

Written evidence submitted by the Kinship Care Alliance

**Submission by the Kinship Care Alliance to the Education Select Committee -
The impact of COVID-19 on education and children's services**

1. Who we are

1.1 The Kinship Care Alliance (KCA) is a group of organisations which subscribe to a set of shared aims and beliefs. The KCA believes that children and young people are best placed with family and friends where it is in the child's best interests, and that these families should receive support and help to do this. The KCA's aims are to:

- Prevent children from being unnecessarily raised outside of their family network
- Ensure that the opportunities and resources available to children living with kinship carers maximise their chances of positive outcomes
- Secure improved recognition and support for family and friends carers and the children they are raising.

1.2 This submission is drafted by Family Rights Group on behalf of the KCA and is endorsed by:

- Adfam
- CFAB
- Grandparents Plus
- Kinship Carers UK
- Nagalro
- TACT Care: Fostering and Adoption

2. Family Rights Group (FRG)

2.1 FRG provides specialist legal and practice advice to parents whose children are in need, at risk or are in the care system and with wider family and friends who are raising children unable to remain at home. FRG also campaigns for families to have their voice heard, be treated fairly and get help early to prevent problems escalating. FRG champions policies and practices that

maximise children’s chances of being raised by, or safely maintaining a relationship with, their family. FRG provides the secretariat, including legal and policy support, to the KCA and to the [Cross-Party Parliamentary Taskforce on Kinship Care](#) (in conjunction with Catherine McKinnell MP’s office).¹

3. Structure and scope of this submission

3.1 The focus of this submission is the impact of Covid-19 on kinship carers, and the children they are raising. This submission is organised as follows:

- **Kinship care: context and framework**
- **The child welfare system: before and during Covid-19**
- **The impact of Covid-19 on kinship care households**
- **Conclusion and recommendations**

4. Kinship care: context and legal framework

4.1 There are around 200,000 children in the UK who do not live with their parents but are being raised by kinship carers. These carers are most commonly grandparents, but a significant number are brothers and sisters, aunts and uncles, extended family members or family friends. One in every 37 black children in England is growing up in kinship care, according to Wijedesa’s² analysis of the 2011 census, compared to one in 83 white children. Children of all ages live in kinship care arrangements, however, the census data indicates an over-representation of children aged 13 or over compared to children in the general population. By keeping children safe within family and friends networks, kinship carers are a vital element of our children’s social care system and society. However, there is a lack of public and indeed parliamentary recognition of their contribution to the welfare of children and the money they save the public purse. There has, for example,

¹ The Cross-Parliamentary Taskforce on Kinship Care aims to raise awareness about, and support for, children in kinship care and to highlight the importance of this option for children who cannot live with their parents. <https://www.frg.org.uk/involving-families/family-and-friends-carers/cross-party-parliamentary-taskforce-on-kinship-care>

² Wijedasa D (2015) The prevalence and characteristics of children growing up with relatives in the UK https://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/Kinstat_%20Briefing%20Paper%200001_V2.pdf

been no Prime Ministerial or Secretary of State keynote speech or Select Committee review focused on kinship care.

- 4.2 Research indicates that outcomes are positive for most children living in kinship care and considerably better than for children in unrelated foster care. For example, the children are more securely attached to their carers, feel they belong and are confident that they will be staying with their carers. They have a greater sense of their own culture and identity. Kinship carers consistently demonstrate a significant level of commitment to the children they are raising.
- 4.3 Research indicates that the profile of children being raised in kinship care is similar to that of children in placed with unrelated foster carers³. Not surprisingly, many are already manifesting difficulties at the point they come to live with their kinship carers⁴ and while these may ameliorate to some degree over time⁵ many children continue to face considerable challenges.
- 4.4 What support, if any, the child or kinship carer is entitled to is primarily based upon the legal status of the child, in particular whether or not the child is or was in the care system, rather than the extent of their needs or circumstances.
- 4.5 There are different legal arrangements under which a child may be living with kinship carers. This includes kinship foster care, children who are subject to a Special Guardianship Order, Child Arrangements Order or Residence Order, and children living in an informal arrangement where there is no court order (which includes private fostering). Only around 6% of children in kinship care are formally looked after by a kinship foster carer.

5. The child welfare system: before and during Covid-19

- 5.1 In June 2018 the Care Crisis Review was published⁶. Sector led, and facilitated by FRG, the review examined the high numbers of children in the care system and the record number of care proceedings. It found the child welfare system to be 'overstretched and overwhelmed', with children and

³ Farmer and Moyers, 2008; Lernihan and Kelly, 2006; Wade et al, 2014

⁴ Gautier et al, 2013; Hunt et al, 2008; Hunt and Waterhouse, 2012

⁵ Hunt et al, 2008; Hunt and Waterhouse 2012

⁶ <https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review>

families too often not getting the help they need early enough to prevent difficulties escalating. It identified a 'palpable sense of unease about how lack of resources, poverty and deprivation are making it harder for families and the system to cope'. The environment was found to be increasingly mistrustful and risk averse, prompting professionals to seek refuge in procedural responses. The Review's findings highlighted the unevenness in practice and standards evident across authority areas and different regions. The consensus was that relationship building is at the heart of good practice and **that greater focus on exploring and supporting family could safely avoid more children needing to come into care or could help them thrive in the care system.**

- 5.2 During the current pandemic the child welfare and family justice systems, and those who come into contact with those systems, face a raft of additional challenges. Many families face increased stresses, including poverty and isolation. Support services which may have mitigated risks and provided reassurance to social workers about specific families have had to close temporarily or offer a reduced service. Local authorities are juggling priorities within their collective caseloads. The family justice system is navigating the complexity of how and when to operate on a remote basis. Whilst video conferencing and email may mitigate some situations, digital poverty is a major barrier to many families being able to access advice and participate in discussions about their situation.
- 5.3 New regulations have made fundamental changes to safeguards for children in care in England. Much concern has been expressed across the sector about the lack of evidence as to the need for these changes, as well as the impact that they may have on children, families and practice. Members of the KCA have expressed concern as to the effect that the new regulations on children and their families, in a system already struggling and characterised by significant variations in local authority practice.
- 5.4 The evidence below is primarily drawn from the experience of organisations within the KCA and the findings from an online survey of more than 650

kinship carers prepared on behalf of the Parliamentary Taskforce on Kinship and conducted in Easter 2020⁷.

- 5.5 The pandemic has accentuated variation in local authority and court practice across the country. This includes whether and how assessments of potential kinship carers go ahead, and whether and how local authority meetings or court hearings are held. Families are commonly having to take part by telephone.
- 5.6 Some authorities have delayed family and friends' care assessments. There is evidence of creative steps being taken by social workers and children's services leaders in some authorities but there are also cases where newborn babies have been placed geographically distanced from the prospective kinship carers and contact has not been facilitated during the crisis. This lack of facilitation of relationship building with family members may affect the likelihood of the child being permanently placed outside of the family network. There are authorities who have resorted to procedural responses and imposed blanket rules in relation to contact between children and their birth families, whilst others have tried to respond to specific circumstances, albeit within very difficult working conditions.

6. The impact of Covid-19 on kinship care households

Demographics and health

- 6.1 Around half of kinship carers are grandparents and a proportion are over the age of 70. Kinship carers of all ages are more likely to be suffering from chronic health conditions than the wider population. The Taskforce survey found 28% of kinship carers reported having a limiting long-term illness. Many are therefore at higher risk if they contract the virus. The survey found that

⁷ Ashley, Johnston and Hall (May 2020) *Kinship carers' experiences during the coronavirus crisis: Report produced on behalf of the Parliamentary Taskforce on Kinship Care*

The survey aimed to enable the Taskforce to have a better understanding of the experiences faced by kinship care households during the pandemic, and what urgent steps could be taken by Government, local authorities and other agencies. The survey was open 9-14 April 2020. 671 kinship carers responded, who are raising 1029 kinship children and 333 birth children. Most respondents are grandparents raising their grandchildren and four in ten are single carers.

https://www.frg.org.uk/images/Cross_party_PT_on_KC/Kinship_carers_experiences_report.pdf

half of kinship carers surveyed were self-isolating because they, the child or someone in their household have an underlying health condition.

Kinship children – educational needs, special educational needs and disabilities

- 6.2 54% of survey respondents stated that the kinship child had additional educational needs or disabilities. The carers reported their main worry during the crisis was the child's mental health, development and behaviour.
- 6.3 18% of survey respondents said their kinship child had not been offered a school place during lockdown but they would have appreciated such an offer. 37% of carers had been offered a school or childcare place although most had not taken up the offer, in the main because they or someone in the household was shielding. As lockdown has eased, some kinship carers have expressed concerns about the difficulties and anxieties the child may have in adjusting to returning to school and fears the child may have fallen further behind educationally. Digital poverty also continues to blight some children's opportunities. Kinship care households need access to bespoke support that responds to each family's needs.

Financial impact

- 6.3 Unlike adoptive parents, kinship carers are not entitled to paid time off work to settle a child in, attend meetings with children's services, school and health professionals or to participate in court proceedings. Before the pandemic, surveys consistently shown more than half of kinship carers who were in work had to give up their job⁸ when they took on the care of kin children. Consequently many are forced to rely on benefits.

⁸ Ashley and Braun (2019) The highs and lows of kinship care: analysis of a comprehensive survey of kinship carers

- 6.4 The pandemic has exacerbated these financial hardships. Financial worries featured heavily in carers' minds; the Taskforce's survey found that a quarter reported that financial hardship they faced had worsened due to the pandemic. A further 18% remained in a similar level of hardship as pre-crisis. Some kinship carers reported they are struggling with mounting debt, because they did right by children who would otherwise be in state care.

Information and legal advice

- 6.5 A 2019 survey⁹ reported that three quarters of kinship carers felt they did not have enough information about legal options when they took on the care of the child to make an informed decision. Yet the legal arrangement for the child can have lasting consequences, including to their entitlement to support. Four in ten kinship carers who have incurred legal costs, for example, to secure a legal order to provide the child with permanence, had to pay the costs entirely themselves, often amounting to thousands of pounds.
- 6.6 Variations in how potential kinship care assessments and statutory meetings are conducted, most via telephone or video conference facility, have accentuated the importance of improving potential carers' access to free legal advice and representation. Moreover, the President of the Family Division has stated that remote justice may continue until spring 2021¹⁰

Practical and emotional support

- 6.7 It appears that in the main kinship carers have been left during the pandemic "to get on with it", without practical or emotional support from local authorities or other agencies. Half of the kinship carers who responded to the Taskforce survey had received no support during this crisis. Appreciation was expressed of those local authorities, voluntary agencies and peer support groups who did provide an emotional lifeline, such as that provided by Kinship Carers Liverpool, Grandparents Plus and Kinship Carers UK.

⁹ Ashley and Braun (2019) *ibid*

¹⁰ <https://www.judiciary.uk/announcements/the-family-court-and-covid-19-the-road-ahead/>

6.8 Kinship carers have reported to KCA organisations the challenges they have faced in being left to manage contact between children and their parents during lockdown, and now lockdown is easing,

7. Conclusion and recommendations:

7.1 The KCA welcomes the measures the Government has introduced so far to help some kinship care families. In particular:

- Crisis funding to enable voluntary organisations to advise more kinship care families; and
- Flexibilities in how the Adoption Support Fund could be used during the pandemic, which appears to have increased access to the fund amongst some special guardians.

However, we urge Government to go further.

7.2 Children and Families' Minister, Vicky Ford MP, informed Parliament on 14 July 2020, that *"As restrictions are eased and schools return, we expect that there may be more children needing care than is usual, and therefore there will be a higher need for potential adopters and foster carers."* The Minister did not mention kinship care as an important alternative solution for many children who may not, in the short or longer term, be able to live with their parents. We remind the Committee of the Care Crisis Review's conclusion that **greater focus on exploring and supporting family as a resource could safely avoid more children needing to come into care or could help them thrive in the care system.** Investment now in kinship care may not only prevent existing kinship placements from breaking down, but may also enable more children to be raised by family members, rather than entering the care system, at a much greater cost to the child, family and society.

Recommendations: we propose

7.3. Exploring the wider family, both domestic and abroad, as a first port of call to avoid children entering care:

- A new legal duty on local authorities to ensure potential placements with kinship carers are always explored and assessed for suitability before a child becomes looked after, unless there is an emergency. At present this duty only applies after the child is in the care system.
- A legal duty on local authorities to offer all families the opportunity to have a family group conference before a child enters the care system, unless there is an emergency. This will enable the wider family themselves to be supported to take the lead in making a safe plan for the child, for example by identifying suitable relatives willing to raise the child.

7.4. Support kinship carers to remain in the labour market and reduce financial hardship and administrative burdens placed on them

- The introduction of the right to a period of paid employment leave and protection to kinship carers, who are permanently raising children who the court, local authority or professionals have determined cannot live with their parents, akin to the rights adopters are entitled to.
- To remove, or at least increase, the limit of the benefit cap that applies to kinship care households.
- To suspend the bedroom tax for kinship care households.

7.5. That kinship carers households are supported locally by:

- Government making up for the predicted shortfall in overall funding for children's services and also announcing a ring fenced funding stream. The latter would be made available to all local authorities to help them work with their community, partner agencies, and young people and families to safely avert children having to enter or remain in care; and support kinship care households in their locality.
- All children being raised by kinship carers for more than 28 days (where there is court, local authority or professional evidence that they cannot live with their parents) should have the same rights currently available to

children who are adopted from care, and those who ceased to be in care as a result of a special guardianship order. This would include free childcare for 2 year olds.

- The KCA welcomes the greater flexibility introduced to the Adoption Support Fund but believes Government should go further and extend the Fund to all children who are subject to special guardianship orders, and ensure that the increased flexibility to access the Fund continues beyond the pandemic.
- The Ministry of Justice's promised extension of legal aid to special guardians in private law cases to be introduced as a matter of urgency, and consideration be given to extending this to prospective special guardians in the context of care proceedings.¹¹

7.6. Improved education support for children in kinship care:

- That Pupil Premium Plus is increased in this forthcoming period, extended to all children in kinship care placements who cannot live with their parents. This funding would be used to support children's schooling during this return to school, including catching up. This could include provision of suitable IT to support home learning.

July 2020

¹¹ See FRG's F 2020 briefing on measures that could be implemented to ensure those looking to take on the care of children in their family receive adequate legal advice and representation.

https://www.frg.org.uk/images/PDFS/Legal_aid_SGO_reforms_100220.pdf