

## Children's Wellbeing and Schools Bill House of Lords Second Reading

### Introduction

The Children's Wellbeing and Schools Bill is scheduled for Second Reading in the House of Lords on 1<sup>st</sup> May. This briefing sets out Family Rights Group's analysis of key children's social care provisions in the Bill with a focus on our areas of specialist expertise, including:

*Family group decision making*

*Relationships for children in care*

*Kinship care*

*Deprivation of liberty*

### About Family Rights Group

We are the leading specialist charity working to ensure that the child welfare and family justice system supports children to live safely and thrive within their family, while strengthening the family and community ties of those children who cannot live at home. Our work is unique in bringing together legal and social work expertise with the direct voice and insights of young people and families.

### Overall reflections

- **The Bill is a landmark opportunity for reforming the child welfare system.** With record numbers of children in care the need for reform is urgent. Families in crisis are not being helped early enough. Families involved with the child welfare system often report feeling assessed and investigated but not heard. Children in care often experience separation from their family, friends and community, leaving them isolated. Kinship care families are commonly overlooked and under-supported.
- **The new mandate on local authorities to offer families the opportunity to come up with solutions for their children's welfare, could help safely avert children entering the care system.** 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 could be safely at home with their parents or raised by relatives and friends in kinship care. This Bill could deliver a step change in how the state works with, rather than does to, children and their families. However, there are ways it should be strengthened to achieve these objectives.
- **Defining kinship care in primary legislation for the first time, and requiring councils to publish a local kinship care offer, is a historic step toward recognising and supporting more than [153,000](#) kinship children in England.** However, the expectations on councils to involve families in shaping and promoting their local kinship offer are minimal and could be strengthened.
- **Building not breaking children in care's relationships, including with their brothers and sisters.** The Bill will strengthen requirements on local authorities to provide support to care leavers. It also places a duty across Government and public sector agencies to seek to provide looked after children and care leavers opportunities to promote their wellbeing. But it could go further by providing all children in the care system with the same right to reasonable contact with their brothers and sisters, as they currently have in law as they have with their parents.
- **Many children are deprived of their liberty in unsuitable accommodation.** We welcome efforts to address this, but the Government needs to provide more detail on their plans and address gaps in access to advice and legal aid for families.

## Clause 1: Family Group Decision Making (FGDM)

### **What does the Bill do?**

The Bill introduces a new mandate on local authorities to offer families a family group decision making meeting when the local authority is considering whether they need to make an application for care proceedings.

Family group decision making is described in the House of Lords Library briefing as “an umbrella term to describe voluntary family-led meetings that allow a family network to come together and make a plan in response to concerns about a child’s safety and wellbeing, working alongside professionals.”

Currently, when there are concerns about the care or protection of a child, the insights and support that the child’s relatives and friends network can provide, are not consistently explored by children’s services. Therefore, the help the child’s family network could provide to the parent, for the children to remain safely at home, may be overlooked. Similarly, potential kinship care options may not be considered. This means currently 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.

The government intention is that FGDMs will provide families with the opportunity to come up with solutions for their children’s welfare, to safely avert children entering the care.

### **What is the evidence?**

The Government’s rationale for introducing this duty is based on the strong evidence base on the positive impact of the family group conference approach to deliver better outcomes for children, including averting from the care system.

Family group conferences are a family-led process underpinned by clear principles and standards. Family group conferences draw on the strengths and knowledge of the family network to make decisions and plans for the child. The process is supported by a skilled independent coordinator who helps the family prepare for the family group conference and facilitates the meeting. Children are usually involved in their own family group conference, often with support from an advocate. It is a voluntary process, and families cannot be forced into one.

The evidence:

- Family group conferences originated in New Zealand where it is a mandatory offer to families where there are care or protection concerns. New Zealand now has a low rate of children in care (41 per 10,000) and more children living in kinship foster care (39% of children in care). In England, 71 per 10,000 children are in care (of whom 16% are in kinship foster care).
- In England, 82% of local authorities have a family group conference service, of varying sizes. Family group conferences are not consistently offered to all families.
- A randomised control trial led by [Foundations](#) found that over 2000 children per year could avoid going into care and instead safely remain with their families if family group conferences are rolled out across England. It estimated a net cost benefit of £960 per child with an estimated cost saving of £150 million over two years.
- The [Family Valued approach](#), developed by Leeds City Council, included the expansion of the use of family group conferences to a scale not previously seen in the UK, including for families experiencing domestic abuse. The impact included a significant reduction in the rate and number of children looked after, as well as reduced child protection plans and numbers of children in need. A cost benefit analysis found an average saving of £755 per family when compared to ‘business as usual’ social work without family group conferences.

### Real life examples

Kevin Makwikila – a young father raising his son following a family group conference:

“As a father, I often felt like the ghost in the room when children’s services were involved with my family. When my family were able to be together in one room during the family group conference, it was so much easier to see who could help with what and it was clear and easy for me to understand what and whom I could rely on in any given situation. Some of my family members offered to provide temporary housing to my son and I until our housing issues could be resolved. Others offered to care for my son at weekends to give me a break and some offered food and financial support.”

Poppy – a mother who was pregnant and whose older children had been removed from her care. Her social worker said:

“There is a clear family network around the unborn child and they have all come together to create their own realistic plan. They commented they had not had this support before, and given the extensive history, they were worried about the next steps. It was positive to hear they felt supported now (following the FGC). The baby can live with their mum and be kept safe. They will always have someone visiting and supporting.”

### How could the Bill be improved?

We are concerned that the family group decision making offer in the Bill is too vague. Without strengthening the provisions, we fear in practice it will not deliver the Bill’s ambition, to ensure fair and effective opportunity across England for children and families to get the support they need to stay safely together.

Specifically, we strongly recommend that the Bill should:

- refer to a family group decision making ‘process’ rather than a ‘meeting’;
- define minimum expectations, based on key principles from family group conferences including the independence of the coordinator and private family time;
- include the offer being made to 16 and 17-year-olds; and
- allow family to take the lead in who they would like to attend.

This is an opportunity to learn lessons from Scotland, where legislation introduced in 2016 [references family group decision making](#). While it looks like a mandate for ensuring that FGDM is offered in every local authority, it is not clear and precise enough in what it is asking for. As a result, ten years on and a third of local authorities in Scotland still have no FGDM offer at all.

### Questions

- Given the robust evidence on the benefits of the family group conference model, will the Government incorporate the key principles into the Bill?
- Effective family-led decision making is a process with careful preparation and safety planning. How will the Government make clear to local authorities that this is a process with preparation and safety planning and not a tick-box, single meeting exercise?
- When a child reaches the age of 16, they have the agency to agree to their own care plan. Yet the Bill only specifies family group decision making meetings being offered to a parent/someone with parental responsibility. Will the Government extend the provisions in the Bill so it is an offer made to those older children?

## Clause 5: Information: children in kinship care and their carers

### **What does the Bill do?**

Introduces a new duty for local authorities to publish a kinship local offer, with kinship care defined in primary legislation for the first time.

Virtual School Heads will have a statutory duty to have oversight of the educational achievement of all kinship children. It also extends their responsibility to provide information and advice to kinship families with special guardianship or child arrangements orders.

### **What is kinship care?**

Kinship care is when a child is being raised in the care of a friend or family member, who is not their parent. This can be temporary or long term. There are over [153,000](#) children in kinship care across England.

### **What difference does kinship care make?**

Kinship care has many important benefits for children who cannot live at home with their parents:

- **Love, identity and belonging:** Living with someone the child knows and trusts, increases their [feelings of identity, love and belonging](#).
- **Stability:** Children in kinship care are more likely to have a stable, permanent home than other children in the care system. There is a [significant link](#) between being raised in kinship care and having fewer placements and less placement disruption.
- **Employment:** Children in kinship care are [more likely](#) to be in employment as an adult compared to children in foster or residential care.
- **Mental health and behaviour:** [National data](#) shows children in kinship care generally having better behavioural and health outcomes compared to those in unrelated foster care or residential care.

Kinship care also has positive benefits for wider society, delivering better long-term outcomes for most children and cost benefits for the public purse compared to unrelated foster care or residential care.

There is a record number of children in the care system in England - [83,630 as of March 2024](#). 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.

Reviews including by the 2022 [Independent Review of Children's Social Care](#) and the 2020 [Parliamentary Taskforce on Kinship Care](#) found more children in care could be living safely and thriving in kinship care with the right support.

### **Real life examples**

"We were always aware that we didn't have the "typical" family setup. However, we were raised in a loving and secure one. We have always been grateful to our grandparents for trying to make our lives as normal as possible even when facing challenges that other families wouldn't ... We have never considered ourselves as in care as we grew up with family and were surrounded by extended family."

- Leila and Kieran, twin siblings raised in kinship care by their grandparents

"Caring for my granddaughter has given me the satisfaction of supporting her to turn her life around. She now has returned to studying, has a baby of her own and is even volunteering to help others in our community. I am so proud of what we both have achieved."

- Kinship carer who raised her granddaughter

### What are the cost benefits?

The [Centre for Care](#), with charity Kinship, recently estimated that, in England, that kinship care contributes £4.3 billion annually to society. Equivalent to well over a third of the entire national children's services budget for England.

### What challenges do kinship families face?

Too often kinship care is undervalued and unsupported. Many struggle to access the practical, emotional and financial support children and their families need. The support available to children and their kinship carers is often dependent on the type of arrangement, where they live, and whether the child has been, or is, looked after in the care system.

- There is a **lack of recognition** and understanding of what kinship care is and the different forms.
- **Lack of information:** a third of local authorities do not have a kinship care policy setting out the support they offer to kinship families in their area.
- [6 in 10](#) kinship carers **have to give up work** or reduce their hours when the child comes to live with them. 37% are reliant on Universal Credit.
- [3 in 4](#) kinship carers say they faced **financial hardship** as a result of becoming kinship carers
- Children in kinship care often have **difficulty accessing therapeutic support** despite having experienced tragedy or trauma.
- Kinship children are more likely to have **special educational needs or disabilities** compared to the wider population. [Research](#) shows over half (54%) of kinship children have additional educational needs or disabilities.
- **Lack of access to free accessible, specialist advice** means (prospective) kinship carers often have to navigate complex child welfare and family justice system alone, without understanding their legal rights and options (*see appendix for further evidence*).

### How could the Bill be improved?

By adopting Family Rights Group's proposals for a local kinship care offer and definition of kinship care, the Government is taking an essential step toward greater clarity, consistency, and accountability in respect of support for kinship care families.

However:

- Legal support is a major omission from the list of services, set out in the Bill, that local authorities must include in their kinship local offer.
- The Bill does not require local authorities to actively engage kinship families in the process of developing and reviewing a local offer. This is in stark contrast to the requirements for the SEND local offer.

The Bill must also sit alongside wider investment in practical, emotional, educational and financial support that are needed for children and families to thrive.

### Questions:

- Will the Government ensure that local authorities are expected to work with children and families to develop an accessible kinship local offer?
- Will the Government consider amending the Bill to ensure that local authorities are required to include legal support in their kinship local offer so prospective kinship carers can understand their rights and options?



- Will the Government use this opportunity to extend the full package of Virtual School Head support to all children in kinship care, including advice and information?
- Will the Government commit to considering a right to paid kinship care employment leave as part of the Government's review of parental leave and the Employment Rights Bill?
- The Government is piloting a kinship financial allowance in ten local authorities. Will they confirm who will be eligible, which local authorities will take part in the trial, and the prospects for a national rollout?
- Will the Government address how therapeutic and mental health support can be made available to all children in kinship care who need it? In the first instance, will they consider removing the criteria for the Adoption and Special Guardianship Support Fund that children must have spent time in the care system in order to be eligible?
- 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?

### Clause 7-8 & 21-25: Support for children in the care system and care leavers

#### **What does the Bill do?**

It requires local authorities to provide a 'Staying Close' service to care leavers (up to age 25), which provides assistance to care leavers to help find and keep suitable accommodation, and to access services relating to health and wellbeing, relationships, education, training and employment. (Clause 7)

Local offers for care leavers will be required to include information about accommodation and tackling homelessness including cooperation with local housing authorities. (Clause 8)

Corporate parenting responsibilities will now apply to Government Departments and some public sector bodies, including schools, NHS Trusts and the Youth Justice Board. They will have to take care-experienced young people into consideration when designing policies and delivering services and take action to improve outcomes. (Clauses 21 to 25)

#### **Importance of relationships and social connection for children in care and care leavers**

- The care system can be a lonely place for children. Important relationships are often broken when children enter care or have to move from their foster home or children's home. Many have to change school, or move far away from family and friends.
- 18 miles is the average distance a child in care in England is living away from their family and friends (analysis from [Become](#)). Young people leaving care are often left further isolated, as their professional support network falls away.
- [Research](#) by the Children's Commissioner for England found that an estimated 37% of children with a sibling – that is 20,000 children - are separated from a brother or sister when placed in care. For some children, the chance of being separated is far greater: 93% of older children in semi-independent accommodation are separated from their siblings.
- [Many care leavers](#) feel 'alone' or 'isolated' when they left care and did not know where to get help with their mental health or emotional well-being. Many report having no one they can talk to about how they were feeling.

- [Research](#) indicates young people having more stability and better transition to living independently where they have enduring supportive relationships.
- The absence of positive relationships in children's lives can increase the likelihood that they experience longer term difficulties – such as poor mental health, a tougher time at school, unemployment and homelessness.

### **Building not breaking relationships**

[Lifelong Links](#) is an innovative approach Family Rights Group created with children in the care system, in order that they have a lasting support network of relatives and others who care about them.

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 carer or a teacher or sports coach.

[Evidence](#) shows it increases children in care's positive connections, mental health, sense of identity and stability in where they are living. We propose it should be set out in regulations and guidance as an offer to all children in care and care leavers. Lifelong Links is now available in over 40 authorities across the UK, 22 of which are currently in receipt of Department for Education funding.

### **How the Bill could be strengthened?**

All children in the care system should be afforded the same right to reasonable contact with their brothers and sisters, as they currently have in law as they have with their parents.

It should also be set out in regulations and guidance that Lifelong Links is as an offer to all children in care and care leavers.

### **Questions**

- Thousands of brothers and sisters are separated in the care system, with many then not even supported to keep in contact. Will the Government ensure all children in care are afforded the same right to reasonable contact with their brothers and sisters, as they currently have in law as they have with their parents?
- On 7 March 2017, then Children's Minister Edward Timpson MP, acknowledged that there was an anomaly in current legislation whereby the Care Planning, Placement and Care Review (England) Regulations do not provide for sibling contact between a child who is looked after and siblings who are not looked after. He stated that officials would start work to amend the regulations. Does the Minister agree, 8 years on, that it is time to amend those regulations?
- The Lifelong Links approach 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 consider making it a national offer?

## Clause 11: Use of accommodation for deprivation of liberty

### **What does the Bill do?**

Children's services departments will now be able to apply for an order to deprive a child of their liberty in "relevant accommodation". This is described as accommodation provided for the purposes of care and treatment of children but that is also deemed capable of being used to deprive a child of their liberty.

### **What problem is the seeking to address?**

Children are currently being deprived of their liberty outside of the statutory route, in inappropriate and unsuitable accommodation. Examples have included a [caravan and an Airbnb](#).

*"It was like a holding cell... he couldn't function, he couldn't eat"* – A quote from Tanya\*, a mother whose 17-year-old son became suicidal after being sent to live alone 150 miles away from home. She shared her family's story with LBC [here](#). \*Her name has been changed.

Between October 2023 and September 2024, 1464 children were involved in applications to deprive them of their liberty, according to data from the Ministry of Justice.

Depriving a child of their liberty is a draconian measure. It can mean they are isolated, subject to high levels of restraint, and have a significant impact on their mental and physical wellbeing. Too often children deprived of their liberty are living in settings which do not meet their needs and are far away from their families and communities.

### **We welcome this move but a lot of detail is missing:**

- First, the success of these changes hinges on the accompanying regulatory framework. Details about what constitutes "relevant accommodation," its standards, and Ofsted registration requirements remain unclear.
- Second, the proposals neglect the critical matter of maintaining children's relationships with family and friends. Many children in such placements face isolation, living far from home with limited contact.
- Finally, families' access to justice remains a challenge. Current legal aid provision when children are deprived of their liberty often leaves parents unrepresented. The Government has indicated that legal aid under this new provision will mirror that which is available to children and families when an application for a secure accommodation order is made. But we know from evidence that is insufficient. We have [called for](#) legal aid provision to be in line with that which is available to parents and children in care proceedings. This will help families understand what applications may be made and the processes involved and how they can inform decisions and planning for their child.

### **Questions**

- It may be some time before this type of accommodation set out in Clause 11 is available. What is the Government doing in the interim to help the children who are currently being deprived of their liberty in unsuitable accommodation, too often at a great distance from their family and friends?
- Will the Minister ensure that as part of improving the experience of children deprived of their liberty, the Government will look to reduce their social isolation by supporting



them to maintain relationships with those important to them, given so many are living far from home, often in solo placements?

- Will the Minister confirm when the regulations in relation to Clause 11 will be brought forward?
- Will the Government work with families with experience of their children being deprived of their liberty in shaping the framework around this clause, including the regulations and statutory guidance?
- At Commons Report stage the Government amended the legislation to allow Welsh local authorities to place children in relevant accommodation in England. Is it envisaged that where accommodation in Wales and Scotland meets the definition of "relevant accommodation" children from English local authorities can be placed there under this route? If so, how will the Government make sure cross border placements are used only where necessary and appropriately to meet the child's needs?
- The Secretary of State has the power, under the current regulatory framework, to ensure that no child under the age of 13 can be placed in a secure children's home without her authorisation. Can the Minister confirm this will also apply to those children deprived of their liberty in "relevant accommodation"?
- Currently, legal aid for families whose children are deprived of their liberty falls woefully short of what families need, leading to very low levels of parental representation in proceedings. Will the Minister engage with the Ministry of Justice to review legal aid provision for children and families in all forms of family court applications to deprive a child of their liberty?

**Contact Details:**

For further information, please contact Head of Public Affairs, Jordan Hall, on [jhall@frg.org.uk](mailto:jhall@frg.org.uk)

**Find us online:**

[www.frg.org.uk](http://www.frg.org.uk)

X: [@familyrightsgp](https://twitter.com/familyrightsgp)

Bluesky: [familyrightsgp](https://bsky.app/profile/familyrightsgp)

Facebook: [FamilyRightsGp](https://www.facebook.com/FamilyRightsGp)

Instagram: [@familyrightsgroup](https://www.instagram.com/familyrightsgroup)

LinkedIn: [family-rights-group](https://www.linkedin.com/company/family-rights-group)

## Appendix – Further evidence

### Care system

- There is a record number of children in the care system in England - 83,630 as of March 2024.<sup>1</sup> 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 risen by more than 20% over ten years. There are significant regional variations - a newborn in North East England is more than twice as likely to be subject to care proceedings than one in London.<sup>2</sup>
- The system has become focused on investigating and assessing rather than supporting families. Opportunities to work in partnership with families early are often 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.<sup>3</sup>
- 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.
- Some private children's homes providers are making huge profits and local authority budgets are under severe strain.

### Kinship care

- Research by the [APPG on Kinship Care](#) found that 82% of kinship carers did not feel they had enough information about their legal options to make an informed decision. Nearly 4 in 10 (38%) had received no legal advice at all about their rights and options. While legal support is referenced in statutory guidance, it should be explicitly included in the legislation. Our [analysis](#) of local kinship care policies found that only a fifth address support with the legal expenses that kinship carers may incur. This includes legal costs such as applying for a special guardianship or child arrangements order.
- An [independent cost benefit analysis](#) by Alma Economics, commissioned by Family Rights Group, found that a right to paid employment leave, equivalent to adoption leave and rate of pay for all new and existing kinship carers in England would generate wealth for the country. For every £1 spent, £2.20 of benefits would be generated for the Treasury and wider society over the next 30 years.

---

<sup>1</sup> [Children looked after in England including adoptions, 2024](#)

<sup>2</sup> [NFJO, Newborn babies in care proceedings](#)

<sup>3</sup> [FRG analysis of child protection enquiry data](#)