Submission to the United Nations Committee on the Rights of the Child for the 2021 Day of General Discussion on Children's Rights and Alternative Care



Who we are: This submission was prepared for ATD Fourth World in dialogue with Francesca Crozier-Roche and Dr. Gill Main. Ms. Crozier-Roche is a JNC Youth and Community Practitioner and an expert by experience in social care. Dr. Main is an Associate Professor at the University of Leeds who researches child poverty and social exclusion, with a particular emphasis on including the perspectives of children and families with expertise by experience in how we conceptualise, define and measure child poverty. Dr. Main grew up in poverty and experienced multiple child protection interventions as a child in the UK, in the 1980s and 1990s.

This submission is based on our reflections on meetings and conversations with 26 care-experienced children and young people, detailed in ATD Fourth World's other submissions, in addition to our own expertise by experience and through research and practice.

These are our summaries of the key points expressed by the children and young people we spoke to.

What is quality alternative care?

"It wasn't like I had bad carers, but it was just like, about the word identity; it was hard to kind of find who I was."

The children and young people we spoke to understood that alternative care may sometimes be necessary — but in their experience, such care as it currently happens robs them of their right to personal identity, family relationships, and participation. Their vision of high quality alternative care is care in which they are treated as individuals, and given choices. Blanket policies are harmful, whether about: separating siblings or keeping them together; contact with biological family members; or the information about themselves that they are allowed to access, and the timing of this information. Quality alternative care should be focused on individual needs and preferences, not dictated by one-size-fits-all policies administered by overworked social workers.

Policies to promote keeping families together

"When my sister got taken into care, one of the issues they had against my mum was that she was sleeping on the sofa. They said, 'That's not a proper bed', but who's defining a sofa as not a proper bed?"

Anti-poverty policies should redistribute resources to the families most in need and should acknowledge parents and children as holistic human beings, rather than one-dimensional problems. Among key reasons they needed alternative care, children and

young people highlighted a lack of funding and resources for poverty reduction, mental health problems, and support for young parents. Existing policy and practice too easily perpetuate stereotypical narratives around people in poverty as bad parents; this harms families and means children are more likely to be removed from parents who would be excellent carers if they had the resources they needed.

Involving children and young people

"You were in the hot seat and everyone's staring at you, and everyone's going to read out everything about you. And it's the same thing all the time. It's not like now you're older, let's talk about something different. It's the same things I told you when I was 11 years old, when I was 15, it's the exact same, you asked me the same questions, it's not really going to change. It's the same generic questions that you asked everyone."

Children and young people found existing processes for their inclusion to be tokenistic at best and actively harmful at worst. They described meetings in which they felt ashamed and as if they were being punished. They felt humiliated by being taken out of class to attend these meetings, then having to explain this to peers, which sometimes resulted in bullying and exclusion. Meaningful inclusion means age- and individual-appropriate opportunities, not box ticking. It means ensuring that policies evolve in keeping with the growing capacities of the child. It means consulting with children and young people about what information they want and what they don't want — and finding ways to respect their wishes. It means balancing the harm that might be done by too much information with the harm that is done by not enough information. It means moving out of adult comfort zones to prioritise the comfort of children.

Support for care leavers

"Four weeks is all I got to find a job, make sure I've got everything. I walked in and my carer just went, 'You're leaving in four weeks'. I haven't even received a text from her to say, 'Are you okay? Do you need anything?' It's been 'bye', no more contact. No more nothing. That's why I'm afraid to text her."

The process of leaving care can be traumatic — especially if young people are not consulted. As with many decisions made in their lives, children and young people we spoke to felt that social workers did not always consult them, and decisions made on their behalf were wrong for them. Current UK policy allows 16-18 year olds in care to be placed in unregulated independent and semi-independent accommodations which are often highly inappropriate and unsafe. Unfair time limits are placed on support which are not experienced by young people with biological family support. Care-experienced young people need more, not less, support than other young people; and they need to be treated as individuals rather than with blanket policies and procedures. Young people often know what they want and need better than social workers do.

Support, guidance and processes for the future

Based on our experience as adults who have listened to young people, have personal experience of the child protection system, and have researched and worked with children, young people and families, we believe that a genuinely participatory and respectful process is needed. We believe that processes around listening to children and young people in and leaving care are, or have become, procedural rather than meaningful. They need a complete overhaul. Children and young people need individually tailored support which includes listening to and respecting their wishes. They understand that their preferences can't always be accommodated; but they need to be heard. If space were given for this, compromise would be possible between the judgment of social workers and the preferences of children and young people.

On a broader level, resources need to be invested in social security and appropriate services for families. Years of austerity have further reduced already inadequate incomes for families in deep poverty. Living in poverty creates shame and stigma, mental health problems, family stress and tensions, and lack of access to necessities. Children and families in poverty, especially those suffering from multiple disadvantages, are significantly more likely to be the subject of state intervention in the form of child protection investigations and care proceedings than those not living in poverty. Children in the UK's most deprived communities are over 10 times more likely to enter the care system than those from the most affluent areas. Social workers should be trained to identify and respond to poverty and mental health issues differently to how they respond to child abuse. It is also worryingly problematic that children whose parents were in care are more likely to be in care themselves. As stated in The Case for Change "Rates of intergenerational care demonstrate a long-term failure to break cycles of trauma." Investing resources to support families in poverty would help to break this vicious cycle.

Children's rights must be front and centre

"Sometimes it feels like adults don't get children's rights."

"For some of us, alternative care was where we were abused – not home with our families."

Protection: The alternative care system is meant to support child protection — but the children and young people we spoke to experienced failures in protection while in alternative care, ranging from serious abuse to bullying from peers and stigmatisation by teachers and social workers. These kinds of harm are often invisible or ignored —

¹Morris, K., Mason, W., Bywaters, P., Featherstone, B., Daniel, B., Brady, G., Bunting, L., Hooper, J., Mirza, N., Scourfield, J. and Webb, C. (2018) 'Social work, poverty, and child welfare interventions', Child & Family Social Work, 23(3), pp.364-372.

² McNicoll, A., "Children in poorest areas more likely to enter care", Community Care, 28 February 2017.

³ The Independent Review of Children's Social Care, "The Case for Change", June 2021, page 24.

but they can do just as much damage as the abuse that alternative care is meant to protect children from.

We are also concerned that the focus on closed adoption in the UK is carried out with a rush to permanence that severs children from their birth families in ways that damage their identity.

Provision: Social workers and legislation should differentiate between abuse and neglect, and poverty or lack of access to necessary support and resources. As it stands, many children and young people are removed from the care of loving families because the state will not provide adequate support — and yet there is money to pay alternative carers. Redirecting this to systematic pro-poor redistribution and the funding of state services which are free at the point of delivery would substantially reduce the number of children who are taken into care.

Participation: As it stands, children and young people experience participation as a tickbox, tokenistic performance which is, at times, actively damaging to them. Many would prefer no participation to the 'participation' currently offered. Systems of listening to children and young people and allowing their input into their care need a complete overhaul, and must be informed by listening to children and young people's expertise on how this can be done in a non-stigmatising and meaningful way. Trust children and young people to understand the complexity of the situation. With time and respect they can have meaningful input, but this must be built on trust — which for many children and young people is currently very much broken.

Our plea

"A basic principle should be that you don't make changes which make things worse for us."

"Perhaps our governments should be learning from us and our families!"

All of us want children to grow up with a sense of belonging, connection, and roots. And yet in Britain today, more children are being removed from their families and put into care than at any time since the 1980s⁴ when policymakers began to argue that families should be kept together and the removal of children should be a last resort.⁵ We consider the current system of children's social care inappropriately adversarial and too focused on investigation and taking children away.

The children and young people we have spoken to have important insights into their own situations and those of their peers. They deserve to be trusted and taken seriously as partners so that their lived experience can guide policymakers toward a culture change in social care away from damaging child protection practices to supporting families in adversity, parents and children together.

⁴ Curtis, P., "The Poor Parents", Tortoise Media, 27 April 2019.

^{5 &}quot;The troubling surge in English children being taken from their parents", The Economist, 22 March 2018.