

The Children and Social Work Bill 2016:

Amendment NC7: Ensuring that appropriate counselling and therapeutic support is offered to any parent, who is in care or a care leaver and whose child is permanently removed (a new clause).

Child protection enquiries are increasing, care proceedings are at record levels and continuing to rise and, as of 31 March 2016, there were 70,000 looked after children in England, the highest figure since 1985. As the President of the Family Division recently put it “*We are facing a crisis and, truth be told, we have no very clear strategy for meeting the crisis.*”¹ The Children and Social Work Bill currently passing through Parliament provides an opportunity to safely avert the need for some children to come into care and to improve the child welfare system so that it works better for children, parents, the wider family and society.

As alliances² we have produced a number of briefings about the Children and Social Work Bill which set out our thinking on different aspects of the Bill including our concerns as well as suggestions for amendments³. This briefing focuses exclusively upon one key amendment that we would urge parliamentarians to consider supporting during the passage of the Bill.

This new clause would enable any parent who was themselves in care during their childhood and whose child has been permanently removed to get counselling and therapeutic support to help them deal with their grief and difficulties and to avoid cycles of recurrent pregnancies and repeat removals of their children. This amendment has the potential to significantly reduce the number of new care proceedings as a result.

Insert the following new Clause-

“Post-removal counselling for parents and legal guardians who are themselves looked after children or care leavers

Where a child is permanently removed from the care of a birth parent or a guardian further to any order made pursuant to:

- (a) section 31 Children Act 1989 (care and supervision orders), or
- (b) section 22 Adoption and Children Act 2002 (placement orders), or
- (c) section 46 Adoption and Children Act 2002 (adoption orders), or
- (d) section 14A Children Act 1989 (special guardianship order)

a local authority must, so far as is reasonably practicable, provide a counselling service and commission specialist therapeutic support for the parent or guardian where—

- (i) the parent or guardian is a looked after child, or
- (ii) the parent or guardian is a care leaver.”

¹ View from the President of Family Division (15): September 2016 <https://www.judiciary.gov.uk/wp-content/uploads/2014/08/pfd-view-15-care-cases-looming-crisis.pdf>

² Read more about Your Family, Your Voice Alliance <http://www.frg.org.uk/involving-families/your-family,-your-voice>; Read about the Kinship Care Alliance <http://www.frg.org.uk/involving-families/kinship-care-alliance>; Read about agenda, Alliance for Women & Girls At Risk <http://weareagenda.org/>

³ <http://www.frg.org.uk/involving-families/reforming-law-and-practice/reform-of-child-welfare-systems-policies-and-practices-including-child-protection-and-the-care-system>

Many parents who have a child permanently removed from their care do not receive support and therapy to deal with their loss or bring about changes to enable them to keep future children.

Analysis of court data found that one in four mothers whose children are subject to care proceedings, faced repeat proceedings. This figure rises to one in three for those who became mothers in their teenage years.⁴ 40% of those young mothers were in care or had been looked after in the care system during their own childhood.

Detailed analysis of the cases of 354 mothers who had recurrent care proceedings, found that approximately 50% had mental health issues mentioned in their first set of proceedings; 65% had domestic abuse mentioned; and approximately 90% had experienced some form of neglect or abuse (emotional, physical sexual) in their childhood.

Where a removed child is adopted, the Adoption Agency Regulations 2005 require adoption agencies (including local authorities) to provide a counselling service to a parent or guardian of the child in relation to the adoption. This does not include a requirement to provide therapeutic support and no such requirements apply to those whose children are removed into long term foster care or are cared for by family members under a special guardianship order.

There are some small scale programmes in specific localities that aim to provide therapeutic support to parents who have had a child removed⁵. The President of the Family Division has recognised the importance of these programmes and the potential for considerable costs savings⁶. However, such programmes are not available nationwide and are not underpinned by any statutory duty upon local authorities to offer support. Most vulnerable parents who have lost a child therefore are left unsupported emotionally and are not assisted to parent in the future.

The new duty set out in this amendment would ensure that all parents who were looked after in their childhood and who have lost a child have the opportunity to receive therapeutic care and counselling which will help them avoid repeat removals.

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This amendment is also endorsed by:

Coram Baaf, Child Poverty Action Group, Family Rights Group, Just for Kids Law, Mentor UK, PACE, Pause, Together Trust

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⁵ For example, the Breaking the Cycle programme, the Pause Programme and the Drugs and Alcohol Court early support initiative.

⁶ See footnote 1 above.