



Green Paper on Children at Risk

Submission by Family Rights Group on family led decision making

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FAMILY LED DECISION MAKING

Families and communities have been making decisions about their children, including children at risk, and children who offend, for generations. In modern societies, the state also has a role in supporting families and in intervening in family life where this is necessary to protect and safeguard children's wellbeing or protect society. What this means in practice is that in situations when existing support services are not sufficient or when families chose not to engage with these services, and when there are concerns about a child who is thought to be at risk, or a child offends, the responsibility for leading, and in the most serious situations, taking the decisions, rests with the state. In youth justice, it is the courts with other agencies that take decisions about young people. In child welfare, it is social services, or education, often with the authority of the courts who take decisions.

Responsibility for decision making is thus taken away from families and communities where children live although in almost all circumstances children and young people either continue to live with their families or will return to live with them in a short while. In practice, the process of decision making for children who are most at risk, often excludes families and communities, even though it is families and communities that are likely to be in the best position to safeguard children, promote their wellbeing and help them develop into active and responsible citizens.

Family group conferences are a mechanism that engages with the wider family who then take the lead in decision making. They seek to establish family led decision making in situations where this has not occurred naturally, where children are at risk, or are offending, where existing support services are not sufficient, or appropriate, or when families are unwilling to engage with these services.

Family group conferences build on the strengths of families and communities and enable families to take responsibility for leading decision making in situations where otherwise the state would take over this responsibility. They recognise the right and responsibility of families and communities to make decisions about their children and provide a framework for families to exercise this responsibility and for the state and families to work together to safeguard and promote children's welfare. At a family group conference, it is the family who make a plan for a child or young person. The state's role is to support the family plan, unless it would not keep the child safe, in which case the state would take over responsibility for decision making.

The origins of family group conferences

Family group conferences originated in New Zealand in the 1980s and were given legislative mandate in their 1989 Children, Young Persons and their Families Act. This Act recognises family group conferences as the key decision making process by which families make decisions about children and young people in need of care or protection. The state retains its right and responsibility to remove children from their families in an emergency and to make court orders following a family group conference if this is required. The Act seeks to promote the wellbeing of children by supporting community based and culturally competent services. Families are seen as the key decision makers and family group conferences as the mechanism that enables the state and families to work in partnership.

New Zealand also introduced family group conferences in the Youth Justice system with the intention of engaging families in the task of agreeing reparation and taking responsibility for young people who offend.

The introduction of family group conferences led to a reduction in the number of children and young people in state care and reduced the use of custody for young offenders. New Zealand has remained very committed to using family group conferences in situations where very serious decisions about children and young people are being taken and has recently announced funding for an increased number of family group conferences.

World wide development

There is a growing recognition that family group conferences in child welfare and youth justice can play a role in assisting families and communities to take the lead in decision making. In Europe family group conferences are being developed and introduced in Denmark, Finland, Netherlands, Norway and Sweden. In Ireland they are being used in child welfare and youth justice where they have a legislative mandate. There are numerous projects in the USA, and in Canada and Australia.

In the USA two groups of projects may be of particular interest. First, those projects that have identified family group conferences as a part of a strategy to deliver services that are community based, that enhance or strengthen community collaboration, that build on community strengths, that can deliver culturally relevant services, and that support families to take responsibility for themselves¹.

Second are the projects that have linked family group conferences with the promotion and support of kinship care. There has been a significant growth in kinship care in the last ten years in the USA, and it is recognised that family group conferences may offer a better process for agencies to access kinship placements and make decisions about how such placements can be supported².

There has also been important and impressive work undertaken in Canada and USA, by professors Joan Pennell and Gale Burford on using family group conferences in situations of domestic violence³.

Development in the UK

Family group conferences were first introduced into this country about ten years ago. They were introduced as a model of good practice by local authorities who were committed to the principle of partnership that underpinned the Children Act 1989 and who saw family group conferences as a mechanism for delivering partnership

¹ This approach is described more fully in American Humane Association. (1997) *Innovations for children's services for the 21st Century: Family group decision making and Patch*. Englewood, CO: American Humane Association

² A study that found family group conferences associated with high rates of kinship placements and reunification. Long Term and Immediate Outcomes of family Group Conferencing in Washington State (2001) Nancy Shore, Judith Wirth, Katherine Cahn, Briana Yancey, Karin Gunderson

³ Pennell, J. Burford, G. (2000) Family Group Decision Making: Protecting Children and Women. *Child Welfare* LXXIX (2, March – April) p 131 - 158

practice. A survey in 2001⁴ found that 38% of local authorities in England and Wales were using family group conferences and that a further 17% were considering doing so. Most projects are within child welfare, some are based in youth justice, there is one very successful project based in education, one that focuses on domestic violence and one with adult mental health users. Access to this service for families, even in authorities who have a project remains very varied. A few authorities are organising over one hundred family group conferences a year, but many authorities who are offering this service are organising less than thirty a year. Referral criteria also vary. In almost all projects referrals are agreed and processed by social workers. In a few projects other agencies, in particular health and education can also refer. Families are seldom allowed to make a referral. This means that for families, referral for a family group conference is dependant first on the availability of the service, and second on the knowledge and interest of the social worker or referring professional. With the development in the last year of projects funded by Sure Start and the Children's Fund we are beginning to see the introduction of self referrals.

The potential for family group conferences to provide services in a respectful way to families from Black and minority ethnic communities, and particularly to families where English is not spoken or a second language, has been recognised. Projects will always endeavour to provide co-ordinators (their role is to work with the family to convene the meeting) who speak the first language of the family and interpreters are provided for professional staff who require this.

Family decision making

The aim of family group conferences is to achieve the best possible decisions and outcomes for children through a collaborative approach. They enable the formal state systems to work in partnership with the informal family systems recognising the knowledge and strengths that exist in the informal system. They symbolically and practically demonstrate a commitment to sharing responsibility for decision making with families and communities. Family group conferences support family led decision making in situations where the state currently takes this responsibility away from families and communities. They focus on the welfare of the child and:

- Widen the circle of support and protection for children
- Respect and value cultural difference
- Engage with families from excluded and marginalised communities
- Build responsibility in families
- Develop services and supports that fit around the needs of the child

The research evidence

There is now a considerable body of research into family group conferences, both in this country and abroad. All the evidence from research and from the ongoing

⁴ A Survey of Family Group Conference Use across England and Wales, Louise Brown, University of Bath and Portsmouth 2002

evaluations of projects in this country confirms that family group conferences are an effective way of bringing families (and when appropriate, friends) together to make a decision about a child who is in need of care or protection. With regard to outcomes we can now say that family group conferences:

- Successfully engage the wider family in making plans for children
- Produce plans that agencies agree to support in the great majority (over 90%) of situations (Crow and Marsh 1997⁵, Simmonds et al 1998⁶, Lupton and Stevens 1997⁷)
- Make safe plans for children (Crow and Marsh 1997)
- Achieve high levels of victim participation in youth justice conferences (Manchester Youth Justice Trust and Essex 2002⁸)
- Effective in reducing re-offending (Essex 2002)
- Make more use of family and community resources than plans made at meetings which are dominated by agencies (Lupton et al 1995⁹)
- Reunite children with their families more securely (Crow and Marsh 1997)
- Secure a placement in the wider family for children who cannot live with their birth parents (NB we do not yet have sufficient research to be able to say definitively that FGCs divert more children from state care than other interventions, but the evidence from projects is of FGCs securing very high numbers of placements with the wider family. We can say that family group conferences will secure a placement in the wider family for a child if this is needed and possible)
- Are valued by children and families who attend. (Barker and Barker, 1995¹⁰; Lupton and Stevens 1997, Lupton et al 1995; Rosen 1995¹¹)
- Can provide a service that is respectful of cultural difference
- Provide an effective forum for the direct voices of children and young people to be heard (Lupton and Stevens 1997)

⁵ Marsh, P. and Crow, G. (1997) *Family Group Conferences in Child Welfare*, Oxford: Blackwells.

⁶ Simmonds, J., Bull, H., Martyn, H. (1998) *Family group conferences in Greenwich Social Services*. London. Goldsmith College

⁷ Lupton, C and Stevens, M. (1997) *Family outcomes: Following through on family group conferences*, Portsmouth: Social Services and Information Unit, University of Portsmouth.

⁸ Evaluation of Restorative Justice FGCs in Essex 2002. Essex County Council and Essex Police

⁹ Lupton, C et al (1995), *Family Planning? An evaluation of the family group conference model*, Portsmouth, Social Services Research and Information Unit, University of Portsmouth.

¹⁰ Barker, S., Barker, R. (1995) A study of the experiences and perceptions of family and staff participants in family group conferences. (CWLYM Project) MEDRA Research Group

¹¹ Rosen, G. (1994) *Family Group Conferences – A report on the follow up interviews with families*. Wandsworth

- Are valued by families and young people who attend (Lupton at Al 1995, Rosen 1995, Crow and Marsh 1997, Smith 1998)
- Social Workers assessed that 32% of FGCs prevented children going into public care; 47% prevented court proceedings; and 21% made no difference. (Smith and Hennessey 1998¹²)

The research quoted above is all based on the British experience. International research findings confirm and support these findings. In addition to the specific research on family group conferences it is important to add that research into family support confirms that services that deliver what people want in a respectful way are the most effective. Family group conferences assist families in identifying what they want and the process encourages agencies to work with this.

Cost

Any estimate of the cost of providing a family group conference service must take into account the costs of implementing the plans made by families and agreed by agencies.

The overwhelming experience of child welfare projects is that family group conferences are effective in identifying and mobilising family and community supports for children who live with their parents, and in securing family placements for children who cannot live with a birth parent. Although there will be costs in securing a family placement, these will be significantly less than costs for children placed in residential care or in stranger foster care.

The evaluation of family group conferences in Youth Justice in Essex has shown that they were effective in reducing re-offending and this will obviously have significant cost benefits.

Although some financial savings are likely to be made as a result of the plans that families make, these may be offset by the cost of running a family group conference service. The costs shown overleaf cover the cost of running a service that arranges family group conferences. It covers all the cost of a co-ordinator, including training and management costs, accommodation and refreshment costs for the meetings. Research in this country consistently shows that it takes a co-ordinator, on average, 25 hours of work to prepare for and hold a child welfare family group conference. The time taken to set up a youth justice family group conference will be greater because of the additional requirement to prepare and support the victim. Some authorities have 'in house' arrangements for providing co-ordinators, others commission this service from a voluntary organisation. There is no noticeable difference in the costs of these arrangements and there is a need to be cautious about comparing costs because different projects provide a slightly different service. Despite this there is considerable consistency about costs.

¹² Smith, L Hennessey, J. 91998) Making a Differences: the Essex Family Group Conference Project. Essex Social Services.

Cost of setting up and holding a family group conference	
Wandsworth Welcare (voluntary organisation)	£1,000 per conference
Daybreak (voluntary organisation in Hampshire)	£1,100 Covers cost of initial & review conference
Essex (in house provision)	£1,000 per conference
Essex (in house provision for YJ conference)	£1,300 per conference

If these costs are compared with the costs of other decision making forums such as courts, child protection conferences, adoption and fostering panels and reviews for looked after children, family group conferences are seen as a very cost effective decision making process.

Level of provision required

Family Rights Group believe that promoting and supporting family decision making for children at risk, is an essential component of a strategy that seeks to establish effective partnerships between families, communities and agencies that ensure the safety and wellbeing of children.

This will require that the government promote family decision making meetings (currently called family group conferences) and that:

- Families are given the right to hold a family group conference when there are serious care or protection issues, including school exclusion, concerning a child in their family,
- a family group conference is convened before any decision is finally reached for a child to be in long term care or adopted.

In Youth Justice:

- Family group conferences being used to deliver restorative justice and engage the wider family in participating and taking ownership for decision making about young people at risk of offending and in the formal youth justice system.

We cannot say for sure what level of provision would be required to provide family group conferences in the above circumstances, but it is important to understand that family group conferences are only appropriate when the following conditions are met:

- A decision has to be made about a child or young person.
- The decision is sufficiently serious to warrant the wider family and friends coming together.
- There is some conflict or uncertainty over what should happen.
- A parent, or in the case of an older young person, the young person themselves, consents (In care proceedings the courts consent may be required and can over-rule parent's views).

These pre-conditions will effectively limit the demand on the service. The level of service currently provided by some of the authorities who are using family group

conferences may be a guide to future demand but we would expect to see an increased level of service, even in those authorities currently using family group conferences, if our recommendations are followed.

Family Group Conferences per annum 2001/2			
Local Authority	Child welfare	Youth justice	Education
Essex	120	59	
Hampshire	150	75	80
Wandsworth	60		
Wiltshire (Barnardo's)	54		

Until recently, referral for a family group conference has had to be made by a professional. In the last year some projects have begun to allow families to self refer. This change has come about because a number of projects now have funding from Sure Start and/or the Children's Fund. This has tended to lead to the possibility of self referrals and it will be important to learn how this affects demand for the service.

Recommendations

We would like to see the Green Paper recognising that family group conferences are an essential component in a wider strategy that:

- Supports families and communities in exercising responsibility for children at risk
- Builds effective partnerships between the state and communities by establishing mechanisms for negotiating about services and resources
- Ensures services to children and families are built around their need and that children and families are not squeezed into fixed services

We hope that the Green Paper will encourage and support the development of family group conferences by recommending that:

- This service is available in all local authorities
- The service should be developed using the core principles and practice standards that have been developed and welcomed by, LGA, Department of Health, ADSS and leading charities including Barnardo's and NCH
- Agencies are required to recognise decisions made at family group conferences.

Robert Tapsfield
27th January 2002

Further reading

Burford, G & Hudson, J. (2000) *Family Group Conferencing, New Directions in Community-Centered Child & Family Practice*. Walter de Gruyter, Inc, New York

Lupton, C [Ed] 2000 *Moving Forward - On family group conferences in Hampshire*, University of Portsmouth

Lupton, C and Nixon, P. (1999) *Empowering Practice? A critical appraisal of the family group conference approach*. The Policy Press

Morris, K. and Tunnard, J. [ed.] (1996) *Family Group Conferences: Messages from UK Practice and Research*, London: Family Rights Group.