

The Children and Social Work Bill 2016: Report Stage

Amendment NC3: New provision to improve sibling contact

The aim of 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 amendment extends this duty to siblings.

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.¹ The report revealed that 50% of sibling groups in care are split up. 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.² The report highlighted research that has shown the benefits of sibling relationships for children who cannot live with their parents: for many, it is the closest relationship they ever experience, and they are able to share information and feelings, and develop a shared sense of identity.³ 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’.⁴

A survey by Roger Morgan (2009), then Children’s Rights Director, found that the percentage of looked after children who said they had some sort of contact with a birth brother or sister at least once a month fell from 80% of those who had been in care for less

¹ 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.

² 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>

³ 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) .

⁴ 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>

than two years, to 55% of those who had been in care for between two and six years, and 41% of those who had been in care for over six years. He 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.⁵

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.⁶ 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 identity at a time of change/unfamiliarity.⁷ Further guidance emphasises the importance of sibling contact where children cannot be placed together.⁸

NC3

“Sibling contact for looked after children

(1) In section 34 (1) of the Children Act 1989 after paragraph (d) insert—
“(e) his siblings (whether of the whole or half blood).”

(2) In paragraph 15 (1) of Schedule 2 to the Children Act 1989, after paragraph (c) insert—
“(d) his siblings (whether of the whole or half blood).”

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This amendment is also endorsed by:

Action for Children, Article 39, Coram Baaf, Child Poverty Action Group, Family Rights Group, Grandparents Plus, Kinship Carers Project, Kinship Carers UK, Kinship ‘Foster Care’ Group, Just for Kids Law, Mentor UK, NAGALRO, Pace, PACT, Siblings Together, Together Trust

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⁵ Morgan, R (2009) *Keeping in touch: A report of children’s experience by the Children’s Rights Director for England* Ofsted

⁶ Siblings Together (2015) *Torn Apart* Available at: <http://siblingsaltogether.co.uk/wp-content/uploads/2015/12/Torn-Apart.pdf>

⁷ 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

⁸ 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*