

**Examination of the UK's 7<sup>th</sup> periodic report to the UN Committee on Economic, Social and Cultural Rights**

*Submission to the List of Issues*

ATD Fourth World

&

Human Rights Local (a project of the Human Rights Centre of the University of Essex)

1. **ATD (All Together in Dignity) Fourth World** <https://atd-uk.org/> is a human rights-based anti-poverty organisation with 60 years of experience tackling inequality and promoting social justice in the UK. Our **family support programme** offers time, space, and resources to vulnerable and excluded families so that they can build upon their strengths, develop their support networks, and access public services in their community. Our **“Giving Poverty a Voice” programme** empowers people in poverty to express their views and offer solutions to the problems affecting their lives, while offering policy makers an invaluable insight into overcoming poverty from the bottom up. In addition to writing this submission, we have contributed to two group submissions, one by **GRIPP** and one by the **End Child Poverty Coalition**.
2. **Human Rights Local** is a project of the Human Rights Centre of the University of Essex that seeks to identify opportunities to make human rights locally relevant. Human Rights Local shows that human rights are closely linked to everyday life by establishing effective relationships with local and community groups, bringing human rights closer to the ground and adapting international standards and principles to the local context. For more information, visit: <https://www.essex.ac.uk/research-projects/human-rights-local> The contribution to this submission is funded by ESRC Impact Acceleration Account and by the Centre for Public and Policy Engagement of the University of Essex. Project Lead: Dr Koldo Casla. Research Officer: Lyle Barker.
3. We want to bring to the attention of the CESCR that families in poverty in the UK can be subjected by children's social care to harsh interventions that are discriminatory and driven by a concept of risk-aversion that is inconsistent and fails to fully consider the harm done by removing children into State care or contested closed adoptions. This harm includes the current insufficient regulations for the accommodation of 16 to 18-year-olds in care, which makes them potentially vulnerable to grooming and trafficking.
4. As observed by the Chair of the Independent Review of Children's Social Care, Josh Macalister:

“This moment is a once in a generation opportunity to reset children's social care. What we need is a system that provides intensive help to families in crisis, acts decisively in response to abuse, unlocks the potential of wider family networks to raise children, puts lifelong loving relationships at the heart of the care system and lays the foundations for a good life for those who have been in care. What we have currently is **a system increasingly skewed to crisis intervention, with outcomes for children that continue to be unacceptably poor and costs that continue to rise. For these reasons, a radical reset is now unavoidable.**”<sup>1</sup>

5. The 43-page report of the UK Government to the CESCR for the 7<sup>th</sup> review does not mention Article 10, only speaks of adoption and foster care in passing, there is no specific section on children's social care, and children's services only appear in one paragraph in relation to the Isle of Man.<sup>2</sup>
6. We therefore respectfully urge the CESCR to ask these questions about the right to protection and assistance to the family in the List of Issues:
  - **Will the UK revise the Equality Act 2010 to ensure the prohibition of direct and indirect discrimination on the ground of socio-economic disadvantage?**
  - **What measures does the UK Government take to prevent povertyism from skewing children's social care**

<sup>1</sup> Josh McAlister, ‘The Independent Review of Children's Social Care: Final Report’ (The Independent Review of Children's Social Care 2022) 8 <<https://childrensocialcare.independent-review.uk/wp-content/uploads/2022/05/The-independent-review-of-childrens-social-care-Final-report.pdf>>.

<sup>2</sup> UK Government, ‘The United Kingdom's 7th periodic report under the United Nations Convention on Economic, Social and Cultural Rights (ICESCR)’ (UK Government 2022) <<https://www.gov.uk/government/publications/international-covenant-on-economic-social-and-cultural-rights-icescr-7th-periodic-report>>.

**interventions towards harsh investigations that disproportionately affect families in poverty and deprived areas?**

- **Why are contested closed adoptions so common in the UK when kinship care could protect children’s well-being without permanently severing their ties with their entire extended families and communities?**
- **What impact assessment has the Government carried out to ensure that cuts to family support services (including youth services), community-based resources and housing support services do not affect disproportionately families in poverty?**
- **How do children’s social services ensure consistency in the assessment of possible future neglect or emotional harm to children? How do these assessments include the emotional harm involved in removing children from their parents?**
- **Why are most children’s homes in England operated by for-profit companies? What measures is the Government going to take to address the quality gap between care homes run for profit and those run by charities and local authorities?**
- **What measures are being taken to ensure that accommodation for 16 to 18-year-olds is appropriate?**
- **What measures is the UK Government taking to implement parent-to-parent advocacy at the national level?**

\*

**Will the UK revise the Equality Act 2010 to ensure the prohibition of direct and indirect discrimination on the ground of socio-economic disadvantage?**

7. In his 2022 report, the UN Special Rapporteur on Extreme Poverty and Human Rights, Olivier de Schutter, used the expression “povertyism” to refer to negative stereotyping against people in poverty, and encouraged all States to ensure their anti-discrimination framework effectively prohibits direct and indirect discrimination on the ground of socio-economic disadvantage.<sup>3</sup>
8. The Equality Act 2010 does not include the socio-economic status as a protected characteristic.<sup>4</sup> In the last Concluding Observations (2016), the CESCR recommended the UK to bring into force the relevant provisions of the Equality Act 2010 concerning public authorities’ duty with respect to socio-economic disadvantage.<sup>5</sup> This refers to the socio-economic duty (s.1 Equality Act 2010),<sup>6</sup> which, if implemented, would require public authorities to actively consider the impact that their policies may have on increasing inequalities of outcome. The socio-economic duty was brought to life in Scotland and Wales in 2017 and 2019 respectively, but, in its report the UK Government says “there are no plans to implement the socio-economic duty for English and cross-border bodies”.<sup>7</sup> We urge the CESCR to reiterate the call to commence the Equality Act in full, and to add that the Act should be reviewed with the view to prohibiting discrimination and stereotyping against people in poverty.

**What measures does the UK Government take to prevent povertyism from skewing children’s social care interventions towards harsh investigations that disproportionately affect families in poverty and deprived areas?**

9. Povertyism has severe consequences for families dealing with children’s social care. Families in poverty go through painful separations more often than other families, with poverty becoming the wallpaper of practice for social workers “being too big to tackle and too familiar to notice.”<sup>8</sup>
10. In 2021, Isabelle Trowler, the Government’s Chief Social Worker for Children and Families, admitted that “too many children are wrongly being taken into care”.<sup>9</sup>

---

<sup>3</sup> UN Special Rapporteur on Extreme Poverty and Human Rights ‘Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty’ (2022) UN Doc A/77/157 paras 4, 46.

<sup>4</sup> The Equality Act 2010.

<sup>5</sup> CESCR ‘Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’ (2016) UN Doc E/C.12/GBR/CO/6 para 23.

<sup>6</sup> The Equality Act (n 4) s 1.

<sup>7</sup> UK Government report (n 2) paras 38-39.

<sup>8</sup> Kate Morris, Calum Webb, Paul Bywaters, Martin Elliott and Jonathan Scourfield, ‘Social work, poverty, and child welfare interventions’ (2018) 23(3) Child & Family Social Work 370 <<https://doi.org/10.1111/cfs.12423>>.

<sup>9</sup> Emily Dugan, ‘Too Many Children Wrongly Taken into Care, Admits Chief Social Worker Isabelle Trowler’ (*News / The Sunday Times*, 2021) <<https://www.thetimes.co.uk/article/too-many-children-wrongly-taken-into-care-admits-chief-social-worker-isabelle->

11. Evidence shows socio-economic discrimination is linked to removals of children into care often based on an assessment of risk of future harm. A peer-reviewed study published in 2018 showed that “income inequality, income deprivation, ethnic density and higher education were able to explain around 75% of the variance in English and Welsh state care rates.”<sup>10</sup>
12. “The Child Welfare Inequalities Project of Coventry University analysed data on over 35,000 children in the care system as a looked-after child or on a child protection plan. Roughly one in every 60 children in the most deprived communities was in care compared to one in every 660 in the least deprived. Each 10% increase in deprivation rates saw a 30% rise in a child’s chances of entering care. The researchers, led by Professor Paul Bywaters at Coventry University, said the most likely explanation is that, relative to demand, more deprived councils have less funding to allocate to children’s services.”<sup>11</sup>
13. One couple in poverty had the experience of their son’s nursery referring them for investigation by children’s social care three times in a year because of his frequent bruises.<sup>12</sup> Each time, children’s social care concluded that the bruises were the natural result of rambunctious play and closed the case. The third social worker put a note against their names to say: “There’s nothing wrong with this family, please leave them alone”. That stopped the investigations, but the mother feels that povertyism played a role in these referrals.
14. While social work services are meant to assist families and reduce trauma, parents and children alike have stated that interventions from social work, including the removal of the child, often only create further trauma for both parents and children due to a lack of support and understanding from the child protection system and the separation of the family itself.
15. Parents in poverty who have physical disabilities and/or learning difficulties face discrimination by children’s social care services. Speaking about a situation in Scotland, Taliah Drayak, chair of the International Parent Advocacy Network, recounts:<sup>13</sup>

*“It’s true that some parents don’t have the skills needed to raise children. No one ever took the time to teach them how to cook or clean or budget. And these parents haven’t realised that they deserve support. Recently I was supporting a mother with a learning disability whose child is in foster care. During a Zoom conversation, I taught her how to make soup that she could bring to her child during a contact visit. The social worker told me that I was ‘interfering with the case’ because they were already planning for the child’s adoption and wanted to show that this mother was not capable of raising her child. Later when the social worker made an unannounced visit to the mother’s home, when she found it properly cleaned, she guessed that I had again been supporting the mother, so she had a go at me for ‘interfering’. It’s only because they’re setting parents up to fail that wrapping a community of care around a parent is seen as controversial.”*

16. Considering all children with disabilities automatically as ‘children in need’—which is the same way children considered at risk of neglect are treated—places them one step closer to harsh investigations for ‘children at risk’. If this family is in poverty, and less able to afford costly accommodations to meet their children’s needs, they become much more vulnerable to family separation.
17. A parent of two children with disabilities says:<sup>14</sup>

*“If you can’t afford to purchase a respirator or the cost of special schooling, the only ‘help’ that social services can offer is to investigate whether the child should be removed from your family.”*

18. In the report “Children’s Social Care: The Way Forward”, the Parents, Families and Allies Network noted that there are “problems with forcing all families through a safeguarding process, even when no evidence of harm – the only needs arise from disability. Families who ask for support and advice for caring for children with additional needs are forced through a process where the focus is safeguarding. When no safeguarding issue is found they are then left with no support for the needs that first led them to ask for support, and are often too traumatised by the process to

---

[trowler-95g5ft0ss>](#).

<sup>10</sup> Kate Morris et al (n 8) 364-372.

<sup>11</sup> Andy Nicoll, “Children in Poorest Areas '10 Times More Likely to Enter Care'” ([communitycare.co.uk](https://www.communitycare.co.uk), 2017) <<https://www.communitycare.co.uk/2017/02/28/children-poorest-areas-likely-enter-care-finds-study/>>; Paul Bywaters et al., ‘The Child Welfare Inequalities Project; Final Report’ (Child Welfare Inequalities Project 2022) 6 <[https://pure.hud.ac.uk/ws/files/21398145/CWIP\\_Final\\_Report.pdf](https://pure.hud.ac.uk/ws/files/21398145/CWIP_Final_Report.pdf)>.

<sup>12</sup> Interview carried out by ATD Fourth World on 7 July 2022 in Feltham, West London.

<sup>13</sup> Interview carried out by Human Rights Local on 2 December 2022 via Zoom.

<sup>14</sup> Interview carried out by ATD Fourth World on 2 December 2022 via Zoom.

ask again for support.”<sup>15</sup>

19. The mother of a child with autism explains how this impacted her family:<sup>16</sup>

*“It is hard for my son to get dressed properly for school. One day he went to school wearing two different coloured socks. The school called social services to say I was neglecting him. They think a parent who doesn’t have the money to buy new socks is neglecting the child by sending them to school with socks of two different colours. But that is not neglect! And you feel ashamed to ask for help. Many parents, when they struggle, do ask social services — but they usually don’t get help. It’s almost like social services are refusing to help the parent on purpose so afterwards they can say “you are neglecting your child”. When the school sees you are struggling, they start talking about child protection. This is wrong! When you are poor, of course you might have different socks or look dirty. But that means parents need support.”*

20. Another parent of two children with disabilities had a similar experience:<sup>17</sup>

*“It’s the intensity of the investigation. My daughter went to nursery in a pair of pants which were size 5-6 when she was four. They were actually brand new pants but the nursery teacher said in front of all the other parents and the children (you know how they sit in their group when you go to collect them): “Your daughter’s been to school today with her sister’s pants on, that’s unacceptable”. The next sister up from her was age 10. I’d be far more concerned about the fact that apparently a ten year old was wearing 5-6 pants! I bought the 5-6 pants for my 4-year-old because different makes have different shapes and that worked for her. But they assumed I was putting some other child’s pants on my child and then they reported that to social work. I had to label all of her clothes going forward but why was that a risk? Clean pants, but they were the wrong size and that’s how close they’re looking.”*

### **Why are contested closed adoptions so common in the UK when kinship care could protect children’s well-being without permanently severing their ties with their entire extended families and communities?**

21. Contested closed adoptions are a major concern for a large number of families in the UK, and that has been the case for a long time.

22. According to Prospect Magazine, “The UK is unusual, compared to the rest of Europe, for the frequency of forced adoptions. Exact statistics are difficult to pin down, but data from 2014 suggests that almost half of the 5,050 children adopted in the previous year were given new homes without their parents’ consent. In England alone, 80,000 children were removed from their parents in the year up to March 2021. Of those, 4,600 had a ‘placement order granted’ for their removal. The context behind the removal of the remaining 76,000, is less clear.”<sup>18</sup>

23. The Department for Education’s annual children in need statistics showed that “the number of child protection enquiries reached record levels in 2021-22, as referrals to children’s social care surged in the wake of the removal of Covid restrictions. Social workers carried out 10% more enquiries (217,800) under section 47 of the Children Act 1989 than in 2020-21, the first rise after three years of falling numbers and the highest total ever recorded.”<sup>19</sup> These statistics are indicative of a child protection system that is failing to promote and protect the family as a unit.

24. Communication between adopted children in England and their birth parents typically takes place through a system called ‘letterbox’ contact. During family court proceedings, a plan is made for the adoption agency to mediate an exchange of letters between the adoptive parents and the child’s birth family until the child turns 18. Most often either one or two letters per year are allowed. An enquiry by the British Association of Social Workers notes: “Letterbox contact posed many challenges and was often experienced as unsatisfactory by birth parents and adoptive parents, with problems also mentioned by some adopted young people. [...] A significant rethink of approaches to ‘contact’ and connection between adopted children and their families is needed.”<sup>20</sup>

25. Here, some birth parents describe their experience of this system:<sup>21</sup>

---

<sup>15</sup> Parents Families and Allies Network, ‘Children’s Social Care: The Way Forward’ (PFAN 2022) 15 <<https://www.pfan.uk/wp-content/uploads/2022/02/Childrens-social-care-the-way-forward.pdf>>.

<sup>16</sup> ATD Fourth World, ‘The impact of the pandemic on families in poverty’ (*atd-uk.org*, 2021) <<https://atd-uk.org/2021/03/18/the-impact-of-the-pandemic-on-families-in-poverty/>>.

<sup>17</sup> ATD Fourth World study group, 6 May 2022.

<sup>18</sup> Cherry Casey, ‘The UK Has a Forced Adoption Problem - Prospect Magazine’ (*prospectmagazine.co.uk*, 2022) <<https://www.prospectmagazine.co.uk/society-and-culture/the-uk-has-a-forced-adoption-problem>>.

<sup>19</sup> Mithran Samuel, ‘Child protection enquiries reach record levels, reveal official figures’ (*communitycare.co.uk*, 2022) <<https://www.communitycare.co.uk/2022/10/31/child-protection-enquiries-reach-record-levels-reveal-official-figures/>>.

<sup>20</sup> Brid Featherstone, Anna Gupta and Sue Mills, ‘The role of the social worker in adoption – ethics and human rights: An Enquiry’ (*basw.co.uk*, 2018) 11 and 27 <[https://www.basw.co.uk/system/files/resources/basw\\_55505-10\\_1.pdf](https://www.basw.co.uk/system/files/resources/basw_55505-10_1.pdf)>.

<sup>21</sup> ATD Fourth World UK, ‘A conversation among birth parents’ (*atd-uk.org*, 2022) <<https://atd-uk.org/2022/07/04/a-conversation->



*“The social workers shredded the cards I sent. I was heartbroken. The adopters said I can send cards and even pictures. So I was sending love cards for the first year. But then later the social workers rung and said, ‘We can’t pass these cards and pictures on, because the adopters have refused it so we’ll just put the cards through the shredder’. But they’d said I could send cards! They probably don’t even get my letters.”*

*“In some cases, at the end of the judgement, you get told what you can and can’t put in it. Like you can’t say Mummy or Daddy, you have to put your proper name. There’s no support where people help you write a letter in a manner that can come across well.”*

*“The first day I wrote I was told, don’t put ‘Love from’. So I find other ways to tell them that I love them. I don’t say it in a way that directs it to them, like ‘I love you’, but I put little kisses. But even though they say not to put ‘Love, Mum’, I’m not gonna ever end the letter with my name, because I am the mum, so I just put ‘Lots of love, Me’.”*

*“I know several children that turned 18 but never even got the letters. Several people have got reprimanded, because they put x, y and zed in this letter, things they were told that they were allowed to put, but later somebody else higher up decided ‘no’.”*

*“I wish the adopters would stick to the agreed dates. If ever I wasn’t consistent about sending the letter on the agreed date, they’d stop all contact. But the adopters are always so late when I’m waiting and waiting to hear how my children are doing.”*

*“The social worker says one child still remembers me and the other doesn’t. And they obviously don’t talk about me. That’s putting a burden on the girls. One of them has more memories, so is she going to become the one who’s sharing things with her sister some day? Or will she maybe regret if she doesn’t? It shouldn’t have to be one sister who has that responsibility for the other one, just because she’s older and remembers more.”*

*‘By age 14, that child is going to start wondering about their birth parents. Some of my friends are starting to look for their family, but they are so closely watched. They get their school friends to help them go to a library to try and find out the name of their birth parents and try and track them down. They want information about their own lives.’*

**What impact assessment has the Government carried out to ensure that cuts to family support services (including youth services), community-based resources and housing support services do not affect disproportionately families in poverty?**

26. Families need to be offered appropriate support and access to services to ensure an adequate standard of living and to prevent and end child poverty.
27. As observed by the CESCR, “benefits for families are crucial for realizing the rights of children and adult dependents to protection under articles 9 and 10 of the Covenant. In providing the benefits, the State party should take into account the resources and circumstances of the child and persons having responsibility for the maintenance of the child or adult dependent, as well as any other consideration relevant to an application for benefits made by or on behalf of the child or adult dependent. Family and child benefits, including cash benefits and social services, should be provided to families, without discrimination on prohibited grounds, and would ordinarily cover food, clothing, housing, water and sanitation, or other rights as appropriate.”<sup>22</sup>
28. Since the 2010s, austerity has weakened the UK’s social security system to a point in which it cannot effectively support those that need support most in society.
29. In its 2016 Concluding Observations, the CESCR expressed its serious concerns “about the disproportionate, adverse impact that austerity measures introduced in 2010 [were] having on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups,” and reminded the UK “of its obligations under the Covenant to use the maximum of its available resources with a view to progressively achieving the full realization of economic, social and cultural rights.”<sup>23</sup> These concerns were reiterated, among others, by the then UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, after his official mission to the UK in November 2018.<sup>24</sup>
30. Austerity also affected local government funding cuts sternly. According to the National Audit Office, government

---

[among-birth-parents/](#)>.

<sup>22</sup> CESCR ‘General Comment No. 19: The Right to Social Security’ (2008) UN Doc E/C.12/GC/19 para 18.

<sup>23</sup> CESCR Concluding Observations 2016 (n 5) 18-19.

<sup>24</sup> UN Special Rapporteur on Extreme Poverty and Human Rights ‘Visit to the United Kingdom of Great Britain and Northern Ireland: Report’ (2019) UN Doc A/HRC/41/39/Add.1.

funding for local authorities fell in real terms by 49.1% between 2010 and 2018.<sup>25</sup> The Institute for Fiscal Studies estimated that the local authorities that received the largest share of their funding from government grants in 2009 experienced most significant cuts to their service spending. The 10% of authorities most dependent on grants in 2009 received an average cut of 33%, compared to 12% for the 10% of authorities that are less dependent on grants.<sup>26</sup>

31. The situation is deteriorating severely after the Covid-19 pandemic and with the cost-of-living crisis. In September 2022, speaking on the UK Governments Autumn Budget, the Resolution Foundation stated that “even assuming that benefits are increased by 10 per cent in cash terms next April... the proportion of people living in absolute poverty is projected to rise from 17 to 20 per cent (equivalent to an extra 2.3 million people) between 2021-22 and 2023-24, with the proportion of children jumping from 23 to 28 per cent (an extra 700,000 children).”<sup>27</sup>
32. “Child protection system responses sometimes interact with policies covering housing, benefits and employment to exacerbate economic and other pressures on parents while making recovery and the reunification of separated families more difficult.”<sup>28</sup>
33. Public services for families passing through the system of child protection have rapidly decreased since the 2010s. In 2021, the UK Parliament’s Public Service Committee concluded that “more than a million vulnerable children in England have had their life chances reduced by cuts to early years and youth support since 2010.”<sup>29</sup>
34. About in-work poverty, Patricia Bailey says:<sup>30</sup>

*“People want to work, we're happy to work—but we have no control over our hours. When your hours get reduced, it's a struggle. And when you're asked to take on extra shifts at all hours—even for ten and a half hours straight!—then your Universal Credit benefit gets reduced the following month when you don't have any extra earnings to cover that missing income. I've got to make every penny count, and even then, you might not have enough money for food, gas, and electric with the cost-of-living crunch. You can't really enjoy life because it's exhausting and impossible to get out of debt.”*

35. Another parent in poverty says:<sup>31</sup>

*“The government says we can work our way out of poverty; but I'm told by the Job Centre that I am £500 a month worse off because I'm working than if I would just go on complete benefits. Also, because I work, I'm not able to access things like free school meals and other options that would support and help my children. But at the same time, I'm not allowed to earn enough to support them. It's a myth that you can just work your way out of poverty. It feels like the tax system enforces poverty. Before, the system used to consider the number of children in your family. But now it doesn't, so that if you have a big family, you quickly reach the threshold of being taxed and are far worse off.”*

36. In a collective statement, a group of nine parents in poverty explain that poverty impacts their family life:<sup>32</sup>

*“Because when money is lacking, you always have to buy the cheapest children's shoes, the cheapest fridge—the things that wear out and break down the most quickly. Replacing them costs more over time and just adds to the constant stress in the background of life. You're constantly going from one crisis to the next.*

*Because when the nursery forgets to log it when our 3-year-old fractures his arm, in hospital, they're accusing us and making us feel undermined, telling us we're not a good enough parent.*

*Because when your home is called ‘inadequate for your children’, they put the reports together as though they're creating a*

---

<sup>25</sup> National Audit Office, ‘Financial sustainability of local authorities 2018’ (NAO 2018) 7 <<https://www.nao.org.uk/reports/financial-sustainability-of-local-authorities-2018/>>.

<sup>26</sup> Neil A Smith et al, ‘Council-level figures on spending cuts and business rates income’ (*ifs.org.uk*, 2016) <<https://ifs.org.uk/articles/council-level-figures-spending-cuts-and-business-rates-income>>.

<sup>27</sup> Torsten Bell et al., ‘Blowing the budget: Assessing the implications of the September 2022 fiscal statement’ (Resolution Foundation 2022) 4 <<https://www.resolutionfoundation.org/app/uploads/2022/09/Blowing-the-budget.pdf>>.

<sup>28</sup> Paul Bywaters et al., ‘The Relationship Between Poverty and Child Abuse and Neglect: New Evidence’ (University of Huddersfield and Nuffield Foundation 2022) 7 <<https://www.nuffieldfoundation.org/wp-content/uploads/2022/03/Full-report-relationship-between-poverty-child-abuse-and-neglect.pdf>>.

<sup>29</sup> Public Services Committee, *Children in crisis: the role of public services in overcoming child vulnerability* (HL 2021–22, 95) 3 <<https://publications.parliament.uk/pa/ld5802/ldselect/pubserv/95/95.pdf>>.

<sup>30</sup> Bailey is an ATD Fourth World activist with lived experience of poverty. She made these remarks during a GRIPP webinar on 20 September 2022.

<sup>31</sup> Interview by ATD Fourth World on 2 December 2022.

<sup>32</sup> ATD Fourth World study groups, 5 May and 15 July 2022. <<https://atd-uk.org/2022/08/02/study-group-how-fear-and-risk-impact-the-right-to-family-life/>> and <https://atd-uk.org/2022/11/30/study-group-poverty-is-not-neglect/>

story to make the person or the family look as though they're the worst person ever on the planet.

*Because what we do for our children is ignored. You don't see that we are going without food so our children have enough! You don't see the tears at night when your child comes home and says, 'My friend got the latest phone and they want me to get it too. They won't be my friend if I don't have designer stuff.'*

*Because when you don't have a lot of money, the report says that you 'don't have the mental capacity to parent' due to things done to you when you were 7 years old that follow you for your whole life.*

*Because when you had a bad childhood, in every establishment you've been in, you feel you're being watched constantly. Anything you do, someone's going to make it mushroom out and snowball.*

*Because when your child goes into foster care, once they get hold of your childhood records from 30 years ago, they literally say: 'there is just no hope for you' even though the reports of the social workers state that your child's needs are always met and prioritised.*

*Because there's no willingness to see that people grow and change or that you aren't destined to be somehow coloured differently because of the fact that you grew up in poverty.*

*Because you have no control over their whole view of who you could possibly be as a person, which takes away your agency."*

### **How do children's social services ensure consistency in the assessment of possible future neglect or emotional harm to children? How do these assessments include the emotional harm involved in removing children from their parents?**

37. Due to mistakes by the child protection system garnering a lot of media attention, a culture of fear and risk-aversion has permeated social work, resulting in social workers having a heightened focus on avoiding catastrophe rather than the goal of protecting and assisting the family.<sup>33</sup>

38. The social model of child protection "specifically draws attention to the economic, environmental and cultural barriers faced by people with differing levels of (dis)ability, but has not been used to think about 'child protection', an area of work in England that is dominated by a focus on risk and risk aversion... This area has paid limited attention to the barriers to ensuring children and young people are cared for safely within families and communities, and the social determinants of much of the harms they experience have not been recognised because of the focus on individualised risk factors."<sup>34</sup>

39. A peer-reviewed study found "that risk-averse practitioners estimated more harm to children over time if there was no intervention... even whilst professionals acknowledge that risk-aversion may not always be the best decision choice."<sup>35</sup> The risk-averse model sees the parent as "needy", rather than a rational and responsible actor; the model not only punishes the parent because of this but is also neglectful of the social determinants that place parents in poverty, and therefore into unmanageable circumstances, instead opting to focus on the individualised risk factors that will impact their children.<sup>36</sup>

40. In support of this, the Parents, Families and Allies Network (PFAN) state that:

*"The focus of children's social care is mainly on risk of harm from parents and this often leads to a search for potential harm and a blaming approach to parents [...] rather than [focusing on] the difficulties faced by the family and the help needed to overcome them. This assessment of risk of harm is unbalanced focusing only on risk of harm from parents and not weighing this against an assessment of the risk of intervention, such as the risk of a child being harmed when taken into care."<sup>37</sup>*

41. Parents in poverty state that:<sup>38</sup>

*"We worry about the risk of our children being removed from their family. We've seen our children be endangered, or treated like slaves by carers the court assigned them to. We've seen our children get physically abused by adopters we had a bad*

<sup>33</sup> Andy Nicoll, 'Baby P 10 Years on: Social Work's Story' ([communitycare.co.uk](http://communitycare.co.uk), 2017)

<<https://www.communitycare.co.uk/2017/08/03/ten-years-baby-p-social-works-story/>>.

<sup>34</sup> Featherstone B and others, 'Let's Stop Feeding the Risk Monster: Towards a Social Model of 'Child Protection' (2018) 7 Families, Relationships and Societies <<https://doi.org/10.1332/204674316X14552878034622>>.

<sup>35</sup> Emily Keddell, 'Comparing Risk-Averse and Risk-Friendly Practitioners in Child Welfare Decision-Making: A Mixed Methods Study' (2017) 31 Journal of Social Work Practice 411 <<https://doi.org/10.1080/02650533.2017.1394822>>.

<sup>36</sup> Let's Stop Feeding the Risk Monster (n 34) 10 -16.

<sup>37</sup> The Way Forward (n 15) 8.

<sup>38</sup> ATD Fourth World UK ATD Fourth World study group, 15 July 2022, <https://atd-uk.org/2022/11/30/study-group-poverty-is-not-neglect/>

*feeling about, but we were ignored. Social workers have blinkers that come down when we speak and they just don't want to know. We do know what our children need, but we're not listened to by carers or social workers.”*

*“My mother was forcibly removed into care and raised outside of her ethnic and cultural identity. This trauma lasts for generations.”*

*“Being removed as children made my kids worry about becoming parents themselves. When their child gets the slightest bruise, they're terrified they won't manage to prove to a social worker that it was an accident.”*

42. Overall, this evidence signifies a lack of adequate consideration towards the potential of future risk of harm to children that forced separation from their parents represents when assessing the child's best interests. This runs contrary to the international human rights standards that the UK should abide by. It is also indicative of a system that is disproportionately concerned with the risk within the family while remaining blind to the harm caused by intervention and separation.

### **Why are most children's homes in England operated by for-profit companies? What measures is the Government going to take to address the quality gap between care homes run for profit and those run by charities and local authorities?**

43. According to the Government's children's social care statistics, 80% of all children's homes in England are delivered by for-profit companies. Many local authorities are increasingly unable or unwilling to look after children in care with their own resources. This may be partly the result of austerity-driven local government funding cuts in the 2010s. However, the number of children in care homes run by for-profit providers was still high in 2014 (68%).<sup>39</sup> In March 2022, The Guardian reported that, at a time of austerity and shrinking public funding, increasing local authority money is going into private companies making large profits.<sup>40</sup>
44. Recently published research from the University of Oxford, based on the analysis of 13,000 children's homes inspections by the Government's agency Ofsted between 2014 and 2021, found that for-profit children's homes receive worse ratings and violate more statutory requirements than those run by charities and local authorities.<sup>41</sup>
45. As observed by the CESCR, private providers should “be subject to strict regulations that impose on them so-called ‘public service obligations’,” and States are ultimately responsible and have “the obligation to regulate private actors to ensure that the services they provide are accessible to all, are adequate, are regularly assessed in order to meet the changing needs of the public and are adapted to those needs.”<sup>42</sup>

### **What measures are being taken to ensure that accommodation for 16 to 18-year-olds is appropriate?**

46. Until September 2021, there were no regulations for the accommodation of 16 to 18-year-olds,<sup>43</sup> which has often put them in situations where they are vulnerable to being groomed and trafficked.
47. Department for Education data published in July 2022 shows:<sup>44</sup>
- There were 5,980 children in care aged 16 and 17 living in unregulated, non-care settings on 31 March 2021.
  - More than 4 in 10 children living in ‘independent accommodation’ were from black, Asian and minority ethnic communities – compared with an average of 9% of all children in care.
  - Over half of children living in ‘semi-accommodation’ were from black, Asian and minority ethnic communities – compared with an average of 9% of all children in care.

---

<sup>39</sup> Ofsted, ‘Children's social care statistics (2014-2022)’ (gov.uk, 2022) <<https://www.gov.uk/government/collections/childrens-social-care-statistics>>.

<sup>40</sup> Michael Savage, ‘Revealed: top 10 children's care providers made £300m profits’ (guardian.com, 2022)

<<https://www.theguardian.com/society/2022/mar/26/revealed-top-10-childrens-care-providers-made-300m-profits>>.

<sup>41</sup> Andres Malthe Bach-Mortensen AM, Benjamin Goodair and Jane Barlow, ‘Outsourcing and Children's Social Care: A Longitudinal Analysis of Inspection Outcomes among English Children's Homes and Local Authorities’ (2022) 313 Social Science & Medicine <<https://doi.org/10.1016/j.socscimed.2022.115323>>.

<sup>42</sup> CESCR ‘General comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities’ (2017) UN Doc E/C.12/GC/24 paras 21-22.

<sup>43</sup> UK Government, ‘Unregulated accommodation banned for vulnerable children under 16’ (gov.uk, 2021)

<<https://www.gov.uk/government/news/unregulated-accommodation-banned-for-vulnerable-children-under-16>>.

<sup>44</sup> UK Government, ‘Looked after children aged 16 to 17 in independent or semi-independent placements’ (gov.uk, 2022)

<<https://explore-education-statistics.service.gov.uk/find-statistics/looked-after-children-aged-16-to-17-in-independent-or-semi-independent-placements/2021#dataBlock-b56c1048-47a3-4114-02ee-08da60b29403-tables>>.



- Boys comprise 7 in 10 children living in unregulated, non-care settings.
- Nearly 1 in 3 children living in unregulated, non-care settings were the subject of a care order made by a family court.
- Around 8% of children living in unregulated, non-care settings were disabled.
- 37% of children living in ‘semi-accommodation’ went to live there within less than a week of entering care.
- The vast majority of properties aimed at ‘independent living’ (77% of children) or ‘semi-independent living’ (84% of children) are run for profit.

48. On 18 July 2022, the Department for Education laid secondary legislation before Parliament which adds supported accommodation to the list of services which are regulated under the Care Standards Act 2000. It came into force on 8 August 2022. The regulations now prohibit local authorities from using accommodation for children in care and care leavers aged 16 and 17 that is not registered as supported accommodation or otherwise permitted. However, the secondary legislation does not provide a description of supported accommodation. It also guarantees care to every child in care only to the age of 15.<sup>45</sup>

49. Carolyne Willow, the Director of Article 39, a charity that defends the rights of children in institutional settings, stated:<sup>46</sup>

*“This further entrenches a second-rate care system for older children, where they don’t actually receive any care where they live. Boys who make perilous journeys to the UK without a parent or carer, in the hope of securing refugee status, are amongst those most affected. [...] More than £140 million of public funds are being poured into this, but we cannot even tell children there will be a meal waiting for them when they get home from school or college, that their clothes will be washed and when they need to go to the GP or hospital they will not be alone. We know that 29 children in care aged 16 and 17 died in these settings over the past five years, though still the government appears to believe it’s acceptable for children to go for long periods without adult supervision. It beggars belief that children in the care of the state, including those for whom local authorities have parental responsibility, are expected to manage alone years ahead of those growing up in loving and supportive families.”*

50. Sir James Munby, the retired president of the Family Division of the High Court of England and Wales, is of the view that the new regulation for supported accommodation will not help:

*“There is the scarcity of suitable housing accommodation available for young people in care [...]. In relation to this, we need look no further than the judgment of His Honour Judge Dancey [...] [2019] EWFC 62,<sup>47</sup> a shocking case accurately epitomised by a journalist as the grim story of a child passed around the local authority care system like a bag of potatoes, ending up in a caravan park. I need not repeat the distressing details of a truly terrible case. What I should set out, however, are the considered conclusions of this very experienced judge: ‘It is my experience in Dorset that the number of vulnerable young people who need to be looked after or otherwise supported by the local authority is increasing. There are growing concerns around child sexual exploitation, County Lines<sup>48</sup> and other forms of criminal exploitation as risks for these young people’ Only someone with a heart of stone could read Judge Dancey’s judgment without wanting to weep or to rage. He also draws attention to the growing and deeply worrying ‘County Lines’ problem and other ways in which children are being criminally exploited. Is the system really geared up to dealing with this criminality effectively? Thus far the response of Government has been to propose banning the use of unregulated accommodation. But how is that going to help, when the fundamental problem is the absence of suitably regulated accommodation?”<sup>49</sup>*

51. Rebekah Pierre describes her experience arriving in unregulated care:

*“I was informally fostered by a ‘trusted adult’ – a young community professional who, in earnest, thought they could help. I waited patiently for the spare room to be set up, but as autumn turned to winter, I was still sleeping on a sofa bed in the freezing cold living room. I now realise this was a sign they were wildly out of their depth, perhaps unsure they could commit*

<sup>45</sup> Carolyne Willow, ‘Care Standards Act 2000 extended to supported accommodation for children in care’ ([article39.org.uk](https://article39.org.uk), 2022) <<https://article39.org.uk/2022/07/18/care-standards-act-2000-extended-to-supported-accommodation-for-children-in-care/>>.

<sup>46</sup> Ibid.

<sup>47</sup> Dorset Council v A (Residential Placement: Lack of Resources) [2019] EWFC Civ 62.

<sup>48</sup> “‘County lines’ is a policing term used to describe the distribution of illegal drugs. [...]. The criminal exploitation of children via ‘county lines’ is a key strategic priority in the Serious Youth Violence Strategy.” Lauren Wroe, ‘Young people and “county lines”: a contextual and social account’ (2021) 16 Journal of Children’s Services <<https://doi.org/10.1108/JCS-10-2020-0063>>.

<sup>49</sup> Sir James Munby, ‘Inequality and Rights – Contemporary Challenges in the Child Protection and Family Justice Systems before and during the Pandemic’ 9 (Royal Holloway, University of London 2021) <<https://www.royalholloway.ac.uk/media/16720/wswd%20speech%20by%20sir%20james%20munby.pdf.pdf>>.

to caring for a traumatised 16-year-old. One day after school, I found a note on the kitchen table. It said I had four days to find somewhere else to live – a particularly cruel deadline, given it was 20 December. I never really got over this. This rejection, at such a pivotal point in life, damaged my ability to form trusting relationships for years. I ended up in an unregulated hostel among adults known to police. The first thing any resident ever said to me was, ‘If you want any green [drugs] you know where I am. I remember listening out to see who was in the corridor before I could gather up the courage to leave because some of the other residents there were adults, some vulnerable themselves, some having just gotten out of prison.’<sup>50</sup>

### **What measures is the UK Government taking to implement parent-to-parent advocacy at the national level?**

52. In early 2022, the Parents, Families and Allies Network published “Children's Social Care: The Way Forward,” which included good practice that could be explored further, such as parent-to-parent advocacy:

*“Examples of approaches to provide the bottom up change necessary to transform children’s social care include the work of Hilary Cottam on Radical Help and the Community Paradigm which provides examples and approaches to the transfer of power from the public service institution to the community. The paper identifies detailed specific changes required urgently and some examples that show how these changes may be achieved. Key to this is the need for a change in the culture of children’s social care and other agencies working with children from rescue and parent blame to partnership and participation. Developing parent advocacy alongside services is a powerful way to change organisational cultures in child welfare systems and to improve support for children and families.”<sup>51</sup>*

53. In our second report to ICESCR, later in 2023, ATD Fourth World and Human Rights Local will include a section on about how **parent-to-parent advocacy can make a positive difference in reforming children's social care.**
54. In addition, we recommend that **kinship care, when safe and appropriate, should be preferred to closed adoptions, and that measures be created to prevent socio-economic discrimination by children's social care services. All children in care should be placed only in safely regulated accommodation until the age of 18. It is important to support and promote community-based resources through family support services (including youth services) and housing support services.**

---

<sup>50</sup> Anastasia Koutsounia, ‘I wanted to go back and stand up for the little girl that I was’ (*communitycare.co.uk*, 2022) <<https://www.communitycare.co.uk/2022/10/25/rebekah-pierre-case-files-open-letter-to-social-worker/>>.

<sup>51</sup> The Way Forward (n 15) i.

