

January 2025

Children's Wellbeing and Schools Bill

Introduction

The Children's Wellbeing and Schools Bill was presented to Parliament on 18th December. It followed the publication of the [Keeping Children Safe, Helping Families Thrive](#) policy paper in November 2024, setting out the Labour Government's vision for children's social care reform.

The Bill is scheduled for Second Reading on 8th January 2025.

This briefing sets out Family Rights Group's analysis of the Bill and its provisions in relation to children's social care. It focuses on measures designed to support more children to remain safely in their family, including in kinship care, and improvements to support for care leavers.

Children's social care context

- There is a record number of children in the care system in England - 83,630 as of March 2024.¹ The Independent Review of Children's Social Care published in 2022 warned this would surpass 100,000 by 2032 without a significant change of course.
- The number of new-borns subject to care proceedings has doubled over ten years. There are significant regional variations - a newborn in North East England is three times more likely to be subject to care proceedings than one in London.²
- The system has become focused on investigating and assessing rather than supporting families. Opportunities to work in partnership with families early are missed. For example, child protection enquiries have trebled in the last 20 years. There were 194,000 children subject to such an enquiry in 2022/23. For almost 70% of them, professionals concluded there was no risk of significant harm.³
- Too often, mothers who have experienced domestic abuse feel that they are further punished by a system that blames them for failing to keep their children safe but neither engages nor holds the perpetrator of the abuse to account. Domestic abuse was a factor in 27% of child protection-related queries to Family Rights Group's advice service (April-Dec 2024).
- The age profile of children in the care system is changing, with a growing number of older children in care. Our child protection system is largely designed to address safeguarding concerns from within the family. Yet many young people are facing serious risks from outside the home, including being victims of child sexual exploitation and on-line harms, and involvement in gang violence or knife crime and county lines.
- Children in care are very often separated from their siblings, have to change school, or move far away from family and friends. They can be left isolated and alone.
- Every year, thousands of children are deprived of their liberty by the Family Court. Too often this results in children living under draconian conditions in settings which do not meet their needs and are far away from their families and communities.
- There are over 153,000 children in England living in kinship care with relatives and friends.⁴ Many struggle to access the practical, emotional and financial support children and their families need. Kinship care is too often an afterthought, meaning children who cannot remain at home miss the opportunity to remain living safely with wider family and friends.
- Meanwhile some private children's homes providers are making huge profits and local authority budgets are under severe strain.

¹ [Children looked after in England including adoptions, 2024](#)

² [NFJO, Newborn babies in care proceedings](#)

³ FRG analysis of child protection enquiry data

⁴ [FRG analysis of 2021 Census data](#)

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- The Bill is a landmark opportunity for reforming the child welfare system. It establishes foundational measures to support children to remain safely in their family, with their parents or in kinship care where staying at home isn't possible.
- We strongly welcome the new mandate on local authorities to offer families the opportunity to come up with solutions for their children's welfare, to avert children entering the care system. This could be a step change in how the state works with, rather than does to, children and their families.
- However, we are concerned the family group decision making offer in the Bill is too ambiguous in the way it is framed. Without strengthening the provisions, we fear in practice it will not deliver the Bill's ambition, to ensure fair and effective opportunity across the country for children and their families to get the support they need to stay together.
- We are delighted to see our proposals adopted for a new legal duty on councils to publish a local kinship offer for families and for kinship care to be defined in primary legislation. However, the current draft sets lower expectations for this local offer as compared to local offers in place for other groups of children, including children with special education needs and disabled children. For example, in respect of involving children and families in developing the offer and how it is published.
- Measures to improve support for care leavers, including around housing and the Staying Close provision are very welcome. We recommend further emphasis on ensuring young people leaving the care system have loving, lasting relationships they can turn to throughout life.
- There are record numbers of children in the care system, many isolated, living far away from family and friends. Local authorities are overstretched and overwhelmed. Too often, children and families do not get the direct help they need early enough to prevent difficulties escalating. This legislation, the implementation programme, and funding must be consistent with the scale of the challenge.

Questions for Second Reading

Family group decision making

- Given the robust evidence on the benefits of the family group conference model, will the Government incorporate the key principles into the Bill?
- Does the Minister recognise that by linking the family group decision making offer to the pre proceedings process, some families whose children are at risk of entering the care system will not benefit?
- What funding is the Government going to invest to deliver the national family group decision making offer?
- Given the research evidence on the benefits of the family group conference model, will the key principles be incorporated into any family group decision making training and best practice guidance that the Government commissions?

Child protection

- How will the Government's child protection reforms encourage partnership working with families in the interests of their child and align with the family group decision making offer?
- The child welfare system is complex for families to navigate, especially when they are facing a crisis. Will the Government confirm funding beyond March 2025 for Family Rights Group's specialist national advice service for families involved with the child welfare system?

Kinship care local offer and definition

- The kinship care local offer and definition are an important step forward in recognition and support for kinship families. However, the legislation must make it clear there are different types of kinship care arrangement and that a kinship local offer must make provision for all those forms of kinship families. Will the Government work with the House, families and the sector to ensure the Bill is as clear and inclusive as it can be?
- Will the Government ensure the kinship local offer clause is clear that local authorities are expected to work with children and families to develop an accessible kinship local offer?
- The kinship financial allowance pilot is a welcome step, but it is being limited to 10 local authorities and it's not clear which kinship families will be eligible. Which children and families will be eligible, and where will the pilots will take place?
- Many kinship care arrangements come about because of tragedy and trauma. But families struggle to access the therapeutic support their children need to deal with that trauma. Will the Government expand the Adoption and Special Guardianship Support Fund to all children in kinship care who need therapeutic support?
- Black children are more likely to be raised by kinship carers but often in informal arrangements without rights to financial or other support from the state. What is the Government doing to ensure the racial disparities in kinship care are understood and addressed?

Virtual School Heads

- Will the Government use this opportunity to extend the full package of Virtual School Head support to all children in kinship care?
- Currently many children in kinship care fall through the net for Pupil Premium Plus eligibility because they haven't spent time in the care system, despite having similar needs to looked-after children. Is the Government seeking to address this?
- There is growing concern among families about the cliff edge in post-16 and post-18 including educational support for young people raised in kinship care. Is the Department undertaking work to explore this?

Support for care leavers

- Lifelong Links is transforming the lives of care experienced children and young people to have a support network of lasting, loving relationships. The Government has supported the development of Lifelong Links, will they now look at making it a national offer?

Clause One: Family group decision making

The challenge:

Currently, the support that family and friends can offer is not consistently explored prior to a child entering the care system. It means there are children in the care system who did not need to be. They could be safely at home with their parents or raised by relatives and friends in kinship care, instead of with strangers.

What does the Bill do?

The Bill will create a requirement for local authorities to offer family group decision making to families at the pre-proceedings stage, before the local authority decides whether to issue proceedings for a child to go into the care system. This gives those close to the child, including family and friends, the opportunity to come up with a plan to address concerns about the safety and wellbeing of the children.

The Government's policy paper recognises family group conferences as the most effective and best evaluated approach for achieving this. However, the Bill does not specify what approach/model local authorities should adopt. [See our separate two-page briefing on family group conferences.](#)

Key terminology:

- **Family group decision making** is an umbrella term for approaches which involve a child's extended family in making decisions about their care and welfare.
- A **family group conference** is a model of family group decision making which is family led and has strong evidence of diverting children from care and supporting children to remain safely in their family including identifying kinship care options where necessary. It is used in over 30 countries worldwide and is the most prevalent family group decision making approach used in the UK. The model is used to address concerns within and outside the home, including child exploitation.
- **Pre-proceedings** refers to the period of time and formal process where children's services are thinking about starting care proceedings in the Family Court. At this point the situation has often reached a sufficient level of seriousness that removal of the child from their home is being contemplated.

Family Rights Group's view:

We congratulate the Government on its bold intention to mandate local authorities to give families the opportunity to come up with solutions before issuing care proceedings.

However, we are concerned the family group decision making offer in the Bill is too ambiguous in the way it is framed. Without strengthening the provisions, we fear in practice it will not deliver the Bill's ambition to ensure fair and effective opportunity across the country for children and their families to get the support they need to stay together.

We set out our reasons and proposed solutions below:

1) **The umbrella term of 'family group decision making' is in danger of meaning all things to all people.**

We are already seeing evidence of local authorities claiming to use such approaches, including reference to 'family-led decision making' to describe professionally-led meetings. Without clear definition of terms, and a set of principles and standards for practice, it is likely that work will continue which is led by professionals with the child and family minimally engaged. If the legislation does not specify what is expected, we are concerned approaches unsupported by evidence will proliferate. The terminology is already causing confusion for families and practitioners.

2) **The Bill provides for a state-led meeting not a family-led decision-making process.**

Specifically, the Bill, as drafted:

- a. Equates family group decision-making with a single meeting. Unfortunately, it does not recognise that it should be a process that crucially involves preparation to ensure that it is safe and all those who care about the child are involved
- b. Does not set out any principles or standards that distinguish family group decision-making from any other state-led statutory meeting, such as independence of the co-ordinator.
- c. States it is the local authority that determines who it is appropriate to attend the family group decision making meeting. There is no reference to establishing who is important to the child and their family and who they wish to attend.
- d. Does not start from the premise that the child should be involved. As drafted, the decision about the child's involvement would be made by the local authority.

- e. Does not require the authority to consider, let alone adopt and implement, the families' proposal/plan.

3) Timing of the offer. We have several concerns about the current drafting requiring the offer to be made at the pre-proceedings stage.

- a. By focusing on the pre-proceedings stage when the local authority is already considering issuing care proceedings, opportunities to bring families together earlier may be missed.
- b. The current drafting means there would be no legislative protection against last minute, rushed meetings.
- c. By linking the offer to the pre-proceedings letter, the mandatory offer will not apply to some families of children at risk of entering or remaining in the care system and who could benefit from family led decision making. For example:
 - i. Expectant parents where there are concerns about their parenting ability. Proceedings can't be initiated until a child is born. We often see newborns removed from mothers, where the mother is a victim of domestic abuse and may be care experienced themselves.
 - ii. Children who enter and remain in the care system under a voluntary arrangement (e.g. a 16 year old at risk of criminal exploitation).

Questions for Second Reading:

- **Given the robust evidence on the benefits of the family group conference model, will the Government incorporate the key principles into the Bill?**
- **Does the Minister recognise that by linking the family group decision making offer to the pre proceedings process, some families whose children are at risk of entering the care system will not benefit?**
- **What funding is the Government going to invest to deliver the national family group decision making offer?**
- **Given the research evidence on the benefits of the family group conference model, will the key principles be incorporated into any family group decision making training and best practice guidance that the Government commissions?**

Clauses two and three: Child protection and safeguarding

The Government has an ambition for a child protection system that is decisive, where multi-agency practitioners have the expertise, experience, time and support to identify actual or likely significant harm quickly. They believe this will lead to stronger risk assessment and decision making, and more children protected at the right time.

What does the Bill do?

The Bill creates a duty for safeguarding partners (local authorities, police and health) to make arrangements to establish multi-agency child protection teams (MACPTs) to support the local authority in the discharge of its child protection duties.

It also places duties on those safeguarding partners to secure the participation of education and childcare settings as relevant agencies. Schools were the second largest 'referrer' of cases into children's social care after the police in 2023-24.⁵ However, they are not a statutory safeguarding partner.

⁵ [Children in need, Reporting year 2024 - Explore education statistics](#)

What else is the Government doing in this area?

Separate to the Bill, the Government is also moving to extend reforms to early help, child in need, and child protection, that are currently being tested in the Families First for Children Pathfinder programme, to all local authorities by 2027. These reforms include the creation of an expert child protection social worker (lead practitioner) who will co-work Family Help cases when there is a safeguarding concern about a child, with a Family Help worker who may also be a social worker. This separates the responsibilities to work with children and their families to get the help they need, from the responsibilities to make child protection decisions for that child. Currently, social workers can hold both roles.

Family Rights Group's view:

Family Rights Group supports steps to strengthen multi agency working to protect children, building on the findings of recent reviews including those by the Child Safeguarding Practice Review Panel and the Independent Inquiry into Child Sexual Abuse.

The benefits of relationship-based practice are well established, including securing trust between families and professionals, helping families get the support they need to prevent problems escalating and in identifying and addressing concerns. It remains unclear how the Government's child protection reforms, however, will align with their parallel aims to work in partnership with children and families.

Specifically, we have concerns about the creation of an expert child protection social worker (lead child protection practitioner) who will co-work Family Help cases when there is a safeguarding concern about a child, with a Family Help worker who may also be a social worker. This split of responsibility and change in social worker could damage trust that has already been built with the child and their family, potentially hindering their continued engagement, which is key to effective safeguarding.

We also fear that despite the intent, at a time of severe financial strain on public services, children and families could find themselves having to overcome more bureaucratic barriers to get the help that they need.

Questions:

- **How will the Government's child protection reforms encourage partnership working with families in the interests of their child and align with the family group decision making offer?**
- **The child welfare system is complex for families to navigate, especially when they are facing a crisis. Will the Government confirm funding beyond March 2025 for Family Rights Group's specialist national advice service for families involved with the child welfare system?**

Clause 5: Kinship care - local offer and definition***The challenge:***

There is no single definition of kinship care in primary legislation which covers the full range of kinship care arrangements. As a result, kinship carers can face many challenges including not being understood or recognised in their role by hospital services, schools, or employers. It also means kinship care is interpreted in different ways by government, state agencies, services, and the public including kinship carers themselves.

Families then face a postcode lottery in the support available to them locally. Our [research](#) has found that over a third do not have a local family and friends care (aka kinship care) policy – something they are required by statutory guidance to have - setting out their local approach to kinship care and how they will support families.

What does the Bill do?

The Bill creates a new duty for local authorities to publish a kinship local offer. This aims to provide clarity and ensure that kinship families are aware of and can access the support they need. This will add a definition of children in kinship care and kinship carers into legislation for the first time.

Family Rights Group's view:

We are delighted to see our proposals adopted for a new legal duty on councils to publish a local offer for kinship care, and for kinship care to be defined in primary legislation to support this.

However, we have some concerns and questions about the approach the Government has taken. For example, it differs from the definition recently included in updated kinship care statutory guidance, providing less clarity and potentially greater confusion for children, families, practitioners and agencies.

We fear, as drafted, the Bill sets low expectations regarding the involvement of children, kinship carers and others in the development of kinship local offers, as well as in respect of publication and transparency. This is in contract to the SEN and disability local offer, for example, established in section 30 of the 2014 Children and Families Act. That legislation gives the Secretary of State the power to set out in regulations how the offer should be published, when it should be reviewed, and how children and families are involved in developing it.

The local offer and definition are foundational measures which could help establish an effective kinship care support system. Alongside this, the Government must invest in the practical, emotional, and financial support families need.

Specific issues we think should be addressed:

- 1) The core of the definition in the Bill differs from the recent definition of kinship care that Government provided for in 2024 kinship care statutory guidance. The Bill focuses on who the child 'lives with' whereas the guidance focuses on who they are 'raised by'. Which definition should families and practitioners follow?
- 2) There is no indication that there are different forms of kinship care (e.g. kinship foster care, special guardianship, private family arrangements) and so it's not clear the local offer should apply to children in those different kinship care arrangements. This was a key reason for establishing a clear definition in law.
- 3) Use of the term 'relative' without definition will default to the meaning defined in Children Act 1989, which omits children being raised by extended family members (e.g. cousins).
- 4) The list of matters that the local offer should address is shorter in the Bill, and phrased differently, compared to that in kinship care statutory guidance, with key areas such as legal support omitted entirely.

Questions:

- **The kinship care local offer and definition are an important step forward in recognition and support for kinship families. However, the legislation must make it clear there are different types of kinship care arrangement and that a kinship local offer must make provision for all those forms of kinship families. Will the Government work with the House, families and the sector to ensure the Bill is as clear and inclusive as it can be?**
- **Will the Government ensure the kinship local offer clause is clear that local authorities are expected to work with children and families to develop an accessible kinship local offer?**

Other issues separate to the Bill

- **The kinship financial allowance pilot is a welcome step, but it is being limited to 10 local authorities and it's not clear which kinship families will be eligible. Which children and families will be eligible, and where will the pilots will take place?**

- Many kinship care arrangements come about because of tragedy and trauma. But families struggle to access the therapeutic support their children need to deal with that trauma. Will the Government expand the Adoption and Special Guardianship Support Fund to all children in kinship care who need therapeutic support?
- Black children are more likely to be raised by kinship carers but often in informal arrangements without rights to financial or other support from the state. What is the Government doing to ensure the racial disparities in kinship care are understood and addressed?

Clause 6: Promoting educational achievement - Virtual School Heads

The challenge:

There are higher levels of special education needs among kinship children compared to the wider population. Research shows over half (54%) of kinship children have additional educational needs or disabilities, yet the support available often depends on whether or not the child has been looked-after in the care system.⁶ Many struggle to secure the support their children need and those with older children are concerned about the cliff edge in support when the children turns 16 and 18.

What does the Bill do?

The Bill will extend the statutory duty on local authorities to promote the educational achievement of children on child in need plans, child protection plans and in kinship arrangements. In practice this role is carried out by Virtual School Heads (VSH).

The role of the Virtual School Head was created to champion the education of all children and young people in care within a local authority and to address the considerably lower educational outcomes of children in care. It was piloted in 2007 and became statutory in 2013.

The VSH's strategic responsibility for the educational attendance, attainment, and progress of children has been extended on several occasions to include: previously looked after children (2018), on a non-statutory basis to support children on child in need and child protection plans (2021) and most recently to children with a social worker, those who have previously had a social worker and children in kinship care (2024).

Family Rights Group's view:

We support the Government's intention to bring consistency to the statutory responsibilities of the Virtual School Head role, including for children in kinship care arrangements.

However, as above, we are concerned that the way kinship care has been defined will mean some children are omitted.

The extension only applies to the Virtual School Head's responsibilities for strategic oversight. Virtual School Heads will not be expected to work directly with individual children and their families or respond to requests from parents or carers to offer advice, intervention and support in relation to individual children. The whole range of responsibilities should be extended to ensure equality of access in support.

We also encourage the Government to go further to extend support in schools for children in kinship care including priority school admissions and Pupil Premium Plus. The Government should also undertake work with families to explore the cliff edge in post-16 and post-18 educational support for young people raised in kinship care including those under special guardianship orders.

Questions:

- Will the Government use this opportunity to extend the full package of Virtual School Head support to all children in kinship care?

⁶ [Parliamentary Taskforce on Kinship Care, 2020](#)

- **Currently many children in kinship care fall through the net for Pupil Premium Plus eligibility because they haven't spent time in the care system, despite having similar needs to looked-after children. Is the Government seeking to address this?**
- **There is growing concern among families about the cliff edge in post-16 and post-18 including educational support for young people raised in kinship care. Is the Department undertaking work to explore this?**

Clause 7: Providing Staying Close support to care leavers; and Clause 8: Local offer for care leavers

The challenge:

Many children in the care system are placed far away from family and friends. Young people leaving care are often alone and isolated, as their professional support network falls away. The absence of positive relationships in children's lives increases the likelihood that they experience longer term difficulties – such as poor mental health, a tougher time at school, unemployment and homelessness. 25% of homeless people are care experienced (Crisis)

What does the Bill do?

The Bill includes provision to require each local authority to assess whether they should provide a 'Staying Close' service to eligible care leavers (up to age 25), which gives support to help find and keep suitable accommodation, and to access services relating to health and wellbeing, relationships, education, training and employment.

Staying Close was first introduced as a pilot in 2018, working in collaboration with the third sector. Evaluation of the initial pilots showed Staying Close found promising evidence that the programme can support better outcomes for care leavers. The programme is now run in 47 local authorities.

The Bill also strengthens the legal duty on local authorities to support and assist care leavers in their transition to adulthood and independent living. Local offers for care leavers will be required to include information about the local authority's arrangements for anticipating the future needs of care leavers for accommodation, co-operating with the local housing authorities in its area and providing assistance to care leavers who are at risk of homelessness.

Family Rights Group's view:

The Government has rightly announced their intention to expand Staying Close so it is a national offer for care leavers, and to strengthen requirements to help care leavers with housing.

However, we think they can go further. Important relationships are often broken when children enter the care system. Many are separated from their siblings, have to change school, or move far away from family and friends.

Lifelong Links is an innovative approach, developed by Family Rights Group, to address this. A trained Lifelong Links coordinator works with the child or young person to find and safely bring together all those who are important in the child or young person's life – relatives they may have lost contact with or never met, and others who care about them, such as a former foster carers or teacher. It aims to ensure that a child in care has a positive support network they can rely on during their time in care and into adulthood.

Research shows Lifelong Links improves children's sense of identity, the stability of their living arrangements, their emotional health and wellbeing, and reduces homelessness. It also saves local authorities money.

Lifelong Links is now available in over 40 authorities across the UK, 23 of which are currently in receipt of Department for Education funding which runs out in March 2025. All children in care and care leavers should be offered Lifelong Links, so they are supported to have relationships with those who love and care about them.

Questions:

- Lifelong Links is transforming the lives of care experienced children and young people to have a support network of lasting, loving relationships. The Government has supported the development of Lifelong Links, will they now look at making it a national offer?

About Family Rights Group

Our mission is that children can live safely in their family, and children in the care system have loving relationships they can turn to throughout life. For 50 years, Family Rights Group has worked to shape the child welfare and family justice systems to make that a reality.

We are a leading specialist charity, uniquely combining legal and social work expertise, advice giving, policy and campaigning, and direct work with families. Our work includes:

- Running a free independent [advice service](#) which supports parents and kinship carers in England, helping them to understand their rights and options.
- Pioneering innovative child welfare practices including [Lifelong Links](#) and [family group conferences](#).
- Legal and policy expertise on kinship care. We service the [All Party Parliamentary Group on Kinship Care](#) and the [Kinship Care Alliance](#).

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