



# HOUSE OF LORDS

## Children and Families Act 2014 Committee

### Corrected oral evidence: Children and Families Act 2014

Monday 21 March 2022

3.15 pm

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Members present: Baroness Tyler of Enfield (The Chair); Lord Bach; Baroness Bertin; Baroness Blower; Lord Brownlow of Shurlock Row; Lord Cruddas; Baroness Lawrence of Clarendon; Baroness Massey of Darwen; Baroness Prashar; Lord Storey; Baroness Wyld.

Evidence Session No. 2

Heard in Public

Questions 15 - 25

#### Witnesses

I: Professor Elaine Farmer, Emeritus Professor of Child and Family Studies, University of Bristol; Jo Mitchell, National Service Lead, PAC-UK; Dr Lucy Peake, CEO, Kinship.

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## Examination of Witnesses

Professor Elaine Farmer, Jo Mitchell and Dr Lucy Peake.

Q15 **The Chair:** Good afternoon, everyone. I would like to welcome you to this meeting of the Children and Families Act 2014 Committee. I remind everyone that the session is now being broadcast online and that a transcript will be taken. I wonder if I could ask our witnesses first to introduce themselves very briefly.

**Jo Mitchell:** I am the national service lead for PAC-UK, which is an adoption support agency.

**Professor Elaine Farmer:** I am Emeritus Professor of Child and Family Studies at the University of Bristol.

**Dr Lucy Peake:** I am the chief executive at Kinship. We are a national charity for kinship carers, covering England and Wales.

Q16 **The Chair:** Thank you very much. We have only about half an hour for this session, so I will encourage everyone who is participating to be as succinct as possible in both asking and answering questions. I will kick off with a quite general question. What do you feel is the biggest current challenge facing the adoption system?

**Professor Elaine Farmer:** I will answer most of your questions in relation to kinship care, if that is all right. That was what I had understood would be useful to the committee. Reframing that, the biggest challenge facing kinship care is its invisibility and lack of recognition by government. This lack of recognition has meant that it has been neglected, leaving many kinship carers bringing children up with little or no help from the state.

The system, if you can call it that, of kinship care has developed in an ad hoc way and it is quite complex. It is a lottery in which a few kinship carers get help, but many do not, just because of the chance of which legal order the child is under. It is worth saying that kinship carers are much more disadvantaged than unrelated foster carers, as they are more likely to be single, be in financial difficulty, be in overcrowded conditions and have a disability or chronic health condition, but they receive much less help.

**Dr Lucy Peake:** I would echo everything that Professor Farmer has said, but I would say that there is a scale to kinship care that is going unrecognised. More children are leaving the care system to kinship care than to adoption, but there is inadequate focus on developing policy, systems and services for that large group of children. Our opportunity here is to recognise that it is a good placement option for children who cannot remain with their parents, but we must focus more on developing unique systems and services that support this group of families and children.

**Jo Mitchell:** I would concur with everything that has been said. Traditionally, we have been an adoption support agency, but we have seen over the years, as we have diversified our services, that a number of kinship families are coming to us to access support. It

is always financially driven. They are looking around for therapeutic services—we are a therapeutic service. They are looking to see what they can get on offer and what is available to them, and finance is always an issue.

If children in kinship care were not placed there, they would be placed in adoptive placements. Those adoptive parents would be entitled to access things such as the adoption support fund. It is not a fair playing ground, as what the other two speakers have already said, so it is a real concern. We are really passionate about the services that we provide to kinship carers, but we are also really limited because of funding streams.

Q17 **The Chair:** Thank you all for being so succinct. Do you feel that the potential benefits of the 2014 Act have been realised, particularly for kinship carers and birth families?

**Jo Mitchell:** Succinctly, no.

**The Chair:** Do you want to elucidate with a couple of sentences?

**Jo Mitchell:** Kinship carers and birth families remain marginalised. They are the lesser-heard voices. Although the Act brings about changes, we are not seeing this translate into those voices impacting practice and, as an outcome of that, the services being provided particularly to birth families, who are really marginalised by the adoption system.

**Professor Elaine Farmer:** The Act did not really deal with kinship care, so I cannot answer that question. Having asked colleagues who have a very close eye on adoption, I get the impression that a number of very benign intentions in the Act have perhaps not led to a lot of change. For example, I gather that practitioners say that they are not recruiting suitable adopters for the children available at the moment, but, when you talk to approved adopters, single, black or older people say that they are not getting selected and children are not being placed with them.

That is very interesting, because we did a study, which came out in 2010, which found just that. Single adopters were often passed over, meaning that children did not get an adoptive placement—the children usually had other difficulties as well—and might well end up in long-term foster care and, in fact, with single foster carers. Similarly, with matching on ethnicity, which the Act took out, I wonder how far that has changed. It was a great problem, with social workers trying to match very exactly on very complex ethnicities, which was not really possible. I do not know exactly, but it is interesting if we are finding that there is a mismatch and that not as many placements are being made as there could be.

**Dr Lucy Peake:** One reflection is that kinship carers are so undervalued and lacking in recognition and support. There is no legislative framework to support them. In that sense, if we were to introduce that Act today, we would do it very differently. We would

be making sure that kinship care was recognised, that there was an entitlement to support, and that there was greater parity for this group of children, who are the same. They may go into foster care, into adoption or into kinship care, but we are really disadvantaging one group of children. We would be shaping things in a very different way to make sure that kinship carers got information, advice and support throughout their journey, so that those children, who we know have the potential to have great outcomes in kinship care, were getting what they needed.

**Q18 Baroness Massey of Darwen:** I understand that outcomes are very good for kinship care adoptions. Have any special devices been brought in to help older kinship carers, such as grandparents?

**Jo Mitchell:** I would concur. We work with a number of grandparents who are at retirement and at a stage in their life where they have done their parenting and grandparenting bit, and are now being asked to care for children with really quite complex needs.

I have been really concerned about the lack of support that is out there, so much so that, a couple of years ago, we set up a pilot group that we ran and funded ourselves for a year, inviting special guardians across our region—those who had previously looked after children, where they could access the Adoption Support Fund, and those who could not. The disparity in that group was quite alarming. We went on to do some therapeutic work with some of those families, and some of them had to draw on life savings in order to get the right resources to equip them in their parenting. This again brings home the marginalisation of kinship care which the witnesses are speaking about.

**Professor Elaine Farmer:** This is a really interesting question that should be asked more often. The biggest group of kinship carers are grandparents. They disproportionately have long-term health conditions, as you might expect at a certain age. It is very interesting that, in my experience, social workers do not tend to think, “What could adult services do to help them while we are doing or not doing any other kind of helping?” They do need extra help in many cases, which does not mean that they are not giving very good care, because they are, but such extra help does not happen very much at all.

**Dr Lucy Peake:** It is really important to remember that these grandparents are often women, and the retirement age for women has been going up. We could look at supporting kinship carers, where they are able to, to remain in the labour market. We are seeing lots of kinship carers dropping out of the labour market, often for the second time. Many kinship carers, if they are doing that in their 50s or 60s, will say, “I know that I am impoverishing

myself for these children, today and for ever”, because they know that they cannot build their pensions up.

There is a real issue about how we should be introducing parity with paid adoption leave for kinship carers who take on children in these circumstances. That would make a huge difference in enabling some people to take the time to connect with the children, to establish the bonds and support that the children need, but also to return to their jobs and to do what they were doing before, which was building a pension for their retirement. We are plunging people into poverty, and they are largely older women.

**The Chair:** Thank you very much for those very helpful and important points.

Q19 **Baroness Bertin:** One of the questions was on kinship carers, but you have answered a lot of that. You may not have the answer to this off the top of your head, but what would the monetary shortfall be? In order to right this wrong, as you put it—and you are quite right in saying that the support is not good enough—what amount of funding, roughly speaking, could plug this hole?

**Jo Mitchell:** How long is a piece of string? That is not very helpful. I would probably ask one of the other witnesses to respond to that, because kinship care is not something that we are financially involved in.

**Baroness Bertin:** I quite understand if you do not have the answer to this, but we are all hitting on quite a rich theme here and it strikes me that it might be useful if you had thoughts on that.

**Dr Lucy Peake:** It is a really important question. Kinship has developed economic evidence on reinvesting some of the money in the system in kinship care. We have worked with economists and with the independent children’s social care review to look at the potential to move some children who are in kinship foster care into special guardianship arrangements or other kinship care arrangements, maintaining allowances and the support that children and carers need. By removing them from the care system, we could save money. The outcomes for children are generally better in kinship care than in the care system, and there is a better way to spend the money that is in the system.

We have some analysis that we would be happy to share with you and submit afterwards. There are other things which the Government have invested in. The Department for Education has just invested £1 million in a national peer support service for kinship carers, which Kinship is delivering. That is for one year at the moment, and we hope that it will continue, but there are things that we can do that will be quick wins in the system, as well as some of the longer-term investments such as financial allowances on a par with fostering. Certainly, the independent care review is doing some costings work that it would be useful to have a look at.

**Q20 Baroness Bertin:** My other question focuses on fostering to adopt and whether there has been any impact from the increased emphasis on that. Has it pre-empted adoption decisions or led to rushed decisions, which has been a concern for some organisations?

**Jo Mitchell:** Interestingly, I was having this dialogue recently with members of our alliance. We are in an alliance with a number of voluntary adoption agencies. From their perspective, one of the remaining issues is the joined-up thinking between regional adoption agencies and the voluntary sector. Adoption agencies may well have the right adopters whom they have trained and upskilled to take on fostering to adopt, but there is the whole geography issue in placing children and keeping them locally for contact arrangements. There is a risk to adopters who foster initially when you are looking at potential plans for rehabilitation. Not pre-empting court decisions brings a number of challenges too. It is still something to watch. There is a real keenness for fostering to adopt to be successful, but it is about the right recruitment drive and bringing the right adopters on board. It is also about upskilling social workers and resourcing them with the right knowledge, which they can then embed in their assessment and in their upskilling of adopters, so that people feel informed and are making informed choices from the outset. It is a quick win for that stability, if that makes sense.

**Professor Elaine Farmer:** Fostering to adopt was introduced to minimise the number of placements that children have prior to a permanent placement. Everybody knows that that is a very important issue, because the fewer moves children experience, the greater their chances of achieving stability. One advantage of kinship care is that many children have only the one move, from their birth parents to their kinship carers. That is part of the reason why, in general, we have better outcomes from kinship care than we do from other sorts of placements. Fostering to adopt is definitely to be encouraged. I do not know how far it has developed.

**Baroness Bertin:** I have heard that there are mixed views on how effective regional adoption agencies are and that there is perhaps a disconnect with the local authorities, which you touched upon. Is that a valid point?

**Jo Mitchell:** It is a valid point, but it is in a context. My experience of working collaboratively with the regional adoption agencies with which we have the closest relationships geographically has been really strong. It has felt like a really collaborative partnership. As part of the adoption reform strategy, I was really heartened by the appointment of a national RAA strategic leader. We are already seeing the benefits of that and are being invited to be a

collaborative partner. We are seeing the voices of the lesser-heard service users—birth parents, adopted young people and adopted young adults—influencing practice. It is one to watch but, in my experience, we are really heartened by our relationships with the regional adoption agencies.

**Dr Lucy Peake:** During Covid, we worked really effectively with some regional adoption agencies. We were able to get the reformed ASF funding to families much more quickly by working in regional groupings. The truth is that regional adoption agencies were set up for adoption, and one of the issues we have with special guardianship and kinship care is that it is often a bit of an afterthought. There is no national approach to where special guardianship, which is one form of kinship care, fits. Some regional adoption agencies have taken on more responsibility for special guardianship than others, and it is an emerging picture.

I would like to see some clarity about the role of regional adoption agencies when it comes to special guardianship. There could be potential to accelerate progress through regional adoption agencies, but we need to have a strategy to really lift this; otherwise, we perpetuate the postcode lottery that special guardians and kinship carers experience. The picture is very mixed in terms of what regional adoption agencies are doing. There are examples of us working very positively with regional adoption agencies, but that is by no means across the country, because a lot of them are not taking responsibility for special guardianship.

Q21 **Baroness Blower:** I am supposed to declare my interests at this point. At the time of the passage of this Act, I was the general-secretary of the National Union of Teachers. My question is to Jo. Do birth families receive the right support to help them navigate care proceedings? This question arises because I have read, for example, that Coram says, "The views and experience of birth parents have long been the most neglected dimension of the adoption triangle". You referenced this in passing in an earlier response.

**Jo Mitchell:** I would agree wholeheartedly. Proceedings are really traumatising for birth parents, who have often experienced their own early-life trauma. The removal of legal aid, so they are litigants in person representing themselves, has compounded that issue, so they do not always have the right access to the right information. We made a film about the lesser-heard voices as part of national adoption week. Those birth parents shared with us that, in proceedings, the new 26-week timeframe had an impact on them.

We have spent a lot of time looking at this with local authorities, and there is some resistance. Where there is no adoption plan, parents are often left to navigate the emotional aspects of those

proceedings. We are really keen to make the voice of birth parents central to the reform. Without all those voices represented, we cannot shape practice that will be fit for purpose.

**Baroness Blower:** Is that essentially a funding question? Does there need to be more funding to facilitate more opportunities for birth parents, or is it something else?

**Jo Mitchell:** It is two things. The funding is one. If we look at the adoption support fund and the purpose it serves, it is for adoptive parents and their families to be able to access therapeutic support. If we know that birth families have experienced their own life trauma, why are we not front-loading the system to try to support them through that, alongside the financial poverty that lots of birth families experience? It means that they are unable to navigate proceedings, because they are not financially able to do so.

**Professor Elaine Farmer:** There are a lot of issues for birth parents, but there are issues for kinship carers too. In care proceedings, for example, they are not automatically joined to proceedings, and it is up to the court whether or not they are. If they are, they are eligible to apply for legal aid, but many kinship carers who are prospective kinship carers of a child who is in proceedings are not in proceedings at all, so they are not able to listen to what has been said or to question evidence. For private law proceedings, which is another route through which people may become kinship carers, there is no legal aid for them, so kinship carers sometimes get legal advice and pay for it themselves. They are usually not well off and may be accruing quite a serious debt just to make it possible for a child to come and live with them under a legal order.

We would want to see prospective kinship carers have access to some kind of free, independent legal advice and representation when they are thinking about taking on a child. At the moment, we find that three-quarters of kinship carers say that they did not have enough information about their legal options to make an informed decision when taking on a child.

**Dr Lucy Peake:** Building on that, there is a huge challenge for many kinship carers in managing ongoing contact and relationships within the family. The challenge for kinship carers is different from the challenge for foster carers and adopters, because they are often related. They have often gone through an adversarial court process, without much support, and are left to get on with managing that relationship afterwards.

Many kinship carers will talk about the dump and run. They are assessed and pushed through a court process without a lot of support and understanding, and once that order is made they are left to get on with it. One thing that we do need to see investment in is greater support for kinship carers to help them navigate that

ongoing relationship with the child's birth parents and wider family. It is an ever-changing relationship.

We have a programme called Kinship Connected, which has local project workers working alongside kinship carers and local authorities to give kinship carers the support that they need, when they need it. Having someone you can get advice or practical support from is critical. There needs to be that independent advice and support as well as that long-term investment in peer support. A lot of kinship carers will say that someone else who has walked that walk is the best person to give advice on how to deal with ongoing contact. It will never be easy for most kinship carers, and they need someone to turn to, so there is a funding issue here as well as an issue of reform of the system.

**Baroness Blower:** Professor Farmer and Dr Peake, I absolutely understand that your focus in those answers was on kinship carers, but would you like to add anything else about the support that should be on offer to birth parents, even if what we are talking about, ultimately, is kinship caring? That seems to be a voice that is absent.

**Dr Lucy Peake:** For contact to work in kinship care, we need to support the carer, the children and the parents. If anybody in that triangle has unresolved trauma and is not getting the support they need, it will not work. Many kinship carers need support on life story work, so that they can talk to the children about the reasons why they are in kinship care.

Also, the birth parents need support to come to terms with the decision that has been made. It is often not what they wanted. They can blame the kinship carer, who might be their sister, their mum or their dad, and those issues create ripples through the family. There needs to be a triangle of support around making sure that the child, the carer and the parent get a lot more therapeutic support, if they need it, and then practical support to manage it.

**Professor Elaine Farmer:** I agree. Birth families really need more support.

**The Chair:** Thank you very much for raising that very important point about birth families.

Q22 **Lord Brownlow of Shurlock Row:** I declare the interest that I am a donor to and a patron of Dingley's Promise, which is a special educational needs and disabilities charity. I am also a donor to Parents and Children Together, which is a charity focused on adoption across London and the south-east.

I am interested in the impact of the changes to post-adoption contact as a result of the Act, and whether that contact has been keeping pace with digitalisation.

**Jo Mitchell:** In a nutshell, current contact arrangements in adoption are not fit for purpose. The advent of social media means

that we have a number of young people, often without the consent and the knowledge of their adoptive parents, tracing and finding birth family via social media and sometimes meeting up in circumstances where no one has been able to assess risk. A mistrust is then engendered in those relationships.

During the pandemic, we saw a push forward in digital advances because of the very nature of the situation that we were all in. There is also digital poverty among birth families, which creates another obstacle to contact. We collaborate with two regional adoption agencies that are about to be part of a pilot contact app, on which birth parents and adopters would have to exchange updates rather than going through the traditional letterbox system. It will be interesting to see the evaluation of that and how it is picked up and rolled out across other regional adoption agencies. Running alongside that are the progressive views of that and how it will be managed going forward.

It always strikes me, having worked in adoption for around 20 years, that we are still following predominantly the same kind of letterbox contact system that was in place 20 years ago, without any review or assessment of changes, so we are making assumptions from the outset that birth families are not changing and neither are the needs of children. We need a robust review mechanism in order to look at that adoption triangle and make sure that contact arrangements are fit for the individual family.

**Professor Elaine Farmer:** In kinship care, the contact issues are the very opposite of the much smaller amounts of contact, if any, that you get in adoption. Quite often, birth parents live very close by and may be dropping in whenever it suits them to do so. Parents are usually related to the carers, so they may have a lot of grievance about the placement being with a relative and quite actively seek to undermine the kinship care placement.

Most kinship carers manage these extremely sensitive and difficult issues very well, but in studies that we have done more than half of kinship carers say that they think the contact by parents is harmful to the child. In such situations, they need some help and advice about how to manage it, and they should have access to a specialist kinship care worker or social worker to advise and help them, and sometimes to intervene. It is not just a question of money, in my view. For example, local authorities could have a helpline where there was a kinship care worker available at certain times of the week, so that kinship carers could ring in and ask for help or advice.

So, there are a number of other ways to give such help. It would be ideal to have a social worker working with you on a particular thing, and there are also other ways and means. This lack of help extends further, and we have many kinship carers who cannot get

any help from a local authority. They request help and are told, "Your child doesn't have an order, so we won't have anything to do with you. Go away right now".

**Q23 Lord Bach:** You have already answered in some ways the question I wanted to ask, which is about how important a part legal aid used to play, and how much of a part it could play if it was brought back to some of the matters you have been discussing. Before LASPO, which was only a couple of years before the Act that we are considering, in private family law, for example, where you say these adoption cases take place, there was presumably legal aid available for advice and maybe for proceedings. Now there is none. In public family law, it is available only if the kinship carers are party to the case. I think I know the answer to this before I ask it, but how strongly do you feel that something like this should be revived, although perhaps not in exactly the same way, for all those involved in an adoption?

**Dr Lucy Peake:** We were pleased to see the Ministry of Justice say that there should be legal aid for special guardianship families and people who were considering taking that on. That was in 2019. We would like to see that expedited. We would like to see it go further. Every prospective kinship care family should have access to legal aid. That would be the fair thing to do. We would like to see an extension for those kinship carers post order as well.

We have many kinship carers who are taken back to court by the parents, for the reasons that Professor Farmer talked about earlier. Some birth families are not happy that their children were taken away and are now living with a relative, so their ultimate threat is to say, "We'll go back to court". Kinship carers do not have access to legal aid for that, so many of them are literally remortgaging their homes and spending their savings after repeatedly being taken back to court. We would like to see legal aid introduced very quickly for prospective and existing kinship carers.

**Professor Elaine Farmer:** I absolutely agree with what Dr Peake said. We have the figure, for example, that nearly one in three kinship carers feel that their kinship child was not subject to the right legal order for their needs, and we should not be in that situation. If they had had legal advice, it would be much less likely for this to be the case, so it would be hugely helpful.

**Jo Mitchell:** I would agree with my colleagues and go back to what I said earlier, which is that we have seen a significant increase in birth parents applying for leave of court to oppose placement orders. Without legal aid, they are navigating that themselves financially and trying to read through court bundles that do not make any sense. They cannot understand what has been said. In the two-stage test, it is typically easy to evidence that there is a change of circumstances. The part that is more difficult to evidence

is whether the changes have been sustained, and it becomes almost impossible. Running alongside that is the timeframe for a child, so that we are not building in increased delays. The birth parents are disadvantaged by that.

Q24 **The Chair:** Those are very important points. Thank you very much.

**Lord Storey:** Good afternoon, everybody. Are there any international examples that you could point to of best practice that we might want to learn from? This is a bit like an exam question.

**Jo Mitchell:** I have an international example, but it is not particularly linked to this and I do not know whether it would be relevant.

**Lord Storey:** Go for it.

**Jo Mitchell:** Our agency is a grass-roots partner with Erasmus+ and Brighter Future. We are working with colleagues from across Europe at the University of Verona, Turin, the University of Barcelona, and University in the Netherlands, and another grass-roots partner in Spain (Cora) to look at pooling our resources with regard to the education of adopted, looked-after and unaccompanied children across Europe, what it looks like, what we can take from it, what practice we can take from it and how we then build resources that we can take into universities and to teachers in the latter stage of their teacher training.

We wrote a book together, *From Protection to Inclusion*, which we launched in June last year, and we will meet again in the Netherlands in May to build on a training package that we have pooled our resources, knowledge and experience into. We will then pilot it with teaching students in the Netherlands to see whether it will have any impact on them in their teaching of children in schools who we know struggle with early-life adversity, whether they are adopted, fostered, in kinship arrangements or otherwise.

**Lord Storey:** That is a very important point.

**Dr Lucy Peake:** I would suggest two things. First, in New Zealand, they have made progress on introducing financial support for all kinship carers. Interestingly, they make that financial support through the welfare system rather than via local authorities. One issue in the UK is that some kinship carers—foster carers and some special guardians—are getting allowances through the local authority. The vast majority get nothing. They have dealt with that in New Zealand by directing it through the welfare system. We have facilitated a meeting between a sister charity, Grandparents Raising Grandchildren, in New Zealand and the care review team in England to share those learnings.

Secondly, in the United States, they have something called kinship navigators. It is really simple, but it helps kinship carers to find their way to advice, information and support. We often find that the system is not easy to find your way around. In the States, they

have people who are employed and might sit in places that are the equivalent of the family hubs that we are talking about in this country. They might be employed by third-sector organisations. It is one point of contact where a kinship carer can go, with help for them to find everything that they might need.

At Kinship, we have quite a similar approach. We have National Lottery funding for something called Kinship Compass, which will be a digital gateway into finding advice and support, whether from peers, from local authorities, from us or from other third sector providers. We can make it easier for people to find their way to what they need. Those things are often there and delivered by different people. It is just that the awareness of kinship care is quite low, so this helps to raise awareness in those services but also to connect carers with them. I would look at those two things.

**Professor Elaine Farmer:** Like Lucy, I would say that New Zealand is the shining light, because it has introduced financial support regardless of legal status. I just wanted to back that up with evidence about the situation for kinship carers generally. We have mentioned that becoming a kinship carer often pushes families into poverty. If you are grandparents on a pension and you take one or two children, you will probably be pushed into poverty. A similar thing happens when young kinship carers, such as siblings or young aunts, take children in since, if they are working, they will be on low wages.

We have some rather good evidence on this, because we have done a couple of analyses of the census data. We know that, countrywide, 71% of kinship children in the UK experience two or more forms of deprivation—unemployment, low levels of education, poor health and overcrowding—compared with 29% of all children experiencing such multiple deprivation. Whether or not it is intuitive, kinship families are quite disproportionately poor.

In a study I did with my colleague Julie Selwyn, we interviewed a lot of kinship carers and found that very few had sufficient income to reach the minimal, socially acceptable standard of living in this country. For example, over a quarter could not afford heating when needed, compared to 1% of the general population, and half of them worried about money almost all the time. That is the context in which we are saying that there should be a more equitable way of funding the service that these kinship carers give to the community.

Kinship care is very complex, but, just to give a bit of detail, about 10% of all kinship carers are known to children's services. Some of those children are on the private law orders that we have been talking about, such as special guardianship orders or child arrangement orders, and financial help is discretionary. Some kinship carers get it and some do not. It depends on where you

live. The smallest group are kinship foster carers, who do get financial allowances and social work support.

What is happening is that any finance and help that is given follows what legal order (if any) the child is under, so local authorities act in defiance of Government Guidance. We have Government Guidance from 2010, which says that support should be based on the needs of the child, not on their legal status, but, sadly, that is not what is happening.

That was just a bit of background, because it is easy not to know quite what the situation is. I also want to respond to this question by turning it slightly on its head. In some areas, this country is ahead of comparator countries in relation to the data that we collect about children, but that is not true of data on kinship care, where I would argue that we are well behind other countries. We simply do not know how many children known to local authorities are in kinship care. We record only those who are in kinship foster care, which is the smallest proportion. No data is returned on children under special guardianship orders and child arrangement orders known to local authorities. We do not know how many there are in the country.

This contributes to the fact that often kinship care is not considered when policy is being made for children in substitute care – it certainly helps to maintain the invisibility of kinship care. To give an example, the Office of the Children’s Commissioner has started a family survey looking at the cost of living for different families. They are including samples of vulnerable children such as those adopted and those fostered, and we are urging them to include children in kinship care, since they are generally in a considerably worse financial position and we need to know about it. If at least we had data on the numbers of children in kinship care, any consideration of vulnerable children would be much more likely to include those in kinship care.

**Lord Storey:** At the end of this inquiry, we will have to make a series of recommendations. In terms of the English adoption system—perhaps finance and financial support is a given—what would be your one top recommendation? Is that possible?

**Jo Mitchell:** Because of where my passion lies, I would say that it is a system in which the voices of service users are completely embedded. That embedding is not just about listening to those voices but about really hearing them, and about those voices being represented in forums and committees. Those with lived experience need to be able to bring forward their voices to inform, shape and influence practice. That is where my passion lies—with the voices of service users and how we bring them forward, whether they are

kinship carers, adopted children or adults, adoptive parents or birth parents. Those lived experiences are the pinnacle of influencing practice.

**Dr Lucy Peake:** I will agree with you that financial support should be a given, and then I will build on what Jo has just said. There is something really important about bringing the experiences of kinship carers and their children into the way we develop services and policy. That really speaks to the big thing that needs to happen. We need a system that is based on kinship families' experiences. We need to stop treating kinship care the same as fostering and adoption, and tacking it on to the end. Our families and our children have unique experiences, which we have talked about today. We need to build a system that speaks to their experiences. We need to count them and to be sure that the services that we are developing and delivering are making a difference and delivering impact.

There is a straightforward ask for financial support, but, long term, we need to build a system. We need to invest in and recognise these families, which are generally a good place for children to grow up in if they cannot be with their parents. We need a step change in the way we recognise and support them.

**Professor Elaine Farmer:** I agree. We need more equity for kinship carers, at the absolute minimum a fostering allowance to all kinship carers, and help provided when they need it, regardless of the child's legal status. We have talked a bit about contact, but there is also the fact that a lot of these children have very severe emotional and behavioural difficulties. In all our studies, about a third of them have such severe emotional and behavioural difficulties that they clearly, on the standardised tests we use, require treatment. They get no help to get that, so looking after them can be extraordinarily difficult.

Priority access to child and adolescent mental health services, extra help in schools, pupil premium and virtual heads are in place to help looked-after children with their psychological health and education and children in kinship care need this help too. We need those doors to be opened also to these children.

Q25 **The Chair:** Just as a way of rounding off this session and giving you an opportunity for any final remarks that you want to make, could I ask whether you feel that it was a mistake not to include kinship care in the 2014 Act?

**Jo Mitchell:** Yes, absolutely.

**The Chair:** Is it a mistake that could be rectified?

**Jo Mitchell:** It is. Dr Peake and Professor Farmer have provided that narrative and that argument that these carers are parenting children who come from adverse experiences, so marginalising one

group that is already the most impoverished makes no sense to me. We need a fair playing field for all.

**Dr Lucy Peake:** We have spoken to many kinship carers over many years, and they are very clear that there needs to be legislation. They need rights to support now. The current system is not delivering for them. As Professor Farmer said, guidance exists, but it is interpreted in different ways. There is a postcode lottery of support, and many of our families are not getting what they need. There needs to be legislation to give people rights going forward.

**Professor Elaine Farmer:** It would have been marvellous if it had been included, so if there is any opportunity now to make real improvements, it would so help all the families involved.

I just want to return to a point that we have touched on from time to time. Despite all these very real difficulties, the outcomes of children in kinship care are better than for looked-after children generally. For example, they do better educationally and get into higher education more often. They have lower levels of offending and so on. They do that at the cost of the kinship carers, who sacrifice their lives to help them. As Lucy says, a system built around their needs is what is needed.

**The Chair:** Thank you very much. I would like to thank all three of our witnesses. It has been an excellent session. Thank you for being so clear about the problem as well as, very helpfully, possible ways of solving those problems, which will help us when we start deliberating on what our recommendations in this area might be. Thank you very much indeed for your time and expertise.