



Your Family, Your Voice

An Alliance Of Families And
Practitioners Working Together
To Transform The System

**Briefing by the Your Family, Your Voice Alliance
for the House of Lords focusing on young parents
who are care leavers**

Children and Social Work Bill 2016

Prepared by

Family Rights Group on behalf of Your Family, Your Voice Alliance

Endorsed by

agenda – Alliance for Women & Girls at Risk

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1. Introduction

- 1.1 This briefing is prepared by Family Rights Group on behalf of the Your Family, Your Voice Alliance.
- 1.2 Your Family, Your Voice is an Alliance of families whose children have been subject to statutory state intervention – and practitioners and organisations working with them. This includes families whose children have been excluded from school, subject to child protection processes or the youth justice or the care systems or sectioned under the Mental Health Act. The Alliance aims to influence how such families are perceived and portrayed in the media and wider society; work in collaboration with families to influence law, policy and practice in our child welfare, child mental health, youth justice and education systems; and enable families to have a voice in policy and decision making. Find out more about the Alliance at www.frg.org.uk/involving-families/your-family,-your-voice¹
- 1.3 Family Rights Group is the national charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home. We

¹ We are grateful to Lankelly Chase for funding the work of the Alliance and to the Paul Hamlyn Foundation and The Tudor Trust for funding Family Rights Group's Young Parents Project.

advise parents, grandparents, other relatives and friends about their rights and options when social workers or courts make decisions about their children's welfare. We campaign for families to have a voice, be treated fairly and get help early to prevent problems escalating. We champion family group conferences and other policies and practices that keep children safe within their family network

1.4 This briefing on the Children and Social Work Bill focuses on young parents, who are care leavers, who are particularly at risk of their children being permanently removed from them to care or adoption. Some of the amendments we propose would also assist other vulnerable parents and children. In particular we consider ways that the Children and Social Work Bill could be amended, in order to:

- Improve the chances of care leavers who are also young parents being able to safely care for their children by:-
 - (a) making it an explicit requirement that there is an assessment of the needs of any young parent/pregnant young person who is in care or a care leaver and that they are provided with advice, assistance and support;
 - (b) making it an explicit requirement that the pathway plan for any young parent/pregnant young person who is in care or is a care leaver recognises and addresses the needs of the young person as a parent seeking to care for their child;
 - (c) addressing the significant vulnerability of care leavers who are lone parents with a child in their care, arising from the lower standard rates of support now payable under the Universal Credit regime;
- Ensure that sibling relationships for looked after children are safely promoted in order that such important life long connections are preserved. This is particularly important for young parents who are in care or care leavers and who all too often have no emotional support network in place to draw upon when seeking to keep their children safely in their care.
- Ensure that appropriate support is offered to any parent whose child is permanently removed, to help them deal with their grief, have a mutually constructive relationship with their child even if they can't care for them and maximise their chances of keeping any future child that they might have.
- Ensure that foster for adoption (i.e. when a child is placed with a potential adopter who is an approved foster carer) is not used for voluntary accommodated children, given that their parents may not have had access to

legal advice and there may have been no court scrutiny or decision that their child should be permanently removed from their care.

- 1.5 The amendments detailed in this briefing provide for changes to Clause 3 in particular, alongside suggestions of new clauses. Whilst welcoming some of the provisions in the Bill affecting looked after children and care leavers, we also highlight in this briefing our concerns about measures (particularly Clauses 15-18) which we fear could have a potentially detrimental impact on the rights of some children in care and their families.

2. Care leavers: the background

- 2.1 There were 69,540 looked after children in England as at 31 March 2015². Almost 40,000 looked after children were in the care system as a result of a care order³, nearly 19,000 were looked after because the parent had agreed to the child being placed in voluntary accommodation under Section 20⁴ and there were just over 9,500 for whom there was a placement order giving authority to the local authority to place a child with a prospective adopter. Looked after children are typically in care as a result of parental mental ill health, disability, imprisonment, substance misuse, domestic violence or bereavement or because parents are absent. Most have suffered abuse or neglect. Their separation from their parents or other members of their family network, alongside the trauma or tragedy that they have suffered, can have a significant and lasting impact on these children's mental health and emotional well-being - in 2014 only half of children in care had emotional and behavioural health that was considered normal.⁵ 50% of sibling groups in care are split up.⁶ When siblings enter the care system, the decision whether to place them together or

² Department for Education (2015) Children Looked After in England including adoption: 2014 to 2015 Available at: <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>

³ This can be an emergency protection order, interim or final care order. A small number of children are also looked after on court ordered remand to Youth Detention Accommodation or Local Authority accommodation

⁴ Children Act 1989

⁵ Department for Education (10 December 2014) Statistical First Release – Outcomes for Children Looked After by Local Authorities in England as at 31 March 2014. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384781/Outcomes_SFR49_2014_Text.pdf

⁶ Ashley C & Roth D (2015) What happens to siblings in the care system? Available at: <http://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf>

separately is of vital importance and has significant lifelong consequences. A fifth of children aged 13 years old or over have three or more placements in a year.⁷

2.2 In 2013-14, 10,310 young people aged over 16 left care, this is an increase of almost 50% in the past 10 years. As at the end of March 2014, 1 in 75 of all 19 year olds was a care leaver.⁸ These care leavers are young people who require support to transition to adulthood and to independent living. That this is the case is reflected in the statutory framework of assessment, care planning, intervention and review that local authorities must follow to prepare 16 and 17 year olds who are looked after, for the time when they will leave care.⁹ The standard of the provision that is made for care leavers by local authorities has only been the subject of specified inspection by Ofsted since 2013. As at July 2015, 64% of the 59 authorities inspected had care leavers' services which were rated as requiring improvement or inadequate.¹⁰

3. Care leavers who are parents or expectant parents: context

3.1 Care leavers are particularly vulnerable to early pregnancy, early parenthood and losing a child to the care system.¹¹ Evidence from the Centre for Social Justice in 2015 based upon data provided by 93 local authorities, revealed that 22% of female care leavers became teenage mothers; this is three times the national average¹².

⁷ Department for Education (2014) Rethinking support for adolescents on the edge of care Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342052/Rethinking_support_for_adolescents.pdf

⁸ National Audit Office (17 July 2015) Care leavers' transition to adulthood. Available at: <https://www.nao.org.uk/report/care-leavers-transitions-to-adulthood/>

⁹ This is provided for in Volume 2 of the Children Act 1989 Guidance – Care Planning, Placement and Case Review regulations and statutory guidance.

¹⁰ National Audit Office (17 July 2015) Care leavers' transition to adulthood. HC 269

¹¹ For example: Knight, A., Chase, E & Aggleton, P. (2006a) Teenage pregnancy among young people in and leaving care: messages and implications for foster care. *Adoption and Fostering*, 30 (1), pp.58-99; Knight, A., Chase, E & Aggleton, P. (2006b) 'Someone of your own to love': experiences of being looked after as influences on teenage pregnancy. *Children and Society*, 20, pp. 391-403; Craine, N. et al. (2014) elevated teen conception risk amongst looked after children; a national audit. *Public health*, 128 (7), pp. 668-670.

¹² Centre for Social Justice (January 2015) Finding Their Feet, Equipping care leavers to reach their potential Available at: <http://www.centreforsocialjustice.org.uk/publications/finding-their-feet>

- 3.2 The Centre for Social Justice identified that 1 in 10 care leavers aged 16-21 years old have had a child taken into care.¹³
- 3.3 Recent research led by Professor Broadhurst has studied court records relating to 43,541 mothers who had children removed from their care between 2007–14. In particular the study examines those mothers who have been subject to sequential care proceedings. The research found that younger mothers are more at risk of reappearing in the family justice system and experiencing this recurrent cycle.¹⁴ The research team have provided provisional results from their indepth analysis of a sample of 340 court care files which indicate that more than six out of ten of the mothers who had children sequentially removed were aged under 21 years old when they had their first child¹⁵. The early provisional results also indicate that a third of the mothers were in care or have been looked after within the care system for some of their own childhood.
- 3.4 Claire Mason has led, as part of the Broadhurst et al. study, indepth interviews with 72 mothers who had experienced recurrent care proceedings. The research expresses serious concern that mothers who have had a child removed from their care by the courts are unlikely to get the psychological therapies often recommended within proceedings, or the support to help in dealing with the impact of compulsory removal of their child.¹⁶
- 3.5 Family Rights Group will be launching a report on the 22 June 2016 which includes interviews with young parents whose children have been removed and with practitioners. The report will include key recommendations. It also sets out the context in which increasing numbers of children in England are subject to child protection enquiries, are at risk of removal or are in the care system¹⁷. It identifies that recent family justice reforms involve speedier decisions being made, which

¹³ Centre for Social Justice (January 2015) Finding Their Feet. Equipping care leavers to reach their potential. Based on Freedom of Information Requests by Centre for Social Justice in August 2014, to which 108 of 119 local authorities were able to give data.

¹⁴ Broadhurst, K. et al. (2015) Connecting Events in Time to Identify a Hidden Population: Birth Mothers and Their Children in Recurrent Care Proceedings in England. *British Journal of Social Work* (2015) 1–20. Available at: <http://bjsw.oxfordjournals.org/content/early/2015/12/14/bjsw.bcv130.full.pdf+html>.

¹⁵ Preliminary provisional results provided by Broadhurst K et al from their Nuffield Foundation funded research. Please note final results will be published in July 2016.

¹⁶ Broadhurst, K and Mason, C (2015). Mothers experiencing recurrent removal of children –presentation at Your Family, Your Voice Event on 2nd December 2015. Interview participants were accessed via local authorities and care leavers are still often known to local authorities.

¹⁷ In 2012/13 1 in every 100 children in England was subject to child protection enquiries, DfE.

reduces the time young parents have to be able to demonstrate that they have addressed social workers' concerns. Young parents are further hindered by a dearth of timely, effective support.¹⁸ Like most parents who are subject to the child protection system, young parents often feel lost, angry and scared. However, many young parents, particularly care leavers, also have additional multiple challenges:

- They are more likely to have babies, who are potentially adoptable and are therefore more likely to be placed in a foster for adoption placement;
- Many are alienated by prior negative experiences of state services in their childhoods, making it hard for them to engage with professionals. Yet it is well established that a working relationship between parents and social workers is key to keeping children at risk safely at home and a lack of parental co-operation is frequently the trigger for local authorities issuing care proceedings;
- Young parents often feel judged by their youth and background, rather than by their parenting abilities. This is particularly the case for care leavers who often feel that being in care is itself held against them;
- Previous childhood experiences (including suffering abuse, being in care, mental health problems, exclusion from school and/or involvement in youth justice) may adversely impact on their resilience, resources and family and community support networks, to deal with both the challenges of transition into adulthood (e.g. housing, education, employment and relationships) and of being a parent; and
- Young parents who are care leavers also identify that even where support has been provided to them in their capacity as young people leaving care, such support often ignores their roles as parent or assist them in safely raising and keeping their child.

3.6 One of the themes that emerge from Family Rights Group's research is that young parents often have less developed support networks as compared to older parents and those who are care leavers are likely to have fewer established familial support systems in place as they move into adulthood.¹⁹ The Care Inquiry (2013), conducted by 8 voluntary organisations concluded that the greatest failing of the care system and

¹⁸ Women's Aid (2013) A growing crisis of unmet need.

¹⁹ Courtney, M, & Dworsky, A. (2006) Early outcomes for young adults transitioning from out-of-home care in the USA. *Child and Family Social Work*,(3), pp. 209-219.

associated child welfare procedures is that it too often breaks, rather than builds, relationships for children in care. In 2013, at the age of 22 years, 50% of adults in the UK still lived with their parents. In contrast, young people leaving care often lack the support networks that other young people depend upon for educational support, economic opportunities, emotional stability and a home. This can be seen most starkly by examining numbers of care leavers not in education, employment or training (41%) compared to 15% of all 19-year-olds.²⁰ Of the 26,330 former care leavers aged 19, 20 or 21 recorded at 31 March 2015, 39% were not in education, employment or training (NEET). There was a rising number of former care leavers in that cohort who were NEET owing to pregnancy or parenting.²¹

4. Children and Social Work Bill: Amendments 1 to 9: care leavers who are young parents

- 4.1 The Children and Social Work Bill is an opportunity for the Government to provide a clearer framework of support for children in the care system and for care leavers. Whilst we welcome Clauses 1-8 of the Bill, we support the briefing by the Alliance for Children in Care and Care Leavers which emphasises that there should be an entitlement to support for all care leavers up to the age of 25. This should include:
- The Government underpinning the Local Offer with a duty on local authorities to assess the needs of local care leavers and provide services that are sufficient to meet those needs;
 - The Government providing additional funding to ensure that all young people who have been in care (not just those who presently qualify for ‘Staying Put’) can access an appropriate, local authority funded accommodation placement until the age of 21;
 - Local authorities being under a duty to ensure all care leavers up to 25 years old can access appropriate accommodation - and the Government should ensure care leavers remain a *priority housing need* until their 25th birthday.
- 4.2 The Children and Families Act 2014 inserted section 23CZA into the Children Act 1989 to provide a mechanism by which young people who had reached the age of 18 years

²⁰ National Audit Office (17 July 2015) Care leavers’ transition to adulthood. HC 269

²¹ Department for Education (2016) Children looked after in England (including adoption and care leavers) year ending 31 March 2015.

(and thus who had ceased to be looked after) could 'stay put' in the home of their foster carer(s) until the age of 21. There is still no analogous staying put provision made for those children who have been placed in residential care. Where children are settled and succeeding in residential care placements and require ongoing support, we strongly believe staying put arrangements should be made available. As highlighted by the Education Committee in 2014, extending support to such young people 'should be considered an investment, which will lead to better outcomes for the individuals in question and for society as a whole'.²² Models such as the No Wrong Door approach provide a potential template for the delivery of post-18 support and foster carer support for such children. Your Family, Your Voice calls upon the government to build upon the 'Staying Put' framework to make sure that all young people who have been in care can access appropriate accommodation.

- 4.3 The following suite of amendments provide a clear framework for recognising the additional vulnerabilities of both looked after children preparing to leave care (eligible children) and care leavers who are also young parents²³. The amendments impose duties upon local authorities for assessing the needs of these young people and providing advice, assistance and support to them. This will help to ensure that the Pathway Plans formulated for looked after children and care leavers who are also young parents/expectant parents are both robust and effective in maximising the chances of those young people in keeping their child.²⁴
- 4.4 Despite their extreme vulnerability, the particular needs and circumstances of young parents, whose children are subject to child protection enquiries, are not currently sufficiently identified, recognised or addressed within care planning regulations and guidance. There are critical sources of information which should be drawn upon in formulating plans to keep the young parent's child safely in their care. This includes the information within the young parents' own Pathway Plan; the views of the young parent; the views of those professionals who know the young parent best (for example foster carer, former social workers, a current personal adviser, key workers,

²² Education Committee (9 July 2014) *Second Report Into independence, not out of care: 16 plus care options*.

²³ Including - eligible children who are looked after children who need to be prepared for leaving care; relevant children, former relevant children, those falling within the scope of section 24 and 24 A CA 1989; and former relevant children provided for under Clause 3 of the Bill.

²⁴ A Pathway Plan is a plan which local authorities must make to plan for a care leavers health and development, education, training and employment, contact with family and managing money. Pathway Plans continue until a care leaver reached 21, or 25 if the care leaver is in education or training. Local authorities have a duty to prepare pathway plans for eligible children, relevant children and former relevant children.

advocates or support workers from external agencies) as well as those individuals who make up the young parents' informal support network including members of their kinship network. The amendments provide a positive duty and guidance regarding the coordination of information and planning for the young person as an eligible child or care leaver, as a young parent, and for the young person's child. This will help ensure that important information is not overlooked and to ensure that plans for the young person and for the new child are coherent.

4.5 It is recommended that amendments are also made to relevant statutory guidance including :

- Volume 3, Children Act 1989 guidance: Planning transitions to adulthood for care leavers, 2010 should be updated to reflect all of the above amendments and in particular the guidance should be updated:-
 - (i) to reflect the proposed new statutory duties towards eligible children, care leavers and those qualifying for advice and assistance who are also young parents;
 - (ii) to recognise that access to advocacy for LAC children will be particularly important for young people who are also young parents (2.15);
 - (iii) so that young parents are included in the guidance relating to care leavers who require additional specialist support so that practitioners have access to national guidance relating to working and planning for these young parents and their children (Chapter 6);
 - (iv) to recognise that amongst the range of semi-independent and independent accommodation options for care leavers will be accommodation that can meet the needs of those care leavers who are young parents.
- In addition The Independent Reviewing Officers Handbook should be updated to provide additional guidance to IRO about overseeing care plans in place for:
 - a young parent who is still a looked after child²⁵
 - A looked after child whose parent is themselves in care or a care leaver.

²⁵ 'Eligible children' are looked after children who are 16 or 17 years of age. They will have a care plan but also must have a Pathway Plan to prepare them for the time when they leave care.

Proposed amendment 1

Clause 3 Advice and support on request

Page 4, line 18, after “(a) whether any services offered by the local authority (under this Act or otherwise may assist in meeting his or her needs” omit “, and” and insert-

“including where applicable his or her needs as a parent, and”

Page 4, line 31, after paragraph (8) insert-

“(9) In this section “young parent” includes-

- (a) an expectant parent;
- (b) a parent who has their child or children in their care; and
- (c) a parent who has had a child removed to kinship care, local authority care or adoption.”

Proposed amendment 2

Insert the following new Clause 3A

(1) The Children Act 1989 is amended as follows

(2) At paragraph 19B(4) of Schedule 2 of the Act, after “Act” insert-
“including where applicable, his or her needs as a young parent”

(3) After 19B(8) insert-

“(9) For the purposes of paragraph 19B(4) above, “young parent” includes-

- (a) an expectant parent;
- (b) a parent who has their child or children in their care; and
- (c) a parent who has had a child removed to kinship care, local authority care or adoption.”

Proposed amendment 3

Insert the following new Clause 3B

(1) The Children Act 1989 is amended as follows

(2) At section 23B(3)(a) after “needs” insert-
“including where applicable, his needs as a young parent”

(3) After 23B(3) insert-

“(4) For the purpose of subsection 23B(3)(a) above “young parent” includes-

- (a) an expectant parent;
- (b) a parent who has their child or children in their care; and
- (c) a parent who has had a child removed to kinship care, local authority care or adoption.”

Proposed amendment 4

Insert the following new Clause 3C

- (1) The Children Act 1989 is amended as follows
- (2) At section 23C(4)(c) after “other assistance” insert-
“which shall include, where applicable, assistance as a young parent”
- (3) Insert 23C(4A)-
“For the purpose of subsection 23(4)(c) above, “young parent” includes-
 - (a) an expectant parent;
 - (b) a parent who has their child or children in their care; and
 - (c) a parent who has had a child removed to kinship care, local authority care or adoption.”

Proposed amendment 5

Insert the following new Clause 3D

- (1) The Children Act 1989 is amended as follows
- (2) After subsection 24A(6) insert a new subsection-

“(7) Where the person qualifying for advice and assistance under section 24 and meeting the conditions under section 24A is also a young parent, any advice and assistance given to the person shall include advice and assistance relevant to them being a young parent.

(8) “Young parent” for the purposes of subsection (7) above includes-
 - (a) an expectant parent;
 - (b) a parent who has their child or children in their care; and
 - (c) a parent who has had a child removed to kinship care, local authority care or adoption.”

Proposed amendment 6

Insert the following new Clause 3E

- (1) The Children Act 1989 is amended as follows.
- (2) After section 23E insert-

“23F Pathway plans for looked after children and care leavers who are young parents
 - (1) This section applies in the case of any looked after child or care leaver who is-
 - (a) an eligible child entitled to have a pathway plan prepared pursuant to

- paragraph 19B(4) of Schedule 2 to the Children Act 1989; or
 - (b) a relevant child entitled to have a pathway plan prepared pursuant to section 23B(3)(b) of that Act; or
 - (c) a former relevant child entitled to have a pathway plan reviewed pursuant to section 23C(3)(b) of that Act.
- (2) Where a looked after child or care leaver to whom this section applies is also a parent, a pathway plan shall-
- (a) identify the advice, assistance and support to be offered to assist the looked after child or care leaver as a young parent, and
 - (b) set out how the advice, assistance and support is to be or, is being, coordinated with-
 - (i) any assessment in respect of the young parent's child being carried out a local authority, and
 - (ii) any service provision for the young parent's child provided by a local authority.
- (3) Assessment and provision under section 2(1)(b)(i) and (ii) above means-
- (a) assessment, plans and support provided for under relevant statutory guidance including Early Help assessment, pre-birth assessment and any assessment or support in relation to a pre-proceedings process;
 - (b) assessment, plans and support provided under section 17 Children Act 1989;
 - (c) accommodation provided under section 20 Children Act 1989; and
 - (d) investigation under section 47 Children Act 1989 and any resultant child protection plan.
- (4) Coordination for the purposes of section 2(b) shall include-
- (a) formal information sharing in writing and through meetings between relevant professionals including-
 - (i) a personal adviser;
 - (ii) a current or previous social worker for the looked after child or care leaver who is the parent;
 - (iii) any social worker for the young parent's child;
 - (iv) any foster carer, residential key worker or other relevant professional involved with the looked after child or care leaver who is the young parent.
 - (b) the pathway plan being informed by any assessment, plans or support in respect of the young parent's child.
 - (c) information in, or proposed to be in, the pathway plan being drawn upon to inform assessment, planning and support in respect of the young parent's child.
- (5) In this section "young parent" means a looked after child or care leaver falling within the ambit of section 23F(1) who is-
- (a) an expectant parent;

- (b) a parent who has their child or children in their care; or
- (c) a parent who has had a child removed to kinship care, local authority care or adoption.”

Proposed amendment 7

- (1) Amend the Children Act 1989 as follows.
- (2) After section 23E insert-

“25G England: Pathway plans for former relevant looked after children

- (1) This section applies to former relevant children to whom section 23CZB Children Act 1989 applies.
- (2) A pathway plan prepared pursuant to section 23CZB shall, in the case of a young person who is a parent and a former relevant child to whom section 23CZB applies shall-
 - (a) identify the advice and support to be offered to assist the former relevant looked after child as a young parent, and
 - (b) set out how the advice and support is to be, or is being, coordinated with-
 - (i) any assessment being carried out in respect of the young parent’s child by a local authority, and
 - (ii) any services provided, or to be provided, to the young parent’s child by a local authority.
- (3) Assessment and provision under section 2(1)(b)(i) and (ii) above means-
 - (a) assessment, plans and support provided for under relevant statutory guidance including Early Help assessment, pre-birth assessment and any assessment or support in relation to a pre-proceedings process;
 - (b) assessment, plans and support provided under section 17 Children Act 1989;
 - (c) accommodation provided under section 20 Children Act 1989; and
 - (d) investigation under section 47 Children Act 1989 and any resulting child protection plan.
- (4) Coordination for the purposes of section 2(b) shall include-
 - (a) formal information sharing in writing and through meetings between relevant professional including-
 - (i) a personal adviser;
 - (ii) a current or previous social worker for the former relevant child who is the parent;
 - (iii) any social worker for the young parent’s child;
 - (iv) any foster carer, residential key worker or other relevant professional involved with the former relevant.
 - (b) the pathway plan being informed by any assessment, plans or support in respect of the young parent’s child,
 - (c) information in, or proposed to be included in, the pathway plan being drawn

upon to inform assessment, planning and support in respect of the young parent's child.

- (5) In this section "young parent" means a looked after child or care leaver falling within the ambit of section 23F(1) who is-
- (a) an expectant parent; or
 - (b) a parent who has their child or children in their care; or
 - (c) a parent who has had a child removed to kinship care, local authority care or adoption.

Proposed amendment 8

Insert the following new Clause 3F-

- (1) The Children Act 1989 is amended as follows.
(2) After section 23E insert-

"25G England: Pathway plans for former relevant looked after children

Clause 4 Duty of local authority in relation to previously looked after children

Page 5, line 28, after "(a) the child's parent" insert
"and anyone else with parental responsibility for the child,"

Proposed amendment 9

Insert the following new Clause 3G-

- (1) The Care Leavers (England) Regulations 2010 be amended as follows.
(2) After paragraph 5(4)(a)(vi) add a new sub-paragraph to the list of matters that a local authority must take into account in carrying out an assessment of the needs of a relevant child who does not already have a pathway plan:
"(vii) needs as a young parent."
(3) After paragraph 5(4)(b)(x) add a new sub-paragraph (xi) to the list of persons whose views are to be sought and taken into account-
"(xi) any foster carer, residential key worker or other relevant professional who previously cared for or supported the young parent."
(4) After paragraph 5(5)(a)(ii) add a new sub-paragraph (iii)-
"(iii) the former relevant child's needs as a young parent."
(5) After paragraph 5(5)(b) add a new sub-paragraph (c)-
"(c) where the former relevant child is also a young parent, ensure that the assessment is coordinated with any assessment being progressed in respect of the young parent's child and any provision made further to that assessment.

(d) “assessment and provision” and “coordination” in paragraph 5(5)(c) shall have the meaning given in section 25G(3) and (4) Children Act 1989 as inserted by the Children and Social Work Act 2016.”

(6) After 5(6)(c) add a new sub-paragraph-

“(d) “young parent” has the following meaning:

(a) an expectant parent;

(b) a parent who has their child or children in their care; or

(c) a parent who has had a child removed to kinship care, local authority care or adoption.”

(7) In Part 3, after paragraph 8(1)(e) after the word “plan” insert-

“including it’s coordination with any assessment, provision or care plan in respect of a child of the young person, where the young person is a young parent.”

(8) In Part 4 after paragraph 9(2) after ‘disability,’ add the words-

“and where applicable, their needs as a young parent.”

(9) After 9(2)(3)add the words “including any support in place relating to the young person being a young parent.”

(10) At Schedule 1, after paragraph 10 ending ‘background.’ Add-

“11. Details of his or her needs as a young parent and how the pathway plan is to be coordinated with any assessment being progressed in respect of the young parent’s child and any provision made further to that assessment. Coordination and assessment and provision shall have the meaning given in section 25G(3) and (4) Children Act 1989 as inserted by the Children and Social Work Act 2016.”

(11) At Schedule 2, paragraph 1 after “(e) support” add in the words-

“including any support in place, or to be put in place, for the young person as a young parent whether that support is detailed in the young person’s pathway plan or within any assessments or plans in respect of the young person’s child or unborn child.”

(12) At Schedule 2, paragraph 1 after paragraph 1(f) and the word ‘affordability’ add-

“(h) The suitability of the accommodation for a child, where the young person is a young parent”.

5. Amendments 10-12: Supporting the educational achievement of children returning home from care

5.1 Children who are, or who have been in care are one of the poorest performing groups in terms of educational outcomes. Recent research²⁶ used information from the National Pupil Database and data about Looked After Children in England to examine what factors may underpin or limit the educational progress of this group of children. Importantly, the findings examined the situation of children who, at the end of Key Stage 4, were not looked after but who were Children In Need. These children were found to be more likely to have special educational needs, poor attendance and more exclusions and to have progressively poorer relative attainment as they went through school as compared to the children who were in care. Accordingly, it is important that children who have previously been in care and return home and who may be children in need are properly support to succeed at school. Further, children who have moved into the care system and back out of it will have experienced changes of placement and may well have had to change schools too. The study found that around 16% of children who have been in care on a short term basis will change secondary school; 9% of children who are in need but not in care will experience change of secondary school. The study cited previous research²⁷ that has suggested that placement changes and school changes are both associated with poorer educational outcomes.

Proposed amendment 10

Clause 4 Duty of local authority in relation to previously looked after children

Page 6 line 10 after “2002” delete “.” And insert-

“, or

(d) returning home to the care of a parent.”

Proposed amendment 11

Clause 5 Maintained schools: staff member for previously looked after pupils

Page 6 line 41 after “2002).” delete “.” And insert- “or

(d) returning home to the care of a parent.”

²⁶ Sebba, J, Berridge, D, Luke, N., Bell, K., Strand, S., Thomas, S., Sinclair, I., & Higgins, A. (2015) The Educational Progress of Looked After Children in England: Linking Care and Educational Data. Nuffield.

²⁷ e.g. Conger, D. & Rebeck, A. (2001) How children’s foster care experiences affect their education. New York City: Vera Institute for Justice.

Proposed amendment 12

Cause 6 Academies: staff member for looked after and previously looked after pupils

Page 8 line 7 after “order;” insert-

“or

(c) was looked after by a local authority but has ceased to be so looked after as a result of returning home to the care of a parent.”

Questions for the Minister:

1. Will the Minister confirm that the terms and conditions on which assistance is given in relation to the pupil premium grant (PPG) payable to schools and local authorities for the financial year beginning 1 April 2017 will include as eligible pupils those children and young people who were looked after but have returned home to the care of their parents?
2. Will the Minister confirm that they will use their powers under section 84 of the School Standards and Framework Act 1988 to revise the Schools Admission Code to ensure that schools must, within their oversubscription criteria, give highest priority to all children who were looked after but have returned home to the care of their parents?

6. Amendment 13: New provision to improve sibling contact

- 6.1 The aim of this amendment is to require local authorities to allow children in care reasonable contact with their siblings. The law currently requires local authorities to allow a looked after child reasonable contact with their parents. This extends this duty to siblings. This step would reflect the important role of sibling relationships in the lives of children who are in care. The proposed amendment would also provide a sound foundation for ensuring the recognition of the importance of sibling relationships for young people who have left care. For those young people leaving care who are also parents/expectant parents, siblings may be an important source of emotional and practical support.
- 6.2 In January 2015, Family Rights Group published its report investigating the current experience of siblings in the care system and whether some placement types are

more likely than others to enable siblings to be raised together where it is assessed as being in their interests.²⁸ The report revealed that children in unrelated foster care and residential care are overrepresented amongst those separated from their siblings compared to their overall numbers in the care population; only 1% of sibling groups who were all placed together were living in residential care. In contrast, children in kinship foster care were less likely to be separated from their siblings.²⁹ The report highlighted research that for many children unable to live with their parents, the sibling relationship is the closest they ever experience, they are able to share information and feelings, and develop a shared sense of identity.³⁰ A recent report by the Centre for Social Justice identified that 'One of our greatest concerns is that the bonds between siblings in care, which can lead to greatly valued lifelong relationships, are being broken'.³¹

6.3 A study found that 86% of all children in care thought it important to keep siblings together in care and over three quarters thought that councils should help children and young people to keep in touch with their brothers and sisters.³² The benefits of maintaining sibling relationships were identified in a survey by Siblings Together, which found that the majority of respondents thought that having a brother or sister helped prepare them better for life whilst 75% said that having a sibling helped them make friends with other people more easily; and 71% said it helped them in their adult relationships.³³ In parallel, government guidance recognises that maintaining contact with siblings is reported by children to be one of their highest priorities and acknowledges the value of sibling contact for continuity, stability, for promoting self-esteem and a sense of identify at a time of change/unfamiliarity.³⁴ Further guidance

²⁸ Ashley, C. and Roth, D (2015) Siblings in Care Available at: <http://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf>. Family Rights Group wrote to all 152 English local authorities in August 2014, asking six questions relating to looked after siblings group. 122 local authorities responded. 64 % of authorities provided a full or near full response.

²⁹ Ashley, C. and Roth, D (2015) Siblings in Care Available at: <http://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf>

³⁰ Ashley, C. and Roth, D (2015) Siblings in Care Available at: <http://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf>; Lord J and Borthwick S (2009) Planning and placement for sibling groups; from Schofield G and Simmonds J eds The Child Placement Handbook: Research policy and practice (BAAF); Prynne B (1999) Looking back: Childhood separations revisited, from Mullender A ed (1999) We are family: Sibling relationships in placement and beyond (London: BAAF) .

³¹ Centre for Social Justice (January 2015) Finding Their Feet, Equipping care leavers to reach their potential Available at: <http://www.centreforsocialjustice.org.uk/publications/finding-their-feet>

³² Morgan, R (2009) Keeping in touch: A report of children's experience by the Children's Rights Director for England Ofsted

³³ Siblings Together (2015) Torn Apart Available at: <http://siblingstogether.co.uk/wp-content/uploads/2015/12/Torn-Apart.pdf>

³⁴ Department for Education (2015) Children Act 1989 Guidance Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

emphasises the importance of sibling contact where children cannot be placed together.³⁵

Proposed amendment 13

Insert new clause 8C

“8C sibling contact for looked after children

(1) In section 34(1) Children Act 1989 after subparagraph (d) insert
- subparagraph

‘(e) his siblings (whether of the whole or half blood);’

(2) In schedule 2 paragraph 15 Children Act 1989, after subparagraph (c) insert a
new subparagraph

‘(d) his siblings whether of the whole or half blood)’”

7. Amendment 14: Impact of welfare reform on care leavers who are young parents

- 7.1 Under the current system of Income Support and Income-based Job Seeker’s Allowance, the rate of personal allowance which is payable to a claimant depends upon the claimant’s age and whether the claimant has children or not. Those under 25 year olds who are not parents, receive a lower rate of personal allowance than those over 25 years old. A lone parent aged 18 years or over will receive the same higher rate of personal allowance that over 25 year olds are entitled to. Thus lone parents receive a sum of £73.10 per week, which equates to £316.77 per month.
- 7.2 Under Universal Credit, the government has introduced different rates of standard allowance for single claimants (regardless of whether they are a parent), depending on whether the claimant is aged under or over 25 years old. Therefore under Universal Credit, the standard allowance for a single parent under 25 years of age is £251.77 per month, almost £65 less per month; or nearly £780 less over the course of a year, than lone parents of that age receive under the current regime.
- 7.3 Many young parents under the age of 25 who are care leavers are entirely reliant on welfare benefits and tax credits to support themselves and their child(ren). The

³⁵ Department for Education (2014) Looked After Children: Contact with Siblings, Update to The Children Act 1989 guidance and regulations volume 2: care planning, placement and case review

reduced rate of universal credit is likely to push this group of already very vulnerable young parents into severe financial hardship and debt. This may result in them having to move home away from the formal support networks and services which are an integral part of their own Pathway Plans as well as the plans in place to support them in caring safely for their child/ren. It could lead to young parents being denied the chance to provide consistent and stable care for their children. If their ability to meet their children's needs is compromised, this risks children being denied the chance of being raised by their parent thus impacting on the child and the parent's right to respect for family life. It could also increase the number of children in care, which would not be in children's best interests and would lead to a considerable greater cost to the Government.³⁶ The payment of a lower personal allowance undermines those provisions which aim to support care leavers, including those provided for in the Bill. It undermines the government's commitment under the leaving care strategy to 'ensure that care leavers are adequately supported financially in their transition from care to adulthood to enable young people leaving care to have the same opportunities to fulfil their potential as their peers'.³⁷

Proposed amendment 14

Insert the following new clause 3H-

- (1) The Welfare Reform and Work Act is amended as follows.
- (2) After section 17 insert-

“17A Universal Credit standard allowance: single claimants under the age of 25 years who are care leavers and lone parents

(1) The standard allowance payable to a single person under the age of 25 years old shall be that same higher rate of standard allowance that is payable to a single person aged 25 years old or over where:-

- (a) the single person under 25 years old is a care leaver and is also
- (b) a lone parent

(2) For the purposes of this section, a care leaver is:-

- (a) a person eligible to claim Universal Credit and to whom a duty to provide leaving care services or support is owed under the Children Act 1989, as amended.

³⁶ National Audit Office (2014) Children in Care reports that the cost of one child being in an independent foster care placement for a year is £40,000. Available at: <https://www.nao.org.uk/report/children-in-care/>

³⁷ Department of Education (October 2013) Care Leaver Strategy. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266484/Care_Leaver_Strategy.pdf

(3) For the purposes of this section, a lone parent is:-
(a) a person with responsibility for a dependent child or children, that child being in their primary care.

8 Amendment 15: Post-removal support for parents

- 8.1 Many parents who have a child permanently removed from their care receive no support or counselling after that loss. Following the conclusion of care proceedings many parents are left unsupported, alone and reeling from the loss of their child. At such times, the risk of parents suffering further trauma and difficulties is high. Many young women go on to have further children and find themselves in a cycle of recurrent pregnancy and recurrent removals. A study of court data³⁸ led by Professor Broadhurst found that there has been a particular rise in new born babies being subject to care proceedings (2018 in 2013 compared to 802 in 2008). Across the whole sample, half were taken from mothers who already had at least one other child in care/adopted, and a third were from teenage mothers. Further research by Professor Broadhurst and colleagues at Lancaster University is set out on page 5.
- 8.2 Mothers and fathers who have had a child removed are unlikely to get the required level of help to bring about changes to enable them to keep future children. If the child is adopted then the Adoption Agency Regulations, paragraph 14 requires adoption agencies (including local authorities) to provide a counselling service to a parent or guardian of the child in relation to the adoption. There are also some small scale programmes in specific localities such as the Breaking the Cycle programme, the Pause Programme and the Drugs and Alcohol Court early support initiative. However, most young vulnerable parents who have lost a child are left unsupported emotionally and are not assisted to parent in the future, leaving them in a catch-22.
- 8.3 We are proposing a new legal duty should be placed upon local authorities to provide post-removal counselling to all parents who have experienced the removal of a child including those whose children are removed to state care and subject to a care order or those removed to a kinship care arrangement, including under a Special Guardianship order.

³⁸ Study by Professor Broadhurst reported by the BBC 14 December 2015 <http://www.bbc.co.uk/news/uk-35088794>

8.4 For those young parents to whom the local authority owes a duty of care as a corporate parent (eligible children, relevant children, former relevant children and those who are entitled to advice and assistance) Your Family, Your Voice supports the proposal by the Alliance for Children in Care and Care Leavers that the corporate parenting principles set out in Clause 1 should be extended to apply also to health including the Clinical Commissions Groups and NHS England is fully supported. This would encourage these agencies to work in partnership with local authorities to take responsibility for the needs of these young parents, particularly in respect of their specialist counselling or therapeutic needs. The measure would serve to prioritise the mental health needs of these young people at three crucial junctures: in a pre-birth period; following the birth of a child; and as well as in the event of removal of their child, so that they are best placed to succeed in being a parent and keeping their child safely with them.

Proposed amendment 15

Insert the following new Clause-

- (1) The Children Act 1989 is amended as follows.
- (2) After section 19 insert-

“19A Post-removal counselling for parents and legal guardians

- (1) Where a child is permanently removed from the care of a birth parent or a child’s guardian further to the powers under section 31 Children Act 1989, a local authority must, so far as is reasonably practicable-
 - (a) provide a counselling service and commission therapeutic support for the parent or guardian of the child.”

9 Amendment 16 & 17 – restriction on the use of foster for adoption where a child is voluntarily accommodated and availability of public funding

9.1 Section 20 Children Act 1989 provides a mechanism by which a child can be received into the care of a local authority with the consent of a parent. Parents do not have a right to free legal advice prior to agreeing to the voluntary accommodation of their child

(unless the local authority has initiated or is planning care proceedings). Without such independent legal advice, there is serious concern as to whether some parents are giving informed consent. This is particularly worrying in respect of younger parents who are vulnerable to losing their children to the care system and may lack other established sources of support including advice.

9.2 Provisions in the Children and Families Act 2014³⁹ mean that children, who are looked after either under a care order or under Section 20 with the voluntary agreement of their parents, can be placed with potential adopters (who are approved as foster carers). This is known as Foster for Adoption. In the case of children who are looked after under Section 20, they may be placed in a Foster for Adoption placement without the parents (or their family network) having had a right to independent legal advice. If there has been no proceedings, there will have been no court oversight of the process nor any court decision that the child should be permanently removed from their parents. Once the child is living with the potential adopter, it is much harder for the parent or the wider family to get the child into their care, because of the status quo argument that aims to minimise disruption for the child. A freedom of information survey of English local authorities in Summer 2015 found that at that stage at least 58 children who were voluntarily accommodated had been placed with a potential adopter in a foster for adoption placement.

9.3 Amendment 16 provides for the use of foster for adoption to be prohibited where the child is, or is to be, voluntarily accommodated under section 20 Children Act 1989. Such an amendment would not prevent the local authority issuing care proceedings if they felt that a permanent placement for the child needed to be pursued.

9.4 Whilst foster for adoption continues to be used in respect of voluntarily accommodated children, Amendment 17 provides that all persons with parental responsibility for the child for whom the foster for adoption placement is proposed are entitled to non-means and non-merits tested public funding on par with that available to persons with parental responsibility during the pre-care proceedings process.

³⁹ Sub-sections 22C(9A)-(9C) of the Children Act 1989

9.5 The amendments are consistent with the judgment issued by Sir James Munby in a Court of Appeal Case ⁴⁰(Re N) in which he addresses the ‘misuse and abuse of Section 20.’

Proposed amendment 16

Insert new clause 8D

“8D Fostering for adoption in cases of children accommodated under section 20 Children Act 1989

(1) In section 22C subsection (9A) Children Act 1989 after “subject to subsection (9C)” insert “and (9D)”.

(2) In section 22C after subsection (9C) insert -

“(9D) Subsection (9B) does not apply where C is provided with accommodation by the local authority in the exercise of its functions under s20 save where C is a ‘relinquished baby”

(3) In section 22C after subsection (12) insert –

“(13) In this section a ‘relinquished baby’ means a baby who has been placed for adopted pursuant to consent given by the birth mother under section 19 or section 20 Adoption and Children Act 2002”.

Proposed amendment 17

“Clause 8E Legal aid for parents whose children are in voluntary accommodation and are to be placed in foster for adoption placement

“After regulation 5(1)(e) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013, insert –

“(ee) family help (lower) in any matter described in paragraph 1(1)(b) (care, supervision and protection of children) or paragraph 1(1)(i) (placement orders, recovery orders or adoption orders) of Part 1 of Schedule 1 to the Act to the extent that the matter concerns a placement to be made or contemplated to be made under section 22C subsection (9B)(c) of the Children Act 1989 (placement with a local authority foster parent who has been approved as a prospective adopter), where the child is being accommodated under

⁴⁰ Re N (Children: Adoption : Jurisdiction) 2015

section 20 of that Act and the individual to whom the family help (lower) may be provided is—

(i) the parent of a child, or the person with parental responsibility for a child within the meaning of the Children Act 1989 in respect of whom a local authority has given notice of a placement or contemplated placement under s22C subsection (9B)(c) of that Act; or

(ii) in the case of an unborn child in respect of whom a local authority has given notice of a placement or contemplated placement under s22C subsection (9B)(c) of the Children Act 1989, the person who, following the birth of the child—

(aa) will be the parent of the child; and

(bb) will have parental responsibility for the child within the meaning of the Children Act 1989;”

10 Clauses 15 -18

10.1 Your Family, Your Voice shares the concerns as expressed in the NCB briefing and the Children England briefing prepared for the second reading of the Bill in respect of these clauses. The Bill as drafted appears to give unprecedented powers to the Secretary of State, albeit at the request of an individual authority, to dispense with primary child welfare legislation or regulations in a locality. This is particularly worrying in the light of proposals to weaken other safeguards to protect the human rights of children and families (e.g. Government plans to abolish the Human Rights Act and the argument put forward by some that Britain should withdraw from the European Convention of Human Rights). Whilst Your Family, Your Voice supports the development of innovation in the field of children’s social care to improve the experiences and outcomes for children and their families, we agree with Children England’s conclusion that **“We challenge whether sections 15-19 should stand as part of this Bill unless and until government can offer persuasive evidence of its necessity, and significantly improve on its transparency and safeguards.”**