First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care

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Foreword – Catherine McKinnell MP, Chair of the Parliamentary Taskforce on Kinship Care

Families come in all shapes and sizes, not least when children are unable to safely live with their birth parents as a result of trauma or a tragedy. There are more than 180,000 children across the UK who are being raised by kinship carers – relatives or friends who have stepped in to help. They are often grandparents but also aunts, uncles, brothers, sisters, or even family friends. Many more children are raised in kinship care than in the care system and many more than are adopted, yet awareness of this element of children’s social care is low and support for families is variable and often very limited. This crucial third pillar of the children’s social care system is an afterthought.

The Parliamentary Taskforce on Kinship Care is the first of its kind and was established in 2018 by Anna Turley, then Member of Parliament for Redcar, who had the vision to bring cross-party parliamentarians together to work on creating solutions to the challenges experienced by kinship carers. With the support of the Family Rights Group, who have provided our secretariat, Anna was determined that a time-limited and focused inquiry into the obstacles faced would bring about some much-needed change. For some of our members, it was personal experience of kinship care which drew them to be involved, for others it was hearing the shocking stories from carers in our own constituency surgeries and the realisation of how little support there is for many of these families. As MPs and Peers from across the political spectrum and those without any party affiliation, we came together to address this challenge, by raising awareness of kinship care and working to improve the support available to kinship carers and their children. I have been pleased to chair the Taskforce in 2020 and lead the concluding stages of our inquiry.

From the outset, our ambition was to place kinship carers at the heart of this inquiry and this report is a reflection of their worries, dreams and aspirations. Kinship carers from every region of England and Wales have been involved and we were pleased to hold regional discussion meetings, as well as in Parliament, to allow as many carers as possible to take part. For too long their experiences have not been given sufficient attention and it has been our desire with this inquiry to bring them into the public spotlight. I would like to extend a heartfelt thank you to every kinship carer who has contributed to our report for giving your time, sharing your personal stories, and most of all for the love and support and amazing work you do for your children.

The child welfare and family justice system has been described as in crisis. The number of children in the care system is at its highest level since 1985 and the government say they expect the number of children going into care to be likely to continue to rise. The evidence suggests that for children in and on the edge of care, the wider family and community is often an untapped resource. Greater focus on exploring and supporting families could safely avert more children needing to come into care, which is in the interests of children, society and the taxpayer. In the present economic climate, exacerbated by the pandemic, there are huge financial challenges for national and local government and the rising costs of children’s social care is one of the biggest pressures. Investment in early intervention, as set out in this report, would reduce the social and economic cost in the longer term and provide better outcomes for the children.
To that end, this report sets out a vision for a good quality system of kinship care where family are the first point of call and where kinship carers are valued and properly supported to deal with the many challenges they face. We present a series of recommendations which we believe the government, local authorities, and others should consider as a means to achieving that.

For too long kinship care has been an afterthought. It's time that it was considered first.

Throughout this inquiry we have sought to involve the widest range of stakeholders, from kinship carers and their kin children and those engaged in frontline practice and grassroots charities, to legal professionals, academics, and senior professionals and policymakers. Without their important insight, knowledge, and their commitment and support, this project would not have been possible. I would like to thank:

- The amazing kinship carers and their children who have participated in the inquiry.
- The kinship care support groups who have held discussion meeting and shared their ideas.
- Family Rights Group for their invaluable support and guidance as our secretariat.
- Jordan Hall for his administrative and policy support.
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- The Kinship Care Alliance for their insight and support, including Adfam, Children and Families Across Borders, CoramBaaf, Grandparents Plus, Kinship Carers Liverpool, Kinship Carers UK, TACT, and Y Bont.
- Joan Hunt, Honorary Professor at the Cardiff University School of Law and Politics, for her research review.
- All the local authorities across England and Wales who responded to our requests for information and particularly to Leeds City Council and Southwark London Borough Council for attending an evidence session as witnesses.
- The following for their attendance as witnesses to the Taskforce or providing written evidence:
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Executive summary

‘I love the children in my care like a lioness loves her cubs and there is nothing I wouldn’t do for them. By doing this I have been forced to rely on the kindness of others even though that hurts my pride.’

‘Caring for my young relatives has allowed me to provide them with the love and security they needed following their mother’s death. To see them feel welcomed and safe in our home has been the best feeling.’

‘Being a kinship carer leaves you feeling unsupported in general but the pandemic highlighted how little professionals consider you and your families’ needs.’

Kinship carers are relatives or friends who raise children who cannot safely remain with their parents. Across the UK more than 180,000 children are living with kinship carers – significantly more than are in the care system and many more than are adopted, making kinship care an important element of the children’s social care system.

Yet kinship care is widely unrecognised, underappreciated and often poorly supported – it is, in effect, the unacknowledged third pillar of the children’s social care system. Our vision is for a children’s social care and family justice system that explicitly acknowledges and supports this vital third pillar, and in which family is always explored as a first point of call.

The cross-party Parliamentary Taskforce on Kinship Care was established in 2018 to raise awareness of and support for children in kinship care and their families, and to highlight the importance of this option for children who cannot live with their parents. MPs and Peers from across the political spectrum, including those unaffiliated to any party, came together to lead an inquiry on kinship care in England and Wales, with the support of Family Rights Group.

This is the first-ever parliamentary inquiry into kinship care and the first time parliamentarians have taken extensive evidence from kinship carers and children who have been raised in kinship care. Our regional discussion events were an opportunity for kinship carers in every region of England and Wales to share their experiences, views and ideas. We have also worked closely with the network of professionals who work with families on the front line of our children’s social care and family justice system. The Kinship Care Alliance of third sector organisations have been important partners and an invaluable source of expertise. We have also undertaken extensive analysis of data from local authorities.

- Why children enter kinship care: Children enter kinship for a variety of reasons. These include parental substance misuse or mental or physical incapacity, domestic violence, imprisonment, teenage parenthood, parental separation or death. Child protection concerns are common. All kinship placements involve loss and placements often arise in situations of tragedy or trauma, so the demands on kinship carers can be challenging. Yet kinship placements rarely attract the same degree of focused and targeted support as other placements in the care system.

- Outcomes for children in kinship care: Overall, research studies into the emotional, behavioural and educational outcomes for children in kinship care have identified many benefits for children. Some children are doing very well. As a group, kin children seem to be doing better or at least as
well as those in unrelated foster care. However, on the whole they do not fare as well as children in the general population. At least 20% of children raised in kinship care are affected by some degree of emotional and behavioural difficulties. Census analysis has also found that children in kinship care are twice as likely as children living with at least one parent to have a long-term health problem or disability that limits their day-to-day activities.

- **Kinship carers**: The circumstances of kinship carers tend to be much less advantageous than either the general population of parents or unrelated foster carers. Research demonstrates the prevalence of long-term health issues, disabilities and deprivation among kinship carers. Research also highlights the strain many carers are under and the urgent need for better support (for both carers and children) that is responsive to need rather than to the legal status of the kinship arrangements (e.g. whether or not the child is formally in the care system) which is what often happens in practice.

- **Kinship care and the care system**: The number of children in the care system is at its highest level since 1985. The child welfare and family justice system has been described as being in crisis. Yet for children in and on the edge of care, the wider family and community is often an untapped resource. A greater focus and commitment to exploring and supporting those families could safely avert many more children from having to come into care, which is in the interests of the children themselves, society and the taxpayer. The Education Secretary has promised a ‘broad, bold and independently led’ review of children’s social care and this must include kinship care within its remit, as a fundamental element of the system.

- **A neglected option**: Our inquiry found that local authorities are not consistently exploring potential kinship care placements as a realistic option at an early stage. When kinship placements are considered, it is often late in the day, leading to the process being rushed. Kinship carers have told us they lacked sufficient information to make an informed decision and were unsure about their rights during the assessment process. In many cases, they felt they were forced into making a choice with little time to prepare. We are recommending that a new duty is placed on local authorities to ensure that potential placements with kinship carers are explored early on. And we are recommending the use of family group conferences at an early stage to ensure families are engaged and well informed from the outset.

- **Supporting informed decisions**: Survey research suggests three-quarters of kinship carers feel they did not have enough information about legal options to make an informed decision when taking on care of their kinship child. Moreover, 58% incurred legal costs and 4 in 10 of those received no financial help with this. We heard from many carers who had accrued substantial private debt in order to secure a legal order for a child and give them a safe home. We are calling on the government to fulfil its pledge to expand the scope of legal aid for special guardians, and to ensure adequate funding for specialist legal advice, information and advocacy services so that potential kinship carers know their rights and options from the outset of their assessment.

- **Employment and financial strain**: Stepping in to raise a child in kinship care places extra pressure on family life, including the carer’s employment – this is particularly so if a child has additional needs and/or has suffered trauma. More than one in two kinship carers has to give up work or reduce their hours, yet most receive little if any financial support. We are urging employers to be flexible to the needs of kinship carers, and that consideration be given to extending the right to paid employment leave and protection (currently available to adopters) to kinship carers.

- **Benefits system**: Research indicates that kinship households are more likely to be located in less affluent areas and kinship carers are likely to be living on a lower income than the general population of parents and unrelated foster carers. The financial challenges faced by kinship families have also been exacerbated by the Coronavirus pandemic. Inevitably, many have to rely at least in part on the benefits system, yet kinship carers often find themselves penalised by the welfare system. We are calling for a number of reforms to the welfare system, including: kinship carers to be exempt from the Benefit Cap and Bedroom Tax, local authorities and housing
associations to consider the needs of kinship carers in local housing policies, and no kinship carers of pension age to be penalised as a result of transferring from Child Tax Credit to Pension Credit.

- **Support services:** It is clear from our evidence gathering that there are a whole range of areas in which kinship carers would benefit from effective support services – these include help with managing contact arrangements, training and therapeutic support for dealing with children’s trauma and other issues, and benefits and welfare advice. Some local areas have well-established support groups that provide vital peer support, but provision is a postcode lottery and the help available generally depends on the child’s legal status or local authority procedures rather than the severity of the child’s needs. We recommend extending the Adoption Support Fund so all children in kinship care have access to therapeutic support, and placing a duty on local authorities to establish and commission kinship care support services and to assess the needs of carers. Experience suggests programmes such as the Mockingbird Family Model, Lifelong Links, and Kinship Connected are beneficial and could be rolled out more widely.

- **School support:** Over half of kinship children have additional educational needs or disabilities, yet depending on the child’s legal status they typically have no clear route to greater educational support. Research studies suggest the educational performance of children raised in kinship care is, as a group, behind that of the general population (though at least as good as that of children in unrelated care). We recommend the extension of Pupil Premium Plus, Virtual School Heads, and the National Tutoring Programme to all children being raised in kinship care who cannot live safely at home, to ensure they can reach their full potential.

- **Improving data collection:** A key part of the challenge in raising awareness of kinship care and the needs of kinship families is a lack of good quality data to inform policymakers. We propose a number of measures to address this, including greater data collection and further research by national and local government, the establishment of local kinship care taskforces, joint select committee inquiries (to enable cross-departmental scrutiny), the appointment of national Kinship Care Champions at the Local Government Association, and themed Joint Targeted Area Inspections of kinship care by Ofsted and partner inspectorates.

- **Kinship Care Bill:** We have identified huge variation between regions and local authorities in the way in which they recognise and support kinship care. A common finding is that the provisions currently outlined in statutory guidance are not being followed to their full extent. We therefore propose a number of new legal duties to ensure compliance and envisage the delivery of these through a Kinship Care Bill. A dedicated bill would not only deliver the legal changes required to improve kinship care support, it would also be a clear demonstration that Parliament and government recognise the challenges faced by kinship carers and value the important role they play in keeping families together.

We recognise the challenging financial climate that both national and local government are facing, and that some of our proposals require funding commitments. However, children’s social care is one of the greatest pressures on local authority budgets and with the rising number of children being taken into care this will continue. We believe that a relatively small additional investment now will enable more children to remain safely within their families, thereby reducing the numbers of children entering the care system, and will save substantial economic and social costs in the longer term.

Our vision, presented in this report, is for a children’s social care and family justice system where family is always explored as a first point of call. We believe no child should have to live outside of their family if there is a safe and loving home available within their family and friends’ network.

The Taskforce heard from many kinship carers who have stepped in to prevent the child from having to enter or remain in the care system. Kinship carers are doing right by their families. We believe the state needs to do right by them.
Summary of key recommendations

Detailed recommendations are set out in full in Chapter 7.

Exploring family as the first port of call:

- Local authorities should ensure kinship assessments are conducted in a consistent, fair and transparent way by following the Family Rights Group’s initial family and friends care assessment good practice guide. This should include the offer of a family group conference.

- Local authorities should provide clarity to kinship carers from the outset of any kinship placement as to the legal implications of that placement, in accordance with case law. This should include both the child and carers’ rights as related to that placement type, and what support may also be available.

- To make sure practice is consistent across all local authorities, national government should consider introducing new legal duties on local authorities to ensure that potential placements with kinship carers are explored early and that all families are offered the opportunity to have a family group conference before a child enters the care system, unless there is an emergency.

- National government should also incorporate the Family Rights Group’s initial family and friends care assessment good practice guide into statutory guidance.

Making informed decisions: legal advice and representation:

- The Ministry of Justice should fulfil their pledge to bring forward provisions to extend the scope of legal aid to special guardians in private law cases and also consider extending this to potential special guardians in public law cases where a special guardianship order is being considered.

- The government should consider providing adequate funding of free specialist independent legal advice, information services and advocacy services for all kinship carers.

- Local authorities should review their family and friends care policies to: signpost where kinship carers or potential carers can get free specialist independent legal advice; and ensure they set out clearly what criteria are applied when deciding whether to fund potential kinship carers to get independent legal advice, and help with court costs or representation if they cannot access legal aid.

Work and family life:

- National and local government should encourage employers to develop employment policies that recognise the needs of staff who are kinship carers. This should include public agencies leading by example.

- Local authorities and social housing providers should establish a protocol to meet the housing needs of kinship carers.

- The government should consider introducing reforms to the welfare system to exempt kinship carers from the Benefit Cap and the under occupation penalty (‘bedroom tax’), and to ensure no kinship carer is penalised from taking on the care of a kinship child.

- National government should consider introducing the right to a period of paid employment leave and protection to kinship carers.

- National government should consider affording all children in kinship care, where there is professional evidence or a court decision that they cannot live safely with their parents, the same rights currently available to children adopted from care and children who ceased to be in care as
a result of a special guardianship or ‘lives with’ child arrangements order (or residence order). This would include free childcare for two-year-olds, a designated school member of staff and Pupil Premium Plus. It should also include priority school admissions, which the government should consider as part its revision of the Schools Admissions Code (currently out to consultation).

Getting the right help, at the right time

National government should consider:

- Retaining and extending the Adoption Support Fund so that all children being raised by kinship carers, who are unable to live with their parents, have the same rights to therapeutic support and counselling currently available to children who are adopted from care.
- In order to support kin children’s education and wellbeing, including their transition back to school, consider extending the remit of the Virtual School Head and ensure the National Tutoring Programme includes children in kinship care in all placements types, where there is professional evidence of additional need.
- Amending Regulation 3(1)e of the Special Guardianship Regulations 2005 (and the National Assembly for Wales, in exercise of the powers conferred upon it by sections 14A(8)(b), 14F, 24(5) (za), 26(3C) and 104 of the Children Act 1989) should similarly considers amending the Special Guardianship (Wales) Regulations 2005) to expand the scope of training provision in prescribed special guardianship support services to include all needs, not just a child’s special needs.
- Amending the anomaly in Care Planning, Placement and Case Review (England) Regulations 2010 which provide for sibling contact with a sibling who is also looked after but do not refer to contact with siblings who are not looked after.
- Making it a duty on local authorities, supported by adequate funding from central government, to commission kinship care support services, which will include access (for the child, other members of the kinship care household, parents and separated siblings) to counselling, therapeutic work, family therapy and life story work, contact support and training resources.

Local authorities should:

- Provide clear and comprehensive information to kinship carers about the options available to them and any support that they may be eligible for, including access to benefits advice.
- Establish and commission kinship care support services including counselling, therapeutic support, family therapy, contact support and training resources.
- In response to a request by a kinship carer, conduct an assessment of the support needs of the child in their care (whatever their legal status at that time) where a court, local authority or a professional has determined that child cannot live with their parents.
- Consider introducing a named person and contact number with responsibility for supporting applications for eligible kin children to access the Adoption Support Fund and other entitlements (such as priority admissions to school, ensuring schools apply for Pupil Premium Plus) and to promote these supports to kinship care families who may be eligible.
- Assist in setting up, commissioning or grant funding support groups for kinship carers, and routinely signpost kinship carers to such groups.
- Consider the use of the Mockingbird Family Model and Lifelong Links for the delivery of support to kinship carers and children in kinship care.
- Adopt the Mutual Expectations charter, which sets out what families should be able to expect of child welfare services and what children’s services can expect from families.
Kinship Care Bill

In order to deliver the new legal duties and powers recommended by the Taskforce (as set out above), the government should consider introducing a Kinship Care Bill. A dedicated Bill would not only deliver the changes required to improve kinship care support, it would also be a clear demonstration that Parliament and the government recognise the challenges faced by kinship carers and value their vital role in keeping families together.

Reimagining the system

National government should:

• Ensure each government department and relevant agency collects and publishes robust official data relating to kinship care arrangements to inform planning of local and national policies and support services for kinship care.

• Extend the Adoption and Special Guardianship Leadership Board to cover all children under a special guardianship order and set up a Special Guardianship Reference Group to influence the Board (akin to the Adopter Reference Group).

• Commission research into kinship care, including where there is a particular dearth of knowledge.

• Host a Downing Street reception of the Taskforce, when it is safe to do so, to raise awareness and recognise the brilliant and vital job kinship carers do.

• Include kinship care within the remit of the forthcoming independent review of the children’s social care system.

Local government, including Metro Mayors, should:

• Involve kinship carers and their children in kinship care decision making, policy development and service provision.

• Hold ‘thank you’ recognition and awareness events for kinship carers and the children they are raising.

Ofsted should:

• Ensure that inspections of children’s services make certain that the duty to publish a policy setting out the approach towards promoting and supporting the needs of children living with kinship carers is being complied with.

The Local Government Association should:

• Provide a kinship care peer review and support network for local authorities to enable self-challenge and improvement. They should also consider appointing lead national champions for kinship care.

Other public services and organisations, including but not limited to the police service, the NHS and health services, and JobCentre Plus, should:

• Ensure that their policies and procedures include and reflect the specific needs of kinship families, and that staff receive training to promote and support the needs of kinship families.