



FAMILY RIGHTS GROUP

Keeping children safe in their families

Response by Family Rights Group to the consultation of the experiences of care leavers in the prison system

What we do:

Established in 1974, Family Rights Group is the charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children who are unable to remain at home.

Our expert advisers, who are child welfare lawyers, social workers, or advocates with equivalent experience, provide advice to over 6000 families a year via our free and confidential telephone and digital advice service. We advise parents, including those in prison, and other family members about their rights and options when social workers or courts make decisions about their children's welfare. This includes advising relatives who want to be considered as alternative carers for a child who cannot remain with their parents, whether in the short or long term. We have recently co-authored with PACT an advice publication for mothers in prison (Mum's the Word – A guide to being a good Mum in prison 2014). http://www.i-hop.org.uk/app/answers/detail/a_id/525/~/_mum%E2%80%99s-the-word--a-guide-to-being-a-good-mum-in-prison

We also campaign for families to have a voice, be treated fairly and get help early to prevent problems escalating. We champion Family Group Conferences and other policies and practices that keep children safe in their family network.

The consultation:

“A stable, supportive family throughout the sentence is a key factor in preventing reoffending on release... I firmly believe that we should do as much as possible to sustain family relationships at what for many will be an especially traumatic time in their lives” Martin Narey, Director General Prison Service – House of Commons, 2005 S.29

Drawing upon our experience of advising parents, we have the following points we would wish to make about care leavers and their experiences of the prison/justice system (some of whom are themselves mothers or fathers):

1. Work to avoid young people entering or remaining in the care system

There should be more focus on work to avoid young people entering the care system in the first place and to facilitate early reunification to family networks when this does happen.

Family group conferences should be more routinely used to avoid children entering care in the first place and to plan for timely reunification back to their families. Research evidence supports that when this is offered this results in more family and kinship placements.¹

2. Effective engagement with informal networks when young people leave care

Whether at the point of entering or exiting the care system more systematic attempts should be made to engage young people with networks of support regardless of whether they will be a source of placement for the young person. Lifelong family connections are important protective factors for vulnerable young people and will reduce the likelihood of offending. The family finding model

(<http://www.familyfinding.org/moreaboutfamilyfinding.html>), introduced in America shows great promise in how systematic approaches can assist the young person in re-establishing and maintaining enduring relationships with family and informal networks.²

3. Support with engaging with family/informal networks when leaving custody

Similarly, there should be more purposeful work with young people and their families to enable engagement with family networks following the young person's release from prison/custody. Those with supportive family relationships are more likely to have a secure place to live and to be protected from known risk factors for future offending. The Youth Justice Board's own research found that young people are six times less likely to offend if they have family connections on release from custody.³ Again, where used, family group conferences have a good track record in assisting with this.⁴

¹ WANG E W., et AL Expediting permanent placement from foster care systems: the role of family group decision-making *Children and Youth Services Review*, 34(4), April 2012, pp.845-850
<http://www.journals.elsevier.com/children-and-youth-services-review/>

² The Family Finding model seeks to build or maintain the youth's Lifetime Family Support network for all youth who are disconnected or at risk of disconnection through placement outside of their home and community. The process identifies relatives and other supportive adults, estranged from or unknown to the child, especially those who are willing to become permanent connections for him/her. Upon completion of the process, youth have a range of commitments from adults who are able to provide permanency, sustainable relationships within a kinship system, and support in the transition to adulthood and beyond. Keeping safety at the forefront and using a family-driven process, families are empowered to formulate highly realistic and sustainable plans to meet the long-term needs of children and youth. Child outcomes may include increased reunification rates, improved well-being, and placement stability, transition out of the child welfare system, decreased re-entry rates, and stronger sense of belonging for children.

³ The Reconnect FGC service in Leeds has been very successful in systematically engaging with family of young people in custody, engaging at point of sentence with young person to plan for family group conference at point of exit from custody. Unpublished findings using police data show significant reductions in re-offending.

⁴ McGarrell E F & Kroovand Hipple N Family Group Conferencing and Re-Offending Among First-Time Juvenile Offenders: The Indianapolis Experiment *Justice Quarterly*, 24:2, 221-246, 2007 A study in Indianapolis involving 800 participants randomly assigned to youth justice FGCs or other disposals. Results showed significant higher rates of re-offending in the control group with differences most pronounced in the period 3-8 months post conference.

4. Support for care leavers in custody who are parents

The lack of support and engagement with young parents when in custody is problematic. This is particularly the case when young mothers are sentenced. Young parents who also have a care history are particularly vulnerable to losing their children to the care system given their histories. Difficulties are exasperated by.

a. **Lack of access to independent legal advice**

It is virtually impossible for mothers (and fathers) in prison to get independent legal advice in a timely way when plans are made for their children by social workers and courts.

b. **Lack of opportunity for engagement in decision making about their children in such circumstances**

c. **Failure to establish valid consent to their child being**

accommodated?⁵ When a mother is imprisoned, it is practically difficult for social workers to ask them if they consent to their child being accommodated. In addition a care leaver with a difficult history of engagement with the local authority may be less likely to engage in decision making with social workers.

We know of some cases of children being accommodated without such consent i.e. unlawfully. In these circumstances long term alternative care plans may have been made for her child which are difficult to reverse. Thus the local authority may respond to her request to remove her child from accommodation by starting care proceedings to give them authority to keep her child in care, even if she does not agree.

d. **Lack of mother and baby placements** – as the Prison Reform Trust have identified, there is a diminishing number of mother and baby placements for mothers in prison.

e. **Foster for adoption**⁶ When a child is placed in a fostering for adoption placement, the child forms a bond with the new carers making it very unlikely that the mother could have her child returned to her care on her release from custody. It is highly likely that the child will end up being adopted by those carers and indeed that is the intention of this legal provision.

In our view, independent legal advice for mothers in prison about the consequences of a child being accommodated and potentially being placed in a foster for adoption is absolutely critical, especially as the

⁵ The local authority is under a duty to accommodate a child in the care system where the person caring for them is prevented temporarily or permanently from caring for them, for whatever reason (S.20(1) Children Act 1989 (CA)). They may not do so if a person with parental responsibility objects (s.20(7)CA). When they accommodate a child they should therefore ask the parents if they agree to this plan.

⁶ A recent change in the law introduced by the Children and Families Act 2014 has resulted in the local authority being under a duty, when it is considering adoption for a looked after child to consider placing the child in a foster for adoption placement if there is no suitable parent or relative to care for them (see s.22C (9A) CA 1989 as amended). A foster for adoption placement would be with a prospective adopter who is also approved as a foster carer. This applies whether the child is looked after because they are accommodated or under a care order.

UK is unusual in the scale of its use of adoption of children against their parents' wishes.

- f. **Failure to effectively explore wider kinship care options**⁷ The local authority is duty bound to explore alternative kinship placements for a child when a parent is unable to care due to imprisonment. But often this doesn't happen before a child is placed with temporary foster carers, resulting in several avoidable moves for the child if they go on to be placed with family members at a later date. In cases of the mother being imprisoned unexpectedly, this is likely to be the case.
- g. **Legal advice for Kinship Carers.** There is no system for potential kinship carers to get free legal advice from a solicitors firm about their options without having to jump through lots of hoops, and even then many don't qualify for legal aid. Yet it is critical that they understand their options, including how to secure the placement for the child, how to get parental responsibility for the child and the implications for support for them, the child and the birth parents.

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Signed:		Date:	28 th August 2015

⁷ Where there is no suitable parent to care for a child who is accommodated or in care under a care order, the local authority should consider placing the child with suitable relatives, friends or others connected with the child before considering unrelated care (s.22C CA 1989 as amended).