



Response to Case for Change by Parents Families and Allies Network (PFAN)

The Independent Review offers an important opportunity to consider the kind of children's social care systems and practices that have been developed over time. We had two meetings with Dan Foster to put forward our initial response to the review and this paper provides a fuller response to the Case for Change (CfC) and what we learned at these meetings.

The CfC identifies some key problems. Most notably the concern that the current system is too focused on investigations rather than help. It also highlights the very significant challenges faced by parents and families as well as care-experienced children and young people. In particular the Parents Families and Allies Network welcomes:

- the recognition of the need for more help for families
- the recognition that the impact of poverty, such as the need to hold down multiple jobs, can make it more difficult to parent
- the recognition that the current system is too much about investigation and removal of children from their parents;
- the need for more support for parents whose children have been removed
- that the system is bureaucratic, rule bound and adversarial, which leaves little or no space for relationship-based work
- that the outcomes of care are poor
- the need for the system to provide help to parents whose children are involved in exploitation and harm outside the home
- that care proceedings need to be avoided where possible
- that care should strengthen relationships
- that privatisation of alternative care has not worked
- that the system is under financial pressure
- that despite many attempts to reform the system it has not got better

Concerns and gaps in the CfC

We remain curious about the review's plans and potential implementation of genuinely co-produced services. The Review has almost a countable number of minutes left to be completed, and as such we do feel that the best way we can support the goals that we all share, a better future for children and families in England, is to offer our views on the CfC identifying areas that have been missed or not fully explored and some areas for future exploration.

The lack of reference to principles and rights

The principles and rights laid out in the 1989 Children Act and the United Nations Convention on the Rights of the Child are not discussed in the case for change. PFAN believes that these principles and rights should be central to the review and its case for change as well as for any future plans. However, it is also the case that these principles and rights have been undermined and interpreted partially due to a narrative of risk and rescue of which the CfC outlines the details and the poor outcomes.

Section 1 of the 1989 Children Act sets out three principles:

- The welfare of the child is paramount;
- Delay is likely to prejudice the welfare of the child;
- The court shall not make an order unless to do so would be better for the child than making no order (the 'no order' principle).

The Act goes on to lay out the concept of parental responsibility and how it can be acquired. It defines this as the "rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property."

The Act also outlines the duty of local authorities to promote the upbringing of children in need by their families, where this is consistent with promoting their welfare, by providing a range and level of services appropriate to those children's needs.

'The current culture of child protection and rescue completely nullifies families. What we need is for the whole of social work to support people in adversity, parents and children together. That's what children's social work is mandated to do by the 1989 Children Act. We've lost the principle of partnership and some of the key values of social work.' Andy Bilson

These principles have not been upheld as evidenced by a statement by the president of the family division of the high court of England and Wales, Sir Andrew McFarlane, who said

It may properly be said that we have reached a stage where the threshold for obtaining a public law court order is noticeably low, whereas, no doubt as a result of the current financial climate, the threshold for a family being able to access specialist support services in the community is conversely, very high ([MacFarlane, 2018](#)).

This illustrates how almost all of these principles are not currently being implemented as do many of the criticisms raised in the CfC.

The Convention on the Rights of the Child (UNCRC) sees the family as underpinning children's rights. Thus the preamble to the UNCRC says:

*Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, **should be afforded the necessary protection and assistance** so that it can fully assume its responsibilities within the community (emphasis added)*

The preamble goes on to say:

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding

The important concept that parents have the right to make decisions and take actions regarding their child free from intervention by the state is specifically protected in article 5 which states:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Further Article 9 states:

'States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child'.

And Article 14(2) states:

'States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child'.¹

The United Nations General Assembly's [Guidelines for Alternative Care of Children](#) provide further guidance on these rights and a key resource for considering the "desirable orientations for policy and practice" ([UN 2010](#) p 1) to enhance the implementation of the UNCRC and of relevant provisions of other international instruments regarding the protection and well-being of children deprived of parental care or who are at risk of being so deprived. They are intended to assist and encourage governments to implement their obligations to provide a comprehensive welfare system taking into account prevailing social, cultural and economic conditions and to undertake these "to the maximum extent of their available resources".

The Guidelines reasserts that parents have the key duty with regard to bringing up children and indicates that the state's efforts should primarily be directed to support families and thereby to enable the child to remain in or return to the care of his or her parents or, where appropriate, to other close family members. Whilst it recognises that there are situations in which the child's best interests are served by being placed outside of parental care, this should only be where "the child's own family is unable, even with appropriate support, to

¹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 14(2).

provide adequate care” (UN 2010 Annex p 2) and “should be seen as a measure of last resort and should, wherever possible, be temporary and for the shortest possible duration”.

The Guidelines list elements of a comprehensive child welfare service that should be available to prevent the separation of children from their families. These include measures to enhance the capacity of families limited by factors including disability, drug and alcohol misuse, discrimination against families and indigenous or minority backgrounds, and to provide care and protection for vulnerable children including child victims of abuse and exploitation, abandoned children living on the street and so on. It is suggested that ***special efforts need to be made to tackle discrimination against parents*** or children on the grounds of: poverty; ethnicity; religion; sex; mental and physical disability; HIV/AIDS or other serious illnesses, whether physical or mental; both out of wedlock and socio-economic stigma; and other circumstances that give rise to children being relinquished and/or removed from their families. In particular, ***financial and material poverty should never be the only justification for the removal of a child*** or for the child continuing in alternative care but should rather be seen as “a signal for the need to provide appropriate support to the family.”

In addition article 8 of the Human Rights Act 1998, the right to respect for your private and family life, is challenged by, amongst other things, the proliferation of child protection investigations that saw 135,000 investigations that did not lead to a child protection plan last year and the many assessments carried out without child protection concerns but that still ask to see the child’s bedroom and to interview the child in private ([see this report regarding children with a disability](#)).

PFAN recommends that the review bases its plans on these principles. The review should seek ways to end the undermining of the principles and aim for a holistic implementation that recognizes, for example, that children have the right to all of the rights given them by the UNCRC.

The need for a wider focus beyond child protection and child removal

A major concern is that the focus of the CfC is mainly on child protection and removal to care or adoption which is almost the sole preoccupation of the current system. Because of this we feel the CfC has missed some of the key areas in which there are currently limited or no services. The risk and rescue narrative is not helping families and it is not helping children.

Responding to trauma

In particular the CfC does not discuss the lack of help for children who have suffered trauma and harm especially those who are not in care. For example, the discussion of mental health provision is limited to services for children in care. An effective child welfare system should provide help for children to overcome any trauma they have suffered no matter where or how it has been caused.

Family help

Similarly with regard to help for families, it is important to reiterate just how important it is that holistic, whole family approaches to support without judgement and stigma are not just spoken about, but funded and made available. This must include a focus on the family’s concerns even in cases where there are also concerns about harm to a child. A holistic

approach would include responding to, for example, the health, nutrition and financial situation of the family; the family's housing and educational needs; and where there are mental health or addiction needs, access to relevant services.

Lack of continuity after care

There is also a lack of continuity of services for children who return home. Services and support provided while children are accommodated by the local authority are removed when the child returns home. This increases hardship on the family and destabilises the child further by making it harder for their needs to be met. Similarly the focus in the review to push for services for children in care is not matched by the need to have those services in children's own homes. We do not want a system whereby the best and most efficient way of getting services and support for your child is to have them placed in care. We have a duty to ensure no child has to trade in their family to have their basic needs met.

We often say that it takes a village to raise a child, but nobody grows out of that need for a village. We must not discard people because they are over 16 or 18 years old. They still need help and support. Parents support their children even when they reach 16 upwards, they support them to get jobs they support them by giving them a roof over their heads. Children's services, as a system that has removed children from their families has a duty to carry on supporting their needs.

Other community services

Whilst the focus of the review is on children's social care many of the problems of promoting the well-being of children fall outside the boundaries of children's services. This includes, for example, the need for a functioning youth service, adequate housing and health services, adequate benefits. The review should not just ignore these wider issues without which children's social care cannot do its job. The review should identify the key services in the wider community that provide a platform for effective children's services and suggest the need for reform in these areas

[PFAN recommends that the review adopts a wider focus for its next phase going beyond the boundaries of investigative child protection and removal from families. In addition to the areas identified it should focus on providing help for children and parents to overcome trauma.](#)

Children with disabilities

The narrow focus on investigation particularly impacts on children with disabilities. Whilst it is recognised that there is a review of SEND services there are specific issues that cross over into the remit of the review.

The current system lumps children with disabilities into the same category as children at risk of abuse with assessments being investigative rather than focussing on support. This is stigmatising and impacts on families who seek the support to which their child is entitled. It is not okay that from the moment your child is born with a disability, a parent becomes a suspected child abuser. This was confirmed by the recent study by [Clements and Aiello](#) (2021) who have demonstrated how "National and local social care policies in England create a default position for those assessing disabled children, that assumes parental failings." They carried out a review of local authority and national procedures on assessment showing the lack of focus on needs and an approach that was investigative. This raises an

issue wider than children with disability that procedures made at local level can lead to the wide variations in practice evident in child protection statistics (see, for example, the research on [bruising in pre-mobile children](#))

The recent [response to require accreditation](#) for social workers on work with autistic children is welcome but similar issues arise for children with a range of other conditions (e.g. PANS and PANDAS, Ehlers Danlos Syndrome, Myalgic Encephalomyelitis) where social work has responded inappropriately because of a lack of specific knowledge of the children's conditions.

PFAN is also aware of a growing trend for parents of children with a range of disorders to be wrongfully investigated for Fabricated or Induced Illness (FII). For example, [Colby \(2014\)](#) says that the Tymes Trust, which works with young sufferers of Myalgic Encephalomyelitis (ME), supported 121 families facing "suspicion/investigation" for FII and not a single family was found to be at fault, stating:

They have faced bullying and forms of state oppression, such as being threatened with having their children removed from the family and subjected to enforced rehabilitation (typically in a psychiatric unit) or being taken to the very brink, with their children placed on the 'At Risk register'.

The [new guidance on FII](#) published by the Royal College of Paediatrics and Child Health itself recognises it has no evidence base for the epidemiology, proposed diagnostic criteria, or proposed treatments stating: "In the absence of published evidence, we relied on extensive consultation and expert consensus" ([RCPCH 2021, p.6](#)). Given this lack of an evidence base and the need for consensus, it is notable that in the list of consultees who "agreed to be listed" (p.6), there is a total absence of organisations representing key safeguarding bodies including social work, education, and the police. This is particularly concerning as the guidance focuses on safeguarding issues and guidelines for making Education, Care and Health Plans. The British Association of Social Work is currently considering guidance that challenges the interventive approach of the RCPCH ([contact Andy Bilson for more details](#)).

[PFAN recommends that the review considers the cross-over with the SEND review to ensure that the investigative approach to children with disabilities is ended; that social work with children with disabilities has access to properly trained workers in the specific conditions so that they can respond effectively; and that there is a process to ensure that national guidance such as that on FII is evidence based and does not exaggerate risk](#)

Parent participation and advocacy

Parent participation should mean that parents with lived experience are involved in all decisions that affect them. They should also be involved in the co-production of services. This includes, for example, parents having a full part in planning the range and nature of services. For example, in education there are parent governors of schools who have a key role in school management. A similar level of parent participation in children's services should be established for children's services departments to ensure that parents with lived experience are treated with dignity and that services are designed to meet their and their children's needs. Similarly there should be representatives of parents with lived experience advising Safeguarding Partners.

We welcome the recognition of parent advocacy as a promising practice but are concerned that it is focussed on as an “approach to avoiding court”. Whilst parent advocacy has been used in this area it also has a much wider usefulness.

At our meeting with representatives of the review, we spoke about Parent Advocacy for people involved with children’s services. It changes lives and improves outcomes. It should be available from the beginning of involvement with children’s services because it will stop a lot of cases going to child protect as it helps parents to understand and engage in the process and decisions being made about their children, and ultimately their lives.

‘Parental advocacy is so important because the emotional distress is so much. Your brain cannot process things you’re being asked to do when you’re in a high state of fear or trauma.’ Francesca Crozier-Roche

It helps support traumatised and vulnerable people do their best for their children, and it helps to ensure that a parent can navigate the labyrinth of children’s services with someone who can help them process their fears and emotional response. It engages parents more effectively which is important because they know their children on a different level than professionals because they are the ones who sit up all night when they’re sick, or on suicide watch, they’re the ones that know their quirks. Parent advocacy is needed because it makes it more likely that social care will work with the difficulties parents face. Children need their parents and parents want to be what children need. While services are meant to support families, there are often many people who need to work together to provide that support for the family. Parent advocates can make sure that services are held accountable to ensure services line up timelines, put into place the support families need and provide information to parents.

PFAN recommends that the review ensures greater parent participation including setting up structures for parents with lived experience to be involved in co-production of services. Specifically, parents should have a role in the governance of children’s services in a fashion similar to parent governors in schools. A system of parent advocacy provided by parents with lived experience should be available for parents in all stages of the system

Family Group Conferences

PFAN also welcomes the recognition of family group conferences (FGC) as a promising practice. We are again concerned that it is classified under the heading “approaches to avoiding court” and see its use in many areas of children’s social care.

We are also concerned that the promotion of FGC does not move it away from its principle that it responds to the concerns of families. We are aware of situations in which the aim to use FGC in a child protection process moves away from this principle and makes the sole or main concern of the FGC that identified by professionals. In these cases, the meetings are not truly FGC. The involvement of parent advocates may be useful in this arena to ensure that the concerns of parents are fully heard as we said above.

PFAN recommends that the review ensures that FGC is available to parents and families and that its use is not distorted by a primary focus on professionals’ concerns about children.

The rush to permanence

The short section on adoption in the CfC ignores much of the research showing the poor system effects and huge human costs of promoting adoption. The research by Selwyn et al mentioned in the CfC is an unreliable measure of the problems in adoptions as the methodology was unlikely to identify many of the cases where adoptions ended in children moved out of the adoptive family ([see for example this study though it is self-selecting and not a random sample](#)), nor does it look at other factors such as the cases where adoptive families themselves break down sometimes due to the [pressures of adopting a child](#)

Human costs

PFAN has found that the current government promotion of adoption does not take into account the life-long effects on many adopted people. Adoptees have serious concerns which they have raised with us. Concerns about how their families are abandoned without support, about how their heritage and identities are negatively impacted and that the systemically poor communication compounds the harm that is experienced through adoption. Every adoption starts with the greatest loss any parent and child could experience. Children lose their heritage and connections to their families of birth and parents suffer a traumatic loss similar to a child death but worse because there is no place to mourn and the adversarial court process ensures they feel blamed for the loss.

There is a rush towards permanency. Sir James Munby, whilst supervising the family courts, pointed out that timelines are not legally binding, and are recommendations to avoid unnecessary delay. He also said that sufficient time and focus is needed to ensure parents have the opportunity to make changes. Many parents lose children, not because of their unwillingness to change, but because services are not available in the required timescales or longer is needed to deal with their problems. It is vital that this care review challenge the 26-week rush to finalise decisions which will have a life-long impact on the child and their families. [The research basis](#) for the rush to permanency has been strongly challenged and the theoretical imperative is thus a fallacy.

Another key factor for many mothers (and a small number of fathers) is the part played by their experience of domestic violence as a cause of them losing their child. In the [Adoption Enquiry](#) birth mothers reported high levels of domestic abuse and suggested they were being punished for having a violent partner and/or having experienced domestic abuse in childhood. These mothers are doubly oppressed harmed and abused by child protection and decision-making processes experienced as highly punitive.

There has been a huge [increase in infants removed at birth](#) undertaken in inhumane ways. Research shows that We see breastfeeding infants removed from their mothers only hours old sometimes in the middle of the night, surrogacy is illegal in the UK, and yet new born infants whose parents have never harmed them, lose their parents and their [right to breastfeed](#).

Too many of these infants will lose all ties to their biological family, not just parents but also grandparents, uncles, aunts, siblings, and also to their heritage. The findings of the [Adoption Enquiry](#) questioned the current model of adoption in England where the default position is indirect contact, that often is not satisfactory or sustained. The question was posed as to whether we need to sever relationships so starkly; contact and continuity of relationships matter.

Adoption is archaic, we have many other options, if only we would begin to look at parents as human beings again, instead of the monsters we have painted them to be. Where permanent alternative care is needed, it is legally possible to use special guardianship for children in care and this leaves open a flexible approach to contact and the possibility of changing levels and approaches to parental and wider family involvement.

System costs

The research mentioned above and other studies show a [rapidly increasing difference in rates of children removed at birth](#) between local authorities. Bigger increases are associated with both levels of deprivation and local authorities whose performance was graded inadequate or needing improvement by the Office for Standards in Education.

[Other research shows](#) large disparities in the rates of children adopted before their fifth birthday. This research showed that local authorities in which adoption rates have risen are also those in which child protection investigations, children in need and numbers of children in care have also increased and suggests that this is due to lowering thresholds for investigations and child protection plans rather than deprivation or other factors.

[Analysis of government statistics shows](#) that the numbers of children separated from their parents has increased by 50% in the last 10 years. [A further study](#) shows that those authorities with the biggest increases in adoptions also had the biggest increases in children in care. This was not explained by issues such as local authority deprivation. The current promotion of adoption is not an alternative to long placements in care but part of the move to a rescue and investigative culture.

[PFAN recommends that adoption should only be used for orphans and that where permanent alternative care is required the choice should be special guardianship; the 26 week time-scale for decisions should be extended and services made available speedily so parents can make necessary changes; the promotion of adoption alongside increases in all child protection activities by low performing local authorities should be investigated](#)

Poverty

Poverty is a major factor in child protection cases. POVERTY IS NOT NEGLECT and the state has a duty to families as a whole to be able for families to live with enough to make ends meet, that's not a parent's fault if they don't have enough money to live on, that's the governments or the employers not the parents. We therefore welcome the CfC saying that "practitioners should never conflate poverty with neglect." However the issue of responses to poverty is not simply the terrain of practitioner decision making. Poverty does mean that parents cannot buy help to deal with difficulties they face in the way that many parents with financial resources are able to do. The CfC has raised the considerable increase in investigations that do not lead to child protection plans. However this leaves out the fact that where child protection plans are made a major increase has been in cases classified as neglect which increased from 15,300 in 2009-10 to 31,710 in 2019-20 with almost half the plans made in 2019-20 being for neglect. It is important to know whether this is due to the impact of poverty being seen as neglect.

'Parenting is parenting regardless of if you have money or not, you don't need money to parent, you need money to live not to parent, and because you live in poverty you are seen as neglecting your children, and that is not the case! Poverty is poverty it is not a family's fault but the system treats it

as the parent's fault and you are discriminated against because you live in poverty. Parents living in poverty go without so their children have everything they need, not what the children want, at end of the day want and need are two different things. They teach their children right from wrong, what poverty does do is make hard to meet the basic needs of the entire family. It makes it hard when social service says "oh you need to take your children on days out" or "the clothes are clean but there not good enough for your children!" How is right being judged because you don't buy designer clothes, or you can't take your children out every weekend, how is that neglect? It's not, as long as a child has a roof over their head, clothes and food and love from loving parents that is what children need, the other stuff is just extras that are not required by law, but certain people deem it necessary, ' Tammy Mayes

Whilst it is recognised that many of the policies that have created a widening poverty gap fall outside of the remit of the review, the differential response of children's social care to poverty and deprivation cannot be ignored. This is not simply a matter of individual social work practice. It links to many issues that impact on families and in turn links to the approach needed in to achieve a non-stigmatising and supportive social work practice. Poverty means that children suffer from insecure and poor housing and this is increasing after Covid 19; they and their family also suffer poorer health including higher levels of mental health problems because of the pressures and impact of poverty and many other factors could be noted. [Research in Australia](#) carried out using client information systems showed how increasing findings of neglect led to increased numbers of children in care through longer stays in care, particularly for young children from deprived communities and linked to little work being done to support families before child removal. Similar research is needed to consider the links between deprivation and neglect in England.

A rights perspective can lead to new ways of considering how to deal with the impacts of poverty and neglect, one example being promoting breastfeeding. [Gribble \(2014\)](#) shows how the UNCRC supports the rights of children to breastfeeding and how developing specific policies and training for child protection and other staff can reduce and mitigate health inequalities alongside reducing the likelihood of neglect.

The research of the [Child Welfare Inequalities Project](#) raises many issues that the review needs to respond to and we are aware that the academics involved are responding to the review directly. This work raises the need to poverty proof policies and procedures. In particular it shows that the most deprived local authorities have faced the biggest cuts in services.

[PFAN recommends that the review goes beyond the recognition of the impact of poverty to consider specific responses including a more equitable distribution of funds to ensure the most deprived local authorities receive adequate funding and cross-departmental national and local policies to address the impact of poverty on areas of children's well-being. The review should also carry out research using the data gathered at national and local level to identify how the increase in findings of neglect relate to deprivation and increases in stays in care](#)

Social work values

One of the steps forward needs to be accountability and a return to fundamental values of social work. Of doing everything in children's services' power to keep families together rather than break them up.

'We're missing a connection back to the values of social work. I'm not a social worker but I connect myself to this because I'm a member of society. I feel just as responsible for a child on the street as any parent does. Rather than being dismissive around accountability, why don't we adopt a culture around values to work with together? To understand that one parent didn't fail on their own, it took a multitude of people to have lost that child.'
Francesca Crozier-Roche

For example, it is essential that to build trust and rekindle hope in the families, children and communities served that you make co-production genuine. Do not treat the cases as we are here solely for the children's benefit, but to look at how the child's well-being can be promoted by a focus on the family as a whole.

Language is another big part of building relationship with the families, it is important to use language that parents understand, do not call parents "service users" "they never wanted your service you pushed yourself on them, use their name they are people and humans' beings with feelings, and don't use their feelings against them, there allowed to cry there allowed to show emotion.

[PFAN recommends that the review seeks to release social workers from bureaucratic constraints and considers how to develop family friendly policies and relationship based work in line with social work values](#)

Conclusion

The CfC has identified some key problems in the current system. However, to move forward it needs to look beyond the current system. We have highlighted a number of areas where improvements could be considered and areas we feel the review has missed or made limited response to. We look forward to the next stages of the review when more concrete changes are proposed hopefully developed through a process of coproduction with key stakeholders.

Note: references are linked to their addresses on the internet