

**Written submission to
the Joint Select Committee on Human Rights**

Welfare Reform and Work Bill 2015 Legislative Scrutiny

Submitted by Family Rights Group on behalf of the Kinship Care Alliance and endorsed by:

Barnardo's

Buttle UK

Caritas Social Action Network

Childhood Bereavement Network

Children England

The Children's Society

CoramBaaf

The Fostering Network

Grandparents Plus

Kinship Carers UK

Kinship 'Foster' Carers Group

Mentor UK

Nagalro

The Open Nest

Prison Advice and Care Trust (PACT)

PAC-UK

Siblings Together

TACT

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Introduction

1. The Kinship Care Alliance is an informal network of organisations working with family and friends carers (also known as kinship carers) who subscribe to a set of shared aims and beliefs about family and friends care. Since 2006, members have been meeting regularly to develop a joint policy agenda and agree strategies to promote shared aims which are:
 - a) to prevent children from being unnecessarily raised outside their family,
 - b) to enhance outcomes for children who cannot live with their parents and who are living with relatives and
 - c) to secure improved recognition and support for family and friends carers.

The Kinship Care Alliance is serviced by the charity Family Rights Group.

2. Family Rights Group, which drafted this response, is the charity in England and Wales that works with parents 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 callers about their rights and options when social workers or the courts make decisions about their children's welfare. We also campaign for families to have a voice, be treated fairly and get help early to prevent problems escalating. We lead the Kinship Care Alliance and champion Family Group Conferences and other policies and practices that keep children safe in their family network.
3. We have significant concerns about the impact that some of the proposals that the Welfare Reform and Work Bill will have on the human rights of children and families, namely that they will prevent some relatives and friends from being able to take on the care of children who cannot live with their parents. For some of these children the alternative will be them entering the care system.

The background to kinship care

4. There are an estimated 200,000 children being raised by kinship carers across the UK. Kinship carers are grandparents, older siblings and other relatives and friends who step in to care for children, many of whom would otherwise be in the care system. These children typically are unable to live safely with their parents due to parental abuse or neglect, alcohol or drug misuse, domestic violence, mental ill health, disability, imprisonment or bereavement. As evidence from the Centre for Social Justice shows¹, these factors can have severely limiting effects on children's life chances.
5. 95% of children living in kinship care arrangements are not 'looked after' by the local authority. Therefore by keeping children out of the care system these carers save the taxpayer billions of pounds each year in care costs. However, the financial cost of raising the child typically falls directly on the carers themselves.

¹ Centre for Social Justice (2012), [Rethinking Child Poverty](#)

6. Most children in kinship care are doing significantly better than children in unrelated care, despite having suffered similar earlier adverse experiences² – in particular they feel more secure and have fewer emotional and behavioural problems and are also doing better academically. This is despite them receiving little or no support.³ Research shows that the main determinant of access to support is the child's legal status, in particular whether the child is in or out the care system, rather than their needs.⁴
7. By becoming the full-time carer of a child, often in an emergency, kinship carers face significant additional costs both in terms of equipment needed (eg: beds, school uniform, larger car) and maintenance costs. Their family size increases and can even double overnight. Unlike adopters, they are not entitled to a period of paid leave for the children to settle in. Many carers end up in severe financial hardship as a result of taking on the child.⁵ Nearly half have to leave their job or reduce their hours⁶ when the child comes to live with them. A recent survey of kinship carers found 49% of kinship carers had to give up work permanently to take on the children, thus becoming reliant on benefits.⁷ The same survey found that 57% of kinship care households received child tax credits and 30% received housing benefit. Further analysis of the survey revealed that 22% of kinship carer households have 3 or more children and 63% of these households currently receive child tax credit.
8. A high proportion of carers also have limiting physical conditions or disabilities and often their own relationships come under severe strain.

Our concerns about impact of the Bill on children and families' human rights:

9. The following proposals in the Welfare Reform and Work Bill will lead to a substantial drop in household income for those kinship carers receiving benefits and tax credits:
 - a. the limiting of tax credits to two children only. This will apply to the child element for disabled children;⁸
 - b. the reduction in the benefit cap;
 - c. new measures in the Bill that will require the carer of a child aged 3 or 4 to be subject to:
 - i. all work-related requirements;
 - ii. the carer of a child aged 2 to be subject to work-focused interview and work preparation; and

² Selwyn et al (2013) The Poor Relations? Children & Informal Kinship Cares Speak Out (University of Bristol)

³ Farmer, E and Moyers, S (2008) Kinship Care: Fostering Effective Family and Friends Placements (Jessica Kingsley Press)

⁴ Hunt & Waterhouse 2013 It's Just Not Fair! Support, need and legal status in family and friends care (FRG/Oxford University Centre for Family Law and Policy)

⁵ Hunt J and Waterhouse S (2012) Understanding family and friends care: the relationship between need, support and legal status (University of Oxford & FRG)

⁶ Ashley C (ed) Aziz R, Roth D and Lindley B (2012) Understanding family and friends care: the largest survey (Family Rights Group)

⁷ Ashley C, Aziz R and Braun D, 2015, Doing the right thing: A report on the experiences of kinship carers (FRG)

⁸ The disability premium (the disabled and severely disabled child elements in Child Tax Credit) and an amount for each disabled child in Universal Credit will be protected regardless of the number of children in a family. However, the Child Element in Child Tax Credit and Universal Credit will only be paid in respect of two children in a family, even where the third child is disabled.

- iii. the responsible carer of a child aged 1 to be subject to work-focused interview requirement;
- d. the provision that those making a new claim for Universal Credit can be disadvantaged in a way that is inconsistent with the approach applied through Tax Credits;⁹

10. The impact of this drop in income is very likely to force some carers into severe poverty/debt with the result that they have to move home, away from their own children's school and support network. This could jeopardise existing kinship care arrangements and deter some potential carers from coming forward to take on the care of a child/children, particularly if they have dependent children of their own or are considering taking on a sibling group. ***This could result in children being denied the chance of being raised in an otherwise suitable placement within their family network, thus impacting on the child and family members' right to respect for family life.*** It could also increase the number of children in care, which would not be in the children's best interests and at considerable cost to the Government.¹⁰

Our recommendations

11. We recommend the Bill should be amended to exempt kinship carers from:

- the benefit cap;
- the proposed two children tax credit limit, by including kinship care in the category of 'exceptional circumstances'; and
- the conditionality changes if the kinship carers is raising a child under 5 years old.

12. There is an important precedent for our recommended exemptions. The Welfare Reform Act 2012 exempts kinship carers from work conditionality requirements for a year after they take on the care of a child. This was a significant step towards recognising the particular circumstances that kinship carers face, and the valuable contribution they make and acts as a precedent for the exemptions we are recommending above. It is also consistent with the Family Test which makes an explicit reference to kinship carers. We would argue that similar exemptions are necessary here in order to protect the human rights of vulnerable children and families.

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⁹ For Child Tax Credits claims made after April 2017, more than 2 children could be included *providing* they were born before April 2017. Conversely, for Universal Credit the 2 child limit will be imposed regardless of when the children were born (unless the Universal Credit claim is linked to a previous Child Tax Credit claim).

¹⁰ National Audit Office (2014) Children in Care reports that the cost of one child being in an independent foster care placement for a year is £40,000.