make further provision about—

(a) information to be included in an authority's kinship local offer;

(b) how an authority's kinship local offer is to be published;

(c) is to be involved and consulted by an authority in developing, preparing and reviewing its kinship local offer;

(d) how an authority is to involve children, kinship carers and others with lived experience of aspects of kinship care in the development, preparation and review of its local kinship offer.

(e) the publication of comments on the kinship local offer, and the local authority's response, under subsection (8)(b) (including circumstances in which comments are not required to be published).

Sibling contact

7. New Clause 9 on sibling contact for looked after children

(1) In section 34 (1) of the Children Act 1989 after paragraph (d) insert— “(e) his siblings (whether of the whole or half blood).”

(2) In paragraph 15 (1) of Schedule 2 to the Children Act 1989, after paragraph (c) insert— “(d) his siblings (whether of the whole or half blood).”

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https://assets.publishing.service.gov.uk/media/640a17f28fa8f5560820da4b/Independent_review_of_children_s_social_care_-_Final_report.pdf