



Transcript of presentation by Cathy Ashley, Chief Executive, Family Rights Group  
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### **The voice of families with lived experience within the child protection and family justice system**

When the charity Family Rights Group **was established in 1974**

- Local authorities could take away parental rights without going to court. Now they can't.
- Parents were not included in their children's case conferences nor in reviews if their children were in care. Now they should be invited
- Then grandparents had no legal means to seek contact with their grandchildren if they were in care. Now they do.

At Family Rights Group we're very proud of the charity's contribution to securing these steps and in the drawing up of the Children Act 1989. It remains an extraordinary piece of legislation which received cross-party consensus during Margaret Thatcher's time as Prime Minister. It drew on a robust research and evidential base. It set out lasting principles. The importance of partnership between families and the state in the interests of children underpinned the Act.

I'm sure this weekend and today many of us will have been preoccupied thinking about Arthur Labinjo-Hughes. Hearing his cries of no one loving him is heartbreaking. I just wanted to cuddle and comfort him and make it better for him – and I would be astounded if there was anyone in this meeting who feels differently. The safety, care and wellbeing of children is central to all our work – that is what primarily motivates all us to do what we do.

In the response to Arthur's death, some have questioned the merits of partnership working between families and the state. Martin Narey, former Government adviser and ex Chief Executive of Barnardos was quoted in the Guardian stating "Social workers need to be more sceptical and decisive when confronted by "manipulative and deceitful" parents." Arthur's death exposed flaws, he continued, in the current approach of social services, which, he said, placed an onus on working with parents instead of ensuring the child's safety, if necessary by taking them into care. And Martin was not alone in expressing such sentiments. Meanwhile the circumstances of Arthur's death are the subject of a number of reviews.

So why does partnership matter? Well it is precisely because there's substantial evidence that working with the children and their family is **the** best means of safeguarding a child and helping promote their wellbeing.

Why?

Firstly, because families know significantly more about their children and their circumstances, then it's likely the state ever will – so when working out what's in the child's

interests, we cut off all that knowledge and insight if we don't work with families. Indeed in Arthur's case, it is reported that his grandparents did try to raise the alarm on a number of occasions.

That's true not only when a child may be initially in need of early help. It's also true for children on a child protection plan and indeed those in care. Unless we plan to remove another 50,000 children on a child protection plan from their home into care, then working with the child, their parents and family is critical to keeping them safe. Unless we plan to return home none of the 80000 children currently in care and instead keep them in care throughout their childhoods, then working with children and their families is key to their safety and wellbeing. Unless we think breaking relationships of children in care with their parents, siblings, grandparents and others who care about them is really working out well right now, then we need to invest in nurturing and building positive relationships – and yes, helping them know who to stay away from.

Secondly, we know that whilst there are some people who are deliberately cruel to their child, they are thankfully rare. Most families in the child welfare system are struggling to parent in conditions of adversity. They care deeply about their children even if they may sometimes need support and help to safely care for them or to prevent crises from escalating. Partnership working allows for professionals to develop a relationship with families, to be able to provide high support and yes, high challenge. The collapse in early support and preventative services, the turnover of social work or agency staff have consequences.

Thirdly, as Professor Carlene Firmin's work on contextual safeguarding demonstrates, for some young people the risk of significant harm doesn't come from within their families. Parents and carers may have little understanding or influence over these contexts, extra familial harm can undermine parent-child relationships and blaming families in such circumstances can just extenuate the harm the child faces.

Fourthly (and indeed I could continue to five, sixth and seventh but won't in the time), research data shows that overall, the state is not a good parent or grandparent. Some children do well, in some cases inspite rather than because of the system but in the main outcomes are poor. Recent research by Professor Amanda Sacker spells this out, including earlier death rates compared to the rest of the population.

Far from partnership working becoming too embedded into the system, I would instead challenge back that it is insufficiently embedded to the detriment of children. Too often we hear of children and families being repeatedly assessed as a substitute for support.

Over the last 11 years, for example, the numbers of families in England subject to a child protection inquiry has more than doubled. Do we really think abuse has doubled in that time? If we examine the figures since 2013 in more depth, we find that the numbers on a child protection for physical abuse, sexual abuse or multiple factors actually fell, and now account for 14% of all child protection plans. The number of children on a child on a child protection plan for neglect or emotional abuse on the other hand has risen by over a third.

As many of you will be aware, there are now more children in the care system than at any time since 1985. A few years ago, Family Rights Group facilitated a sector wide Care Crisis Review. We found

- Lack of resources, poverty and deprivation are making it harder for families and children's services to cope.
- Children and families were too often not getting the help they need early enough to prevent difficulties escalating.

- A culture of blame, shame and fear has permeated the system, affecting those working in it as well as the children and families reliant upon it.
- The environment is increasingly one of mistrust and risk adversity, prompting practitioners to seek refuge in bureaucratic and procedural responses.

These challenges have only been amplified by the pandemic.

- Many families face increased stresses, financial hardship and isolation
- Many services, including domestic abuse support services and perpetrator programmes, which may have mitigated risks have closed or reduced provision.
- During the pandemic remote or hybrid child protection conferences or court hearings were organisationally expedient. But we know from our advice service that some parents were left feeling even more bewildered, or effectively voiceless, when significant decisions were being made about their child.
- Many of us are trying to deal with the crisis by working longer and longer hours and getting burnt out.
- Meanwhile depleting children's services funds are being spent on commissioning hugely expensive, often inappropriate placements for small numbers of children whilst some companies make excessive profits margins.

Just as there is no one reason why we're in this place. So there is no one individual, organisation, or policy solution.

But I do fear that we've ended up in a position where those who the system is meant to be there to help, such as young parents who were themselves in the care system, or parents who are domestic abuse victims, are often the most harshly judged and treated by it.

What I set out here are six tests going forward as to whether our child welfare system is good enough.

- Does it help children to live safely within their family?
- Does it assist families to get the help they need?
- Does it build or break children's relationships?
- Does it improve children's wellbeing over their lifetime?
- Are families treated fairly and able to make informed decisions?
- Does it work in partnership with families in the interests of children?

So how do we move to that 'good enough' child welfare system?

1. Firstly, every part of society has responsibility for our child welfare system, and that includes national government. These are tests against which current and future Government policies, legislation and funding decisions should be measured. If they don't help – they need to change.
2. Secondly, reform of our system has to learn from those with experience of it. Not as a one off consultation but as an integral part of how child welfare organisations operate, how children's services, for example, design and run services and construct policies.

Professors Kate Morris and Brid Featherstone undertook research on families' experiences of the child welfare system and found

"It is paradoxical that families have a vast knowledge of services (what works well, what hinders, who is helped, who is destabilised) but can only share this expertise by complaining. This deficit model of service involvement results in an untapped set of expertise and fraught feedback arrangements

Angela has described Family Rights Group's family panels and its work, including the development of the Mutual Expectations document in conjunction with social workers. Take a look at it. It sets out what families should be able to expect of children's services, and what it is reasonable for children's services to expect of families. Deceptively simple, it's a radical document.

The work of our panels has transformed how Family Rights Group operates – 50% of our trustees are now family members with experience of the system. It has changed the language we use, how we frame the advice we give, the services we offer, the resources we produce, and critically the impact of our work. And critically members of the panels are helping to challenge the stigma of what it is to be a family involved in the child welfare system, how asking for help should be viewed as a sign of strength not weakness. They are helping break down the them and us divide. They are helping wider society and indeed those working within the system to face up to the truth that domestic abuse, mental ill-health, learning disabilities and substance misuse isn't just something that happens to other families.

FRG and the family panels are keen to work with agencies to help introduce similar structures where currently none exist.

3. Thirdly, we need to value families, and I include in this the wider family and all who care about the child - by supporting them to take the lead in making decisions and determining what help they need in the interests of their child.

Families should be offered a family group conference, wherever they are on the child welfare continuum, and that includes pre-birth. Karen Broadhurst, and Clare Mason has put a spotlight on the rise in recent years in the the removal of new born babies, and the increase in authorities making same day applications to court. Early FGCs in pregnancy is a vital element in turning this around.

Indeed it should be a family's right to have an FGC before a child enters care, except in emergencies. FGCs increase the opportunity for exploring prospective kinship carers or planning for children to safely return home from care.

And as you think about that, bear in mind that FGCs originated in New Zealand with Maori groups inspiring change as a response to oppressive practice that separated many children from their communities.

4. Fourthly, kinship care needs to be the first thought, not an afterthought, if a child cannot remain at home. After all it's what we want to happen in our own families.

The Parliamentary Taskforce Report on Kinship Care found that a third of looked after children in England who were living with kinship foster carers had first been placed in the care of someone they did not know and were not related to. In many cases, that need not have happened. There is also significant variation in how local authorities explore and support kinship care as an option. I also think it worth contrasting the situation in England with that internationally. In part to show that the current situation doesn't have to be this way. In New Zealand, where FGCs are the means of decision making, 48 per 10000 children are in care compared to 67 per 10000 in England. Of those in care, 62% are raised by kinship carers compared to only 15% in England.

Around half of kinship carers have to give up their job to take on the children and that drives the family into poverty. An immediate step the Government can take is to extend adoption leave to kinship carers. There is probably no greater example of

how partnership working isn't entrenched in our child welfare system, than the call that we've received to our advice line during the pandemic from a woman whose little brother and sister had moved in following their parents' death from Covid, and been told by children's services that they were not entitled to support because it is a private arrangement.

5. Fifthly, we need a system in which families whose children may be at risk of state intervention, are able to make informed decisions.

Last year, 18000 people contacted Family Rights Group's advice service. Evaluations show that it helps families to navigate the child welfare system, face up to concerns, and understand their rights and options when dealing with children's services. Yet with current funding we can only advise 40% of callers. Put bluntly, we need long-term stable funding.

We have also previously run a parental advocacy service for families involved in child protection conferences and know how this too can change the dynamics between families and the state. But again, this requires funding.

And the scope of legal aid needs to be extended. It is heartbreaking that we have kinship carers who have run up debts of £1000s of pounds in legal costs on advice and representation because they stepped to secure the future of a child in their family.

The President of the Family Division's Public Law Working Group has set out best practice to improve how the system works at the pre-proceedings stage. Building upon this, we are delighted to have received funding from the Legal Education Foundation to co-produce and pilot a new approach to pre-proceedings in two family justice areas. Through this and a national programme for the judiciary, we'll seek to reemphasise early and effective partnership working with families and create the conditions for safely averting the need for care proceedings.

6. Sixthly, as the Independent Care Review has highlighted, all of us – and children in care are no exception - need positive relationships to turn to for practical and emotional support. We know the adverse consequences for many who have been separated from their families, and then as they become adults, their professional support network also fall away.

Family Rights Group codesigned the Lifelong Links approach with stakeholders including young people in care. It aims to create a lifelong support network for children and young people. A trained coordinator works with the young person to find family members and all who care about them, and brings them together at a celebratory conference to make a lasting support plan. Impact studies and evaluations have shown it increases connections from 7 to 26 for a child and enables children to be more stable where they are living. It also helps shift the culture and practice in the rest of the authority into one of prioritising relationships from the outset. It should be an offer made to all children in care.

7. Alongside addressing the wider shortfall in investment in children's services, there needs to be a new and sizeable 5 year funding stream. Available to all local authorities, it would be awarded to on the basis of a local plan, developed with local partners agencies, including the family justice board, community organisations and critically children, young people and families. The fund would be a catalyst for doing things differently to reduce the numbers of children in care, including the solutions set out here. And as the numbers of children in care reduce, it would also allow

authorities to develop joint commissioning strategies to provide specialist placements and reduce dependence and expenditure on private sector providers.

Ultimately, it is a vital part of a healthy democratic country that we have a child welfare system in which all communities and all stakeholders can have trust and confidence in – thank you to all of you who are trying so hard to achieve that.