

## **Family Rights Group Submission to the Commission on Justice in Wales**

**7 June 2019**

### **1. Submission:**

- We are grateful for the opportunity to provide this submission to assist in informing the Commission's work to facilitate positive change to the justice system in Wales. Our focus in this submission is on the child welfare and family justice systems.

### **2. Our organisation:**

- Family Rights Group (FRG) was founded in 1974. We are a charity that works with parents whose children are in need, at risk or are in the care system and with wider family who are raising children unable to remain at home. We advise 5,000 parents, relatives and friends in England and Wales each year about their rights and options when social workers or courts make decisions about their children's welfare. Our website and digital discussion boards for parents and family and friends carers (also known as kinship carers) receive 600,000 unique visitors a year.
- We champion practices that maximise children's chances of being raised by, or safely maintaining a relationship with, their family. FRG introduced the family group conference model (FGC) to the UK and hosts the national FGC Network. We have also developed Lifelong Links, an approach which aims to build lasting relationships for children in care and which we are now trialling in 17 local authorities across England and Scotland.
- We campaign for families to have their voices heard, be treated fairly and get help early to prevent problems escalating. We lead the policy and campaign work of the Kinship Care Alliance (KCA), draft legislative amendments and briefings, and sit on Government advisory groups. Examples of influencing successes in the last few years include the UK Government:
  - Exempting children being raised by a kinship carer from measures to limit child tax credit to two children per household;
  - Committing to extend non-merits and non-means tested legal aid to all parents whose children are in court proceedings that may lead to placement for adoption.
- FRG is committed to those who are experts by experience being part of the governance of our charity, including sitting on our Trustee Board and helping shape our services, policies and culture, as well as those of other child welfare and family justice organisations. Our Parents' and Kinship Carers' Panels' experiences and perspectives are integral to all our work, including our campaigning agenda, and FRG is committed to helping amplify their voices. The Panels are also regularly approached by other organisations, such as SCIE/The What Works Centre, to engage with them to inform their strategy and projects.
- Within this submission we will address six key areas of importance which we consider relevant to the Commission's work in improving the family justice system in Wales:

- i. Care Crisis Review – findings and Options for Change;
- ii. Proposed targets for local authorities across Wales – Mark Drakeford’s December 2018 manifesto;
- iii. Proposal for ring fenced funding to address the Care Crisis;
- iv. Pre proceedings, including focus on:
  - o Advice and advocacy
  - o Family Group Conferences (FGCs) and the FGC network in Wales
  - o Initial Family and Friends Care Assessment: A good practice guide
  - o Working with expectant parents
- v. Kinship Care including the Cross Parliamentary Taskforce on Kinship Care – involvement of Welsh practitioners, organisations, MPs and assembly members.
- vi. Lifelong Links – possible development of Lifelong Links in partnership with Welsh local authorities.

### **3. Care Crisis Review (CCR)<sup>1</sup>: findings and development of Options for Change:**

#### Context:

- In his 15<sup>th</sup> View from the President’s Chambers<sup>2</sup>, the then President of the Family Division, Sir James Munby, described the ‘care crisis’ facing the family justice system; highlighting the concern regarding rising numbers of care applications and numbers of looked after children:
 

*“We are facing a crisis and, truth be told, we have no very clear strategy for meeting the crisis. What is to be done?”*
- The CCR was a direct response to this challenge and in 2018, FRG facilitated this seven month sector-led Review into the ‘care crisis’.
- The purpose of the CCR was twofold:
  - o To identify specific changes to local authority and court systems and national and local policies and practices that will help safely stem the increase in the number of care cases coming before the family courts and the number of children in the care system.
  - o To do so in a way that retains focus on achieving the best outcomes for children and families and takes account of the current national economic, financial, legal and policy context that impacts on families and on local authority and court practice.
- The CCR brought together a ‘coalition of the willing’ from across the child welfare and family justice sector in England and Wales. The task was to identify solutions at practice, organisation and system level to tackle the crisis and, before that, to identify what is known about the factors contributing to the rise in proceedings and the rise in

<sup>1</sup> <https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review>

<sup>2</sup>

the number of children in care. The CCR was not intended as an examination of the care system as a whole.

- The CCR's intensive work programme, required to be conducted in seven months, was, in effect, an inclusive listening exercise with over 2,000 people across England and Wales. This was complemented by a rapid academic review of evidence about the factors contributing to the crisis, and a separate examination of evidence about options for change.

#### Summary of key findings:

- It is helpful to briefly consider the contributory factors first of all, with an examination of the position in Wales and issues of local variation, before going on to look at the key findings and Options for Change.

#### Contributory factors:

- In looking at contributory factors, it is important to note that the numbers of looked after children in Wales have risen steadily since 1994. This is despite attempts by the Welsh Government in recent years to protect some early intervention spending.
- An academic report<sup>3</sup>, written by Caroline Thomas, an Independent Research Consultant and Honorary Research Fellow from the University of Stirling examines factors contributing to national increases in the number of looked after children and applications for care orders. This report should be read alongside the main CCR report, but in particular the following points should be noted for the Commission's purposes:
- Overlapping factors, and variations:
  - Many overlapping factors, which are complex and difficult to disentangle, are contributing to the increasing number of children entering care and care proceedings. There is little evidence to evaluate the relative impact of these individual factors and their effect over time, or the impact of different combinations of factors.
  - Beneath the national average statistics lie marked regional and local variations in rates of care order applications and children in care.
- Socio-economic factors:
  - Differences in the likelihood of some children becoming looked after are strongly linked to areas' levels of deprivation.
  - Poverty is associated with children coming into care. Levels of child poverty (which had been falling) are rising again in both England and Wales and are strongly linked to welfare reforms.

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<sup>3</sup> Thomas C (2018) The Care Crisis Review: Factors contributing to national increases in numbers of looked after children and applications for care orders [https://www.frg.org.uk/images/Care\\_Crisis/Care-Crisis-Review-Factors-report-FINAL.pdf](https://www.frg.org.uk/images/Care_Crisis/Care-Crisis-Review-Factors-report-FINAL.pdf)

- Legal and policy frameworks:
  - There are marked regional variations in the use of orders. Court circuits that recorded a high percentage use of care orders tended to make less use of supervision orders and vice versa.
  - There are variations in the rates of care applications between local authorities in England and Wales.
  - These variations are reflected across the designated family justice areas.
  - Formal pre-proceedings processes have helped to divert some cases from legal proceedings.
  
- The nature of children and family circumstances:
  - Domestic abuse has become a more common reason than it was historically for children's services to become involved in families' lives. Domestic abuse services are under threat from funding cuts. There are concerns that responses to domestic abuse in the context of child protection places too great a responsibility on women to protect their children.
  - There is evidence of the harm caused to children by neglect but a lack of evidence about whether professionals' knowledge and understanding has improved.
  - Parents with learning disabilities are over represented among those whose children are removed into care
  
- Tensions in the system:
  - Many contributors expressed a strong sense of unease about a culture of blame, shame and fear affecting those working within the child welfare and family justice system, as well as children and families who are reliant upon it. Contributions to the Review highlighted that this was resulting in a growing sense of mistrust between those working at all levels, and between families and professionals.

#### *Key conclusions of the Care Crisis Review*

- The CCR confirmed the sense of crisis that is now felt by many young people, families and those working within the system. Many professionals described the frustration they feel at working in a sector that is overstretched and overwhelmed and in which, too often, children and families do not get the direct help they need early enough to prevent difficulties escalating. There was a palpable sense of unease about how lack of resources, poverty and deprivation are making it harder for families and the system to cope. Many contributors to the CCR also expressed a strong sense of concern that 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. It was suggested that this had led to an environment that is increasingly mistrusting and risk averse and prompts individuals to seek refuge in procedural responses.
  
- The CCR found that there are many overlapping factors contributing to the rise in care proceedings and number of children in care. This complex picture means that there is no single solution. The CCR did, however, find plenty of common agreement about the way forward. There was consensus that relationship building has been and is at the heart of good practice. The challenge for all of us is how to create the conditions within children's social care and family justice that allow good relationships to flourish

everywhere, within and between agencies, within families, and between families and practitioners. In tandem, the CCR concluded that there is currently a significant untapped resource that exists for some children in and on the edge of care, namely, their wider family and community. Greater focus on exploring and supporting this resource could safely avert more children needing to come into care or could help them thrive in the care system. The CCR proposes options for change that are primarily focused on addressing these challenges.

Options for Change:

- The Review achieved its aim of developing a greater understanding across the sector about the factors contributing to the crisis and of involving a wide range of those involved in the system in identifying and developing options for change. Whilst we would recommend that the report<sup>4</sup> is considered in full by the Commission, the 20 key options for change bear repeating within this submission itself, as these are the primary proposals that we would ask that the Commission consider when looking to facilitate change within the child welfare and family justice system.
  
- The CCR Options for Change propose :
  - i. Good systems and practice - That social care leaders and partner agencies regularly review their organisation's systems and practice against the messages from research about (a) effective interventions and relationship-based practice and (b) agency vision.
  - ii. Training and development - That the importance of, and the legal basis for, partnership and co-production with families, promoting as well as safeguarding children's welfare and a whole family approach, is given a central role in the training and development of social workers in Wales.
  - iii. Statutory guidance - That the relevant Codes of Practice and All Wales Child Protection Procedures, are reviewed and amended so that the principles underpinning the legislation, including partnership and co-production with families, are clearly expressed and the processes for managing individual cases reflect the messages from research on the effectiveness of relationship-based practice. That a requirement is placed on the statutory safeguarding partners named in the Children and Social Work Act 2017 Act, to draw on children and families' knowledge and expertise to inform service design, policies and provision.
  - iv. Inspections - That Ofsted and Social Care Wales take account of the messages from this report so that their work, including inspections and any planned research, takes account of the duties on local authorities to support families and to promote children's upbringing within their family, including the organisational and practice ethos and approaches likely to achieve this.
  - v. Multi-agency collaboration - That the Welsh Government Improving Children's Outcomes Ministerial Advisory Group new work stream, on reducing the need for children to come into care, includes a focus on facilitating and improving joint working between agencies.
  - vi. Family Group Conferences (FGC) - That, to support a whole family approach, there is a long-term goal of ensuring that all families are offered an FGC before

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<sup>4</sup> Family Rights Group (2018) Care Crisis Review: Options for Change  
[https://www.frg.org.uk/images/Care\\_Crisis/CCR-FINAL.pdf](https://www.frg.org.uk/images/Care_Crisis/CCR-FINAL.pdf)

a child is moved into the care system (except as an emergency). As a first step, local authorities could introduce this as a local offer to families, with the FGC plan shaping how the local authority works with the child and family.

- vii. Family and friends care of children - That amendments to the Improving Outcomes for Children Framework make reference to the importance of family and friends care (aka. Kinship care), and that there is further consideration of the need for unified statutory guidance on family and friends care.
- viii. Advice and advocacy (please see point (4) below for further specific proposals in respect of advice and advocacy) - That, in order to ensure that families have access to specialist advice to help them work positively with professionals, there is wider provision of free, independent, specialist legal advice for families, provided by the voluntary sector and funded adequately by Government. That the Ministry of Justice (MoJ), in tandem with the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, considers the Care Crisis Review's findings and undertakes an analysis of the impact of the present lack of accessible early free, independent advice and information for parents and wider family members on (a) the number of children subject to care proceedings or entering or remaining in the care system, and (b) the public purse. That the MoJ's considerations are informed by a working group of stakeholders with appropriate expertise, drawn from the child welfare and family justice sector. That parents are eligible to receive free legal advice and representation, equivalent to that available under a pre-proceedings process, where it is proposed by the local authority that the child is looked after under section 76 of the Social Services and Well-being (Wales) Act 2014.
- ix. Use of voluntary accommodation (ss76 and 34 Social Services and Well-being (Wales) Act 2014) - That amendments are made to relevant statutory guidance including the relevant Code of Practice in Wales, to include good practice in the use of section 76 and 34.
- x. Pre- proceedings practice - That a working group, with representation from legal and social work practitioners and families, is set up draw up a pre proceedings good practice guide which incorporates the messages about good practice in intensive, relationship-based work with the whole family, to achieve the changes needed in order to avoid proceedings. It should also include guidance on best practice in relation to pre-birth assessments and removal at birth.
- xi. 26 weeks as a performance target - That the National Family Justice Board, in consultation with stakeholders and families, review the performance management targets for the family justice system and revise the approach to measuring timescales, so that there is a greater focus on understanding the reasons for extensions whilst avoiding unnecessary drift and delay, and with greater attention to longer-term outcomes, such as whether children come back into proceedings<sup>5</sup>.

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<sup>5</sup> The Commission is referred to recent guidance issued by the Family Justice Board.

<https://www.judiciary.uk/wp-content/uploads/2019/05/fjc-sg-interim-guidance-pfd-approved-draft-21-may-2019-1.pdf>

This guidance has been issued with the approval of the Sir Andrew McFarlane, President of the Family Division, to address cases where an extension to the statutory 26-week time limit is sought in order to assess potential special guardians more fully within public law proceedings. The guidance has been made in response to some of the issues identified in Re P-S (Children) [2018] EWCA Civ 1407.

- xii. Court proceedings - That the Department for Education (DfE) and the Ministry of Justice take forward the lessons from the Family Drugs and Alcohol Court (FDAC) problem-solving model of care proceedings so that this approach is extended, to become the normal way of hearing proceedings in the majority of cases. That the Nuffield Family Justice Observatory explores international examples of the use of mediation in public care proceedings.
- xiii. Reunification - That greater use is made of the NSPCC good practice guidance and tools on reunification. That in Wales, the Improving Outcomes for Children Framework could include reunification as part of permanence and the Code of Practice on looked after children could be reviewed and amended to include more detailed guidance on good practice in relation to planning and supporting return home.
- xiv. Post-proceedings support for family and friends carers - That in both England and Wales there is renewed commitment to ensuring that the therapeutic, practical and financial needs of children and family and friends carers are met. That family and friends carers are granted the right to a period of paid leave, as adopters are entitled to, to help a child settle in with them. That family and friends carer households are exempted from the benefit cap and the spare room subsidy. That in Wales, the Code of Practice on looked after children is amended to include more detailed guidance about why and how placements with relatives and friends might be supported.
- xv. Post-proceedings support for parents who have had their children removed - That safeguarding partners and Health and Well-being Boards in England, and Partner agencies in Wales, working with the third sector, ensure that dedicated support is provided to parents whose children have been removed as result of care proceedings. Such support should be informed by the messages from research about the heterogeneous nature of parents and should involve practical, flexible, relationship-based approaches that address the factors that led to the removal of the children, and address the impact of the children's removal on the parents.
- xvi. The Welsh Family Justice Network - That the role and purpose of the Welsh Family Justice Network be reviewed, with particular emphasis on: - developing and working to a far broader understanding of good performance than the timeliness of concluding care cases - multi-disciplinary training and knowledge exchange - discussion of local practice, and - children and families helping design systems to ensure that their voices are heard.
- xvii. Families as a resource in service design and development - That local authorities adopt Mutual Expectations - A charter for parents and local authority children's services, developed by Your Family/Your Voice. That in Wales, the Improving Outcomes for Children Ministerial Advisory Group's three-year framework reflects the value of involving children and families in the design, review and auditing of services. That this lead is replicated by other public bodies, including local authorities in England and Wales.
- xviii. The impact of Government policies - That the Department for Work and Pensions and the DfE lead a cross government review, in consultation with the devolved administrations, into the impact of benefit rules and policies, and the projected effect of planned benefit reforms, on the numbers of children entering or remaining in care. That, consistent with the Family Test, the relevant government department or devolved administration considers the possible impact of any proposed policy reform on children and families involved or likely to be involved in care or family court proceedings.

- xix. Shortfall in resources - That Welsh Government acts on the call by WLGA, the All-Wales Heads of Children's Services Group and the National Adoption Service to "commit to the life chances of children and young people by acting urgently to address the growing funding gap."<sup>6</sup>  
Additional support to develop good practice (considered in further detail below)- That, in addition to the £2 billion required to make up the funding shortfall to children's services in England and Wales, a Government ring- fenced funding stream is made available to local authorities to help them work with their community, partner agencies, and young people and families to:
- safely avert children having to enter or remain in the care system, and
  - work effectively with parents, including providing post-proceedings support to tackle some of the reasons why some parents have children removed repeatedly. This grant would be awarded on the basis of an approved local plan, which has the support of the local authority's partner agencies, including their local Family Justice Board and sets out what steps the authority is taking to address the Review's findings.
- xx. Research matters - That there is a presumption that the methodology of research studies exploring practice with, and outcomes for, children and families incorporates the experiences of family members. That research funders and research centres are briefed about the gaps in knowledge that have been identified during the Care Crisis Review.

#### **4. Proposed "binding targets" in relation to numbers of Looked After Children in Wales:**

- We have regard to the manifesto which was published on behalf of Mark Drakeford, First Minister ahead of his election on 6 December 2018. We very much welcome the First Minister's recognition of the challenges facing the child welfare system, and agree with his view that resources need to be made available again to help prevent the need for children to be removed from their families. We are however concerned about the proposals that the Welsh Government should set "new, binding targets" for each local authority in respect of the numbers of looked after children.
- One of the key learning points arising out of the CCR was in relation to practitioners' focus on processes and performance indicators. As above, the CCR found that at this time of working in a system which is characterised as being 'in crisis', a culture of blame, shame and fear has led to an environment which is increasingly mistrusting and risk adverse. This environment has prompted individuals to seek refuge in procedural responses, rather than those which are focused on securing the right outcomes for each child. We are concerned that use of targets such as those advocated by the First Minister in his manifesto could lead to undue focus on this type of performance indicator, resulting in unintended consequences (for example, pressure on extended family members to get a special guardianship order even where there is an inadequate support plan being proposed, or kinship assessments being rushed through in order to meet targets).
- There are evidenced benefits for most children of being raised by family and friends if they cannot remain safely with their parents, compared to being raised in unrelated foster or residential care. These benefits include emotional stability, sense of identity

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<sup>6</sup> <http://senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=16183>



and improved educational outcomes<sup>7</sup>. We echo the First Minister's call for action to be taken to identify specific changes to local authority and court systems to reduce the number of children taken into care. However, in line with the Review's Options for Change, there needs to be shift in culture to a focus on promoting children's welfare through supporting their upbringing by their families. Solutions need to be constructed collectively, with input from across the sector (including with input from families). We would be keen to work together with the Welsh government to build on the work of the CCR and provide policy advice in respect of the First Minister's understandable concern about the number of looked after children in Wales. We provide one such suggestion below, by expanding on Option for Change 19, in relation to ring-fenced funding. We consider that this proposal could assist in achieving the First Minister's objectives in a collaborative manner,

## **5. Proposal for ring-fenced funding to address the Care Crisis:**

- As above, one of the Review's overarching options for change for addressing these key findings was:  
"That a Government ring-fenced funding stream is made available to local authorities to help them work with their community, partner agencies, and young people and families to:
  - safely avert children having to enter or remain in the care system, and
  - work effectively with parents, including providing post-proceedings support to tackle some of the reasons why some parents have children removed repeatedly
  
- The funding stream would also:
  - Provide a positive incentive to any local authority wishing to participate in the funded programme to address one or both the main aims set out above.
  - Promote greater equality within the sector by going beyond support for local authorities that are clearly excelling or failing to respond well to local needs.
  - Promote joint thinking and action, both across and between services and families using services. The fund would require that local authorities' partners be drawn from a wide range of stakeholders, including family members, local Family Justice Boards, and the voluntary sector.
  - Support the application of the principles, rights and duties underpinning the Children Act 1989, which remains the foundation legislation for children in care and care proceedings. The key principles include the partnership principle and early help. (See Annex 1 for summary of the key principles.)
  - Actively encourage practice approaches, already esteemed by those working in and affected by the system, to be extended all areas.
  
- The funding stream would require a Special Grant to fund the programme for at least three years. Each year's allocation should include funding for central and regional implementation support, and a strategic evaluation of the programme. The size of the Special Grant would be informed by a thorough analysis of the financial investments in initiatives, and savings made, in local authorities which in recent years have bucked the national trends and have falling rates of looked after children and children entering care proceedings.

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<sup>7</sup> Selwyn et al (2013) The Poor Relations? Children & Informal Kinship Cares Speak Out (University of Bristol)

- The distribution of funding would be determined by:
  - Plans developed by local authorities with, and approved and supported by, their partner agencies.
  - Differences in levels of deprivation between local authorities, with funding weighted towards those authorities with the highest levels of deprivation.
- To qualify for the fund, it is suggested local plans would need to:
  - Reflect a systemic approach to making sustainable changes to both the care and family justice systems. They would also need to communicate an understanding of the challenges involved in making changes in complex systems.
  - Be based on analyses of, first, the ways in which the factors that contribute to the local demand for care interplay at a local level and, second, the strengths and weaknesses of the management of the local demand for care. Analyses would inform the joint planning and decision making of local authorities and their partner agencies about the actions needed to reduce the proportion of children who enter or remain in care unnecessarily.
  - Reflect the conclusions of the sector-led CCR including proposals relating to:
    - Family Group Conferences
    - Family and friends care of children
    - Post-proceedings support for family and friends carers
    - Post-proceedings support for parents who have had their children removed
    - Use of voluntary accommodation
    - Reunification of children with their families
    - Advice and advocacy
    - Pre-proceedings practice
    - Performance management for the family justice system
    - Problem-solving models of care proceedings, and
    - Family Justice Boards.

Other proposals that go beyond those identified during the Care Crisis Review would also be considered for funding. Such proposals would need to be well justified in terms of their evidence base and/or innovative approach.

- Set out the steps needed for implementing proposed improvements to practice and services over specified time periods. They would detail the staff training, access to consultation, coaching and supervision, and effective leadership and support that would be needed. They would set out the financial, organisational and staff resources required.<sup>8</sup>
- Include clear objectives for time periods and proposals for monitoring progress towards achieving them.

## **6. Pre proceedings:**

- The CCR and subsequent research has demonstrated that pre proceedings practice and work with families (and indeed local authority involvement prior to statutory pre proceedings processes) is extremely variable.

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<sup>8</sup> A growing body of research literature on the implementation of change in children's services suggests that these are the 'core implementation components' that are needed (See: Ghate, D (2015) *From Programs to Systems: Deploying Implementation Science and Practice for Sustained Real World Effectiveness in Services for Children and Families* Journal of Clinical Child & Adolescent Psychology, 45:6, pp.812-826, DOI: 10.1080/15374416.2015.1077449.)

- The following points expand upon some of the findings of the CCR, setting out some ways of averting the need for care proceedings, unless in the child's best interests:
  - Advice and advocacy
  - Family Group Conferences (FGCs) and the FGC network
  - Initial Family and Friends Care Assessment: A good practice guide
  - Working with expectant parents

Advice and advocacy:

- A recurring message to the CCR was the need for families to have access to good independent advice and advocacy at all stages of involvement with children's services. In particular, access to such services was described as being of "crucial importance" in the early stage of involvement – not only for the sake of justice, but because care proceedings can be, and often are, avoided if parents have help understand their rights and options, and to work with the local authority to prevent problems escalating.
- FRG runs a free and confidential advice service which provided via telephone and online discussion boards. Our expert advisers have extensive experience in legal and social work practice, they help families to understand legal and child welfare processes, as well as better understand the concerns of social workers.
- Evaluation of our service demonstrates how effective access to this form of advice can be. Family Rights Group worked with New Philanthropy Capital (NPC) in 2015 to establish a framework that would enable us to conduct impact evaluations, including measuring economic outcomes. Since 2016 we have used this to conduct annual evaluations of a sample of advice line callers. A 2017 evaluation found that:
  - Immediately after the call to FRG:
    - 83% of respondents felt that they understood the law better as a result of the call with FRG;
    - 82% felt that they understood their rights and responsibilities better as a result of the call with FRG;
    - 64% felt that the call with FRG helped them to understand the concerns of the social worker;
    - 75% felt that the call with FRG improved their understanding of children's services procedures.
  - Four to six months following the call to the advice line:
    - 52% felt better able to work with the social worker/children's services since the call with FRG
    - 47% agreed that the support they received from FRG made a positive difference to the local authority plan and/or services for their child/children.
  - Our cost effectiveness: NPC constructed an economic model to estimate the savings for care costs avoided and local authority costs saved by averting the need for long term or more intensive statutory involvement. The findings suggest that the service saves an average of over £23 for every £1 invested.
- At present, there is no equivalent service in Wales. FRG's advice line is currently funded by the Department for Education, funding which does not cover provision of

services in Wales. We do however continue to take calls from parents and families in Wales as we are keen to ensure the service can be accessed as widely as possible, but this is a 'bolt on' provision, which will be difficult to sustain, particularly as demand for the advice line is overwhelming (we have capacity to answer less than 30% of calls received). We are also mindful of differences in legislation and practice between England and Wales. Again, we have sought to adapt our advice materials to reflect this need, alongside running training to our advisers to ensure advice provided to Welsh parents and families is tailored to reflect the different legal positions. However, this work is unfunded.

- Advocacy – Parents and families reported during the CCR that they can find the child welfare system overwhelming. Access to specialist, independent advocacy services better equips families, who are subject to child protection enquiries, to be able to express their perspective, for example, at child protection conferences and contribute to plans about their children. Unfortunately FRG's advocacy service ceased due to local authority funding cuts. FRG has however, published national family advocacy standards for advocacy services working in this arena<sup>9</sup>.
- A key principle underpinning the Children Act 1989 is the importance of working in partnership with families. The Welsh Codes of Practice – linked to the Social Services and Well-being (Wales) Act 2014 – make no explicit reference to working in partnership with families but does, however, stress the principle of providing support so that children can be brought up within their family, where consistent with their welfare. Access to advocacy services is a demonstration of such support but unfortunately there appears to be little such funded provision for families in Wales.

Family Group Conferences (FGCs) and the FGC network in Wales:

- FRG hosts the UK FGC network, with 80 FGC services as members who collectively are responsible for upwards on 6,000 FGCs a year.
- Within Wales, there is also the All Wales Family Group Conference Network (AWFGCN), an alliance of Family Group Conference Service providers.
- Amongst the merit of family group conferences, is that it can galvanise the wider family when there are social work concerns about a child. It ensures that wider family members understand at an early stage the seriousness of the situation, can consider what steps they can take to help parents who are struggling and enables them to make contingency plans for alternative care within the family if the parents do not satisfactorily resolve their problems within the child's timescale. Research findings on the efficacy of FGCs includes a recent evaluation report, including cost benefit analysis of the Leeds City Council Family Values change programme, which has FGCs at its core<sup>10</sup>

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<sup>9</sup> <https://www.frg.org.uk/images/PDFS/advocacy-standards.pdf>

<sup>10</sup> Mason P et al (2017) Leeds Family Valued Evaluation Report

<https://www.gov.uk/government/publications/leeds-family-valued-programme>

- Yet evidence from the AWFGCN suggests that families' access to FGC services has significantly diminished in Wales in recent years, and there is concern as to impact. The Social Services and Wellbeing Act serves to promote family and community strengths, yet this reduction in the use of FGC services appears to create a gap between the legislation and current practice within local authorities.
- In terms of figures, the AWFGCN indicates that in 2010, 18 of the 22 local authorities in Wales operated or commissioned an FGC service. It is understood that this figure has reduced in 2019 to just 9 out of 22 local authorities. This must also be contrasted against the backdrop of FGCs services growing in England.
- The CCR highlighted that in order to support a whole family approach, there must be a long-term goal of ensuring that all families are offered a FGC before a child is moved into the care system (except as an emergency). We would strongly encourage the Commission to consider recommending that families are always offered an FGC prior to a child becoming looked after, except in an emergency. Such promotion is consistent with the spirit of the Social Services and Wellbeing Act as a mechanism for working with families.

*Initial Family and Friends Care Assessment: A good practice guide:*

- This guide, developed by FRG in partnership with an expert working group, is a response to the lack of any minimum standards as to how such assessments, commonly called viability assessments, are conducted. Viability assessments are increasingly being used by local authorities to decide whether a family member or friend might be a potentially realistic option to raise a child who cannot live safely with their parents.
- The guide sets out best practice as to how viability assessments should be conducted. It lists what factors social workers conducting the assessment need to consider, including when undertaking assessments with family members overseas. It also includes research evidence, a schedule and example template and an information sheet for a family and friends carers. Its use has been endorsed widely, most recently
- A link to the assessment guidance can be found [here](#).
- The assessment guidance was quoted by Cobb J in the recent case of Re H<sup>11</sup>, and is referred to in the Family Justice Council's recently issued interim guidance on special guardianship<sup>12</sup>.
- Working with expectant parents:
- Nuffield Family Justice Observatory published a report<sup>13</sup> in October 2018 to analyse evidence in relation to newborns born into care. It found that between 2007/8 and

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<sup>11</sup> [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWFC/HCI/2019/10.html&query=\(re\)+AND+\(H\)+AND+\(cobb\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWFC/HCI/2019/10.html&query=(re)+AND+(H)+AND+(cobb))

<sup>12</sup> <https://www.judiciary.uk/wp-content/uploads/2019/05/fjc-sg-interim-guidance-pfd-approved-draft-21-may-2019-1.pdf>

<sup>13</sup> <https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/BiC%20Full%20report%20201118.pdf>

2016/17, 16,849 babies under one week old were subjects of local authority care proceedings in England. The emphasis must now be on similar research being conducted in Wales, including developing a greater understanding on the reasons for the rise in new borns being subject to proceedings and the development of alternative practice responses by health and social care services, including working with parents at a much earlier stage of pregnancy

## **7. Family and Friends aka Kinship Care – work streams and possibilities**

- By way of context, it should be noted that more than 180,000 children in the UK are not living with their parents but are being raised by relatives or family friends. That is more than are adopted or are currently in the care system. These children are often overlooked within policy and practice at local and national level. In 2011, according to census analysis 9,560 children were being raised by extended family in Wales, others were also being raised by friends.<sup>14</sup> Linking back to the CCR, an overarching finding was that: “there is currently a significant untapped resource that exists for some children in and on the edge of care, namely their wider family and community. Greater focus on exploring and supporting this resource could safely avert more children needing to come into care or could help them thrive in the care system”.

### *Kinship Care Alliance:*

- The KCA is made up of a group of organisations which subscribe to a set of shared aims and beliefs on the issue of family and friends care. The KCA meetings, chaired by John Simmonds, Director of Policy and Research at CoramBAAF, are held regularly to develop a joint policy agenda and agree strategies to promote its aims. The KCA has influenced aspects of UK legislation and inputted into various UK Government consultations in order to protect and promote the position and rights of kinship carers.
- ***We attach to this submission the KCA's recently updated Agenda for Action on Family and Friends Care 2019. This document sets out what the organisations who sign up to the Agenda would like to see changed, and includes specific calls on government which we consider would be helpful to be brought to the attention of the Commission.***

### *Cross-party Parliamentary Taskforce on Kinship Care:*

- Anna Turley, MP for Redcar, with the support of FRG, has set up cross-party Parliamentary Taskforce on Kinship Care. The aim is to raise awareness about, and support for, children in kinship care and to highlight the importance of this option for children who cannot live with their parents. The Taskforce is examining the current situation regarding kinship carers and the challenges they face. This will culminate in a report to be launched in November 2019 setting out a series of recommendations on how the situation can be improved. It will also make use of awareness raising opportunities to help raise the profile of kinship care as a public policy issue on the political agenda.

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<sup>14</sup> <http://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/wales-kinstast-briefing-paper.pdf>

- Children in Wales will be hosting an event in Cardiff on 21 June 2019 to seek insight into the experience of kinship carers in Wales, which will feed into the Taskforce's report. We would very much encourage MPs, Peers to become involved in this important work, and recommend that Assembly Members consider holding their own such Taskforce.

#### 8. Lifelong Links:

- Lifelong Links was developed by Family Rights Group in response to the 2013 Care Inquiry<sup>15</sup> conclusion that the care system too often breaks rather than builds relationships for children in care. It aims to build lasting support networks for children in the care system.
- In designing the Lifelong Links approach, FRG drew upon learning from the family finding model in the US, the FGC approach, and also the views of children in care, care leavers, families, foster carers and practitioners. Lifelong Links aims to identify and engage relatives and other supportive adults connected to the child, who are willing to make a life-long commitment to them.
- A Lifelong Links trained coordinator works with the child, using a range of tools and techniques to search for and find family members (known or unknown to the child) and other adults who care about them, such as a former teacher or foster carer. The network is brought together into a Lifelong Links FGC to make a life-long support plan with, and for, the child. This plan should then be integrated into the child's care and pathway plan and social workers should work with child and their support network during their time in care, during their transition to adulthood.
- Lifelong Links is currently being trialled in 12 local authorities in England (funded by the Department for Education Innovation Programme) and five in Scotland (funded by KPMG Foundation, Esmee Fairbairn Foundation, The Robertson Trust and RS McDonald Charitable Trust). Since April 2017, 520 children and young people have received or begun the process of Lifelong Links.
- The trial is being independently evaluated by the Rees Centre, University of Oxford and Celcis, University of Strathclyde to determine whether Lifelong Links is effective in improving outcomes for children in care. Early indications have been very positive, in terms of building children's sense of identity and belonging, alongside extending their support network.

**Cathy Ashley and Jessica Johnston**

**Family Rights Group**

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<sup>15</sup> <https://www.frg.org.uk/care-inquiry>