



Placing children in sibling groups for adoption: a call for views:

Family Rights Group's Response August 2012

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Key recommendations:

- The current presumption and guidance that siblings should be placed together is entirely consistent with meeting individual children's best interests. Therefore we categorically oppose any change to the current legal framework and statutory guidance.
- More should be done to maximise family and friends care placements for sibling groups by providing better support.
- Post adoption contact could be enhanced by greater use of interventions which enable the adopters and birth family members to communicate directly with each other, for example a supported pre-placement meeting and mediation.
- Statutory guidance should state that:
 - Separation of siblings when entering care should not also mean that, if adoption becomes the plan they cannot be adopted together.
 - When decisions are being made about whether to place siblings together or separately, there should be a duty to consult children about their wishes on the matter.

1. About Family Rights Group

1.1 Family Rights Group advises and supports parents and wider family members in England and Wales who are involved with local authority children's services about the needs, care and protection of their children. The Charity was founded in 1974. We promote the involvement and support of family members in making safe plans for their children which will enhance their welfare. We campaign to challenge injustice, to improve access to effective services, and to increase the voice children and families have over decisions affecting their lives. Our free telephone and email advice service advises 7,000 parents and relatives per year about their legal rights and the options open to them:

- Within the local authority decision-making processes for supporting and safeguarding vulnerable children, including when there are child protection concerns, before care proceedings are issued, and when children are looked after in the care system, including those for whom the plan is adoption;
- When family and friends carers are considering the different legal arrangements under which they could raise children; and
- When a court application is made by the local authority for an emergency protection order, care order or placement order.

1.2 We also:

- Publish a wide range of advice sheets on all aspects of child care law and practice which can be downloaded from our website at www.frg.org.uk/advice_sheets.html;
- Run a moderated web-based discussion board for parents;

- Run a moderated web-based electronic discussion board and set up support groups for family and friends carers, including grandparents who are raising children unable to live with their parents;
- Convene the Kinship Care Alliance and national Family Group Conference Network;
- Run training courses on a regular basis for child care professionals including Independent Reviewing Officers;
- Run action research programmes, for example on sibling care arrangements, and lobby for improvements in childcare law and practice.

1.3 This submission is informed by our direct work with families who are involved with local authority and judicial decision-making processes which are concerned with the safety and well-being of their children.

2. Context

2.1 We welcome the opportunity presented by the discussion document for informed consideration of the issues raised. **For most people, the single most long-lasting relationship of their lives will not be with parents or partners but with their siblings. Any decision to curtail this relationship needs the closest scrutiny and the most careful examination.**

2.2 The question of whether or not it is right to separate siblings who are entering care and then being placed for adoption is a sensitive decision for social workers and courts, requiring careful consideration, assessment and planning.

2.3 When children enter public care and are then placed for adoption, they face a tremendous amount of loss:

- when they leave their birth family home, they may leave behind treasured personal possessions, including favourite games and soft toys, clothing, personalised space in the home and family photos. They may also lose contact not only with their parents, but with other family members they are close to, such as grandparents and siblings;
- when they are placed for adoption they are very likely to move to a new area, changing school and doctor, and losing touch with their friends;
- when they are adopted, they will also lose their legal relationship with the parents they were born to, to be replaced by a new legal relationship with their adopter/s.

2.4 To be separated from their siblings at this key time is an additional loss. Research suggests it can militate against their best interests. For example, Hegar's

international research review¹ concluded that: “*findings of the studies support the tentative conclusion that **joint sibling placements are as stable as or more stable than placements of single children or separated siblings**, and several studies suggest **that children do as well or better when placed with their brothers and sisters.**”²This is consistent with Neil’s review of research findings about siblings placed together, that “*what evidence is available suggests that **the placement of siblings together has a positive or neutral effect on placement outcomes**”.**

- 2.5 Moreover, children’s views are quite clear: Timms and Thoburn’s survey³ of 706 children in public care found that 37% felt they were not seeing enough of their siblings, and concluded “*The sense of responsibility that siblings feel for each other appears to be underestimated and is a major factor in the children’s emotional wellbeing.*” Morgan⁴ found that children who went beyond two years in care were the most likely to be losing touch with their siblings, but they were also the group who felt the most strongly that brothers and sisters in care should never be separated, indicating **that those who are losing contact with their siblings are likely to regret that loss.**
- 2.6 There is further evidence, through research into adults who sought contact with their adopted siblings,⁵ that **separation through adoption can result in a deep sense of loss that endures into adulthood.** For many, this sense of loss was accentuated **by a feeling of injustice over the separation.** After birth mothers, siblings formed the next largest group of relatives putting their names on the adoption contact register. Pavlovic and Mullender conclude “*Being a sibling resides not only in a blood tie and in a potentially lifelong relationship, but also in what should be a shared history, a sense of the self continually renewed in relation to and as reflected back by the other, and a mutual feeling of responsibility and concern. Even siblings who have no memory of the person lost to adoption feel strongly about many of these things.*”⁶
- 2.7 However, despite this research, the reality for children in care is that there are not enough placements available for all sibling groups to be placed together. Therefore **for the majority of children and young people with siblings who enter the care system, this will already mean separation from their siblings:**

¹ Hegar, RL (2005) ‘Sibling placement in fostering and adoption: An overview of international research’ in *Children and Youth Services Review* 27 pp 717-739

² Neil, E (1999) ‘The sibling relationships of adopted children and patterns of contact after adoption’ in Mullender, A ed *We are family: Sibling relationships in placement and beyond* London: BAAF

³ Timms, JE and Thoburn, J (2003) *Your Shout! A Survey of the Views of 706 Children and Young People in Public Care* London: NSPCC

⁴ Morgan, R (2009) *ibid*

⁵ Pavlovic, A and Mullender, A (1999) ‘Adult birth siblings: Who are they and why do they search?’ in *We are family: Sibling relationships in placement and beyond* London: BAAF

⁶ Pavlovic, A and Mullender, A (1999) *ibid*

- The Children's Care Monitor 2011's survey of children and young people in the care system⁷ found that 73% of looked after children who had a sibling also in the care system were living separately from them. In the *Keeping in touch* survey⁸ 81% of the looked after young people surveyed were not in the same placement as any of their siblings, which could be broken down as 99% of those in residential care and 66% of those in foster care not being placed with their siblings. And Sen and Broadhurst's literature review⁹ found that two thirds of all siblings entering care were separated. There is clearly already widespread separation of siblings in the care system, despite a requirement of the 1989 Children Act that looked after siblings should be placed together.¹⁰
- Research into children placed for adoption indicates that **many children placed for adoption are already being placed separately from their siblings:** Saunders and Selwyn¹¹ found that even where groups of 3 or 4 siblings were adopted together, 75% of them still had full or half siblings living elsewhere. When Macaskill examined why siblings in her study¹² had not maintained contact with one another, although this sometimes happened because of a difficult relationship between the siblings, it **was more likely to have happened because of other factors**, such as a poor relationship between the adults arranging the contact, the social worker leaving their job, or a lack of commitment by adopters to the plan. In Macaskill's interviews with 37 children for this study, of the 20 children who said they wanted more birth family contact than they were having, seven said that the contact they wanted was with siblings: *"The seven children who wanted to see additional siblings had usually made some futile effort to do so. Frequently the sibling's adopters said an outright 'No'."*¹³ The children who wanted to have family contact but were being denied were described as **expressing "a real yearning" to see their family, and "a deep sense of disappointment" that contact did not happen.**

2.8 Until there is a significant improvement in local authorities' ability to recruit suitable foster carers or adopters, living in big enough homes, or to find bigger homes for carers who would be capable but do not have the accommodation, this situation is likely to continue. Therefore in making this submission we accept this reality and our

⁷ *The Children's Care Monitor 2011* ibid

⁸⁸ Morgan, R (2009) *Keeping in touch: A report of children's experience by the Children's Rights Director for England* Ofsted

⁹ Sen, R and Broadhurst, K (2011) 'Contact between children in out-of-home placements and their family and friends network: a research review' in *Child and Family Social Work* 16 pp 298-309

¹⁰ Children Act 1989 s22C para 8(c)

¹¹ Saunders, H and Selwyn, J (2010) *Adopting large sibling groups: Experiences of Agencies and Adopters in Placing Sibling Groups for Adoption from Care* Hadley Centre for Adoption and Foster Care Studies, School for Policy Studies, University of Bristol

¹² Macaskill, C (2002) *Safe Contact? Children in permanent placement and contact with their birth relatives* Lyme Regis: Russell House Publishing

¹³ Macaskill, C (2002) ibid

proposals seek to maximise positive outcomes for children with siblings in less than optimal circumstances.

2.9 We are also mindful of proposals for other reforms to the family justice system, in particular the removal of judicial scrutiny of the details of care plan and the removal of scrutiny of the adoption plan by adoption panels.

3. Our response to the discussion document:

3.1.1 We are concerned that this document places unwarranted **emphasis on justifying why it could be right to separate siblings in order to speed up the adoption process, without adequate regard for the child's best interests in the long term including into adulthood.**

3.1.2 In the context of the evidence cited above that separation from siblings is not usually what children want and can have a negative impact that lasts until adulthood, and, conversely that children placed with their siblings can do as well or better than when they are placed singly, we take issue with some of the statements in the discussion document, for example the discussion document reports circumstances in which it is said that placing siblings together may not be in their best interests, e.g., citing Lord (2001)¹⁴: *“where siblings’ relationships are characterised by intense competition, bullying or scapegoating, where they display harmful behaviour towards each other, or where relationships perpetuate entrenched negative patterns of behaviour”*¹⁵. It is also said that *“Even where relationships between siblings do not display these characteristics, placing them together may reduce the chances that their adoptive placement will support them to thrive and particularly to overcome earlier negative experiences.”*¹⁶

3.1.3 However, this overlooks the fact **that for some children with difficulties, placement with siblings can be a protective factor.** In their study of children placed with adopters or long-term foster carers when they were aged between 5 and 11, Rushton et al¹⁷ found that *“Among singly placed children, scapegoating and rejection by birth parents were associated with poorer placement outcomes, especially for boys. However, when placed together with siblings, the relationship between rejection and poor outcome did not hold.”*

3.1.4 The discussion document describes potentially harmful consequences for children when their placement is delayed because of efforts to place them together as a

¹⁴ Lord, J (2001) *Together or apart? Assessing brothers and sisters for permanent placement* Childright, 177 (June): 6-8

¹⁵ Narey, M and DfE (2012) *ibid*

¹⁶ Narey, M and DfE (2012) *ibid*

¹⁷ Rushton, A, Dance, C, Quinton, D and Mayes, D (2001) *Siblings in Late Permanent Placements* London: BAAF

sibling group. However, **in our view the potentially damaging consequences of separating siblings and the potential benefits of keeping them together must be balanced against the impact of delay**, when making a decision about whether to place siblings together. Indeed, for some children who are experiencing separation from parents and other family members, and possibly changes of placement, school and social worker, **their sibling relationships might offer the greatest source of stability in their lives**. For some sibling groups, **it may be better to wait until there is a placement where they can be kept together, rather than being placed separately, with all the associated risks of losing contact altogether**.

3.2 We make the following points to address the range of questions posed:

3.2.1 Maximising family and friends care placements for sibling groups

3.2.2 From our direct work with birth families we cannot answer the question as framed. However we are aware that family and friends care arrangements (whether or not underpinned by a legal order) for looked after children can provide short and long term placement options for such children which have the advantage of continuity of care and attachments, a greater flexibility to accommodate sibling groups with the right support, sustained contact with family members including siblings living elsewhere and positive outcomes in terms of long term well-being. If the government is serious about addressing the needs of sibling groups it should radically improve the support available to such carers in order to maximise this option.

3.3.1 Changing the law and guidance regarding placing siblings together:

3.3.2 We entirely agree that the child's lifelong best interests should be paramount in each and every case, but this is not in any way contradicted by the current presumptions and guidance. On the contrary, consistent with research evidence on what enhances the child's long term stability and well-being, these promote consideration of the child's best interests. Therefore we consider it essential that they are retained and we categorically oppose any amendment to the current legal framework for adoption.

3.4.1 Good arrangements for contact when children are placed for adoption separately:

3.4.2 In our experience, any post adoption contact arrangements, whether direct or indirect, are characterised by poor communication (typically by virtue of the anonymity of the adopters), fear and suspicion of the other parties and a lack of support to manage such arrangements both for the adopters and particularly the birth family member who rarely has any appropriate support at all. However we are

aware that with the right interventions and support contact can be beneficial to all parties. For example we are aware that:

- Having a meeting between the adopters and the birth family member (which could include the sibling directly) before placement can help to dispel fears and myths and can set the right tone for post placement contact and links to be maintained;
- Mediation can also be a very effective means of enabling the parties to meet, preserving anonymity if necessary, to address any problems that may have arisen and facilitate an exchange of information. Indeed we are aware of one case in which an adult sibling has used mediation to establish links with the adopters of his younger siblings without there being any direct contact and this has enabled the adopters to find out much more about their children than was provided to them by the adoption agency.

3.4.3 Where children would like to be placed together but cannot be, for example because there are not adequate or suitable resources, then solutions should be sought such as placing children with carers who live close to each other, where they will be able to visit and stay over with each other.

3.4.4 Current statutory guidance also states that “Where it is not possible for the siblings to be placed together the agency should consider carefully the need for the children to remain in contact with each other and the need for adoption support.” We recommend that in order to avoid the potentially damaging consequences of the lifelong loss of contact with a sibling, this should become a matter that will always be considered by the court granting the adoption order, by ensuring the issue of sibling contact is addressed in all adoption reports where a child is to be separated from siblings through adoption.

3.4.5 Consideration should be given to ways of enabling contact to be resumed in later life of siblings separated through care or adoption, for example by setting up a specific sibling contact register, or by requiring local authorities to mediate between siblings who have lost contact, where one has indicated a wish to resume contact

3.4.6 There should be recognition that children’s needs and wishes can change over time, and any decision that contact between siblings is not appropriate at a particular time should be open to being reassessed and reviewed at a later date.