

## Written evidence submitted by Support Not Separation

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The **Support Not Separation Coalition** (co-ordinated by Legal Action for Women), brings together organisations of women of colour, anti-rape groups, women with disabilities, breastfeeding advocates, psychotherapists, men and social workers in defence of mothers and children faced with unwarranted separation. The mothers who come to us on a daily basis are overwhelmingly low income, single mothers, women of colour and/or who have a disability. The most common reason for children to be removed is if the mothers, and sometimes the children, suffered domestic abuse including rape. We provide support and campaign for change as part of a growing movement of women across the UK. Through this work, we are in contact with hundreds of mothers and children, family law professionals and organisations.

Children in [deprived areas](#) are already ten times more likely to go into “care”, children of colour are disproportionately in the “care” of the state, and half of mothers with learning disabilities have their children taken from them. Given this, we are very concerned that the Covid19 pandemic, the lockdown and its subsequent significant increase in poverty, will lead to increasing numbers of children being taken into “care”.

Poverty is frequently labelled as neglect. It is therefore crucial, as the pandemic continues and with fears of a “second” spike, that mothers, grandmothers or other primary carers, have the financial support they need to keep children safely with their families. So far, the opposite has happened. The Covid-19 legislative powers have resulted in more children going into “care” to the detriment of their safety, welfare and education. This must be stopped. All the Covid19-related regulations/legislation which allows local authorities to divest themselves of their statutory duties towards children and young people must be scrapped.

Welfare benefits must be increased, be available to all regardless of immigration status, and punitive measures such as the benefit cap and the two-child cap, must be abolished. Universal Credit must be increased and the waiting time ended. We are part of an international green movement calling for a Care Income for mothers and other carers, recognising that without care, people and the planet will not survive this pandemic, or the pandemic of poverty or climate change.

We comment below on those issues which we have direct experience of.

### **Children in “care”**

Statutory instrument (No. 445) removes vital legal protections and safeguards from children in care and was introduced with no public consultation and no Parliamentary scrutiny. This is not the first attempt to divest local authorities of their statutory duties towards children and families: in 2016 the Children and Social Work Bill proposed this, but was [defeated](#) after vigorous [campaigning](#) including by ourselves and others.

Of particular concern, SI445 allows:

- Social workers no longer visit children in foster care but speak to them over the phone - which makes it much harder to identify any problems with the foster placement, identify possible abuse, etc.
- LAC reviews which are an opportunity for birth families to get information about their children in foster care and have input into levels of contact, etc no longer have to take place as regularly and are sometimes cancelled altogether
- Routine checks (including criminal records and mental health checks) which apply to prospective foster carers or [adopters](#) no longer apply, in the speeded up process, opening the way for paedophiles and others with records of sexual or other abuse, or history of mental health issues to become foster carers/adopters. Independent scrutiny of foster and adoption panels has now become optional.

Local authorities were given additional government funding during Covid19 to hire more [social workers](#). Yet social workers have mostly worked remotely, are not available on the phone, and [neglected](#) their full responsibilities. We have attended child protection conferences remotely where children's contact with mothers was stopped as there were no social workers to supervise, others did not receive birthday gifts and cards from their families as social services offices were closed.

Cutting direct contact between mothers and children is very detrimental, especially to babies and very young children, and those in [pre-adoption](#) proceedings, where remote contact is not practical or is not offered. Direct contact must be reinstated at the earliest safe opportunity.

Young people leaving care are particularly vulnerable and many suffer health and mental health issues and lack of education. Under the Coronavirus Act, duties to [care leavers](#) under the Care Act 2014 for their transition from children's services to adult services are suspended, leaving them alone and unsupported.

### **Resources needed to help families**

In contrast to spending more money on social workers and foster care, the government should have ensured emergency funding to enable local authorities to support struggling families to keep their children safe by prioritising implementation of Section 17 of the Children Act 1989. Instead, families have been forced to rely on charity and [food banks](#), and [schools](#) have been left supplying food parcels to children who were going [hungry](#), even to the point of [malnutrition](#). The [Food Foundation](#) estimates that 200,000 children had been forced to skip meals by the end of April, and that 31% of children entitled to free school meals did not have

adequate alternatives. The [voucher system](#) to replace free school meals has been widely criticised as completely inadequate, and has stopped during the long summer holiday. Children of [immigrants](#) who have no recourse to public funds have been even more disadvantaged.

### **Remote hearings in family courts**

It is shocking that children are being removed from their mothers/families during remote hearings which they are not allowed to attend. Although the [President of the Family Division](#) has said that remote hearings should not be used to take children, this is happening, as this example confirms.

Case study: two children aged 15 and 10 were removed from their mother's care in the past week after an incident where the older child broke his mother's finger. He has tragically been influenced by his violent father's behaviour. Instead of providing support to the family at what is clearly a difficult time (4 months of lockdown, no school, etc), an emergency remote hearing was convened and heard over the phone. The mother could not access it, and the children were taken into foster care the same day. Every day since they have been calling their mother, distraught, asking when they can come home.

Children are also being forced to have contact with abusive fathers (remotely and in person even during Covid19) following remote family court hearings. The mothers in private law cases are overwhelmingly victims of domestic abuse who are trying to protect their children when they don't want to see their fathers, including because they have been violent. For them, attending remote hearings (most often on the phone) alone in their homes with their children present, trying to juggle child care with self litigation, is very stressful especially as the rulings made during this time may have long-lasting implications, including leading to removal of the children.

### **Disabled children**

There are around [1.1 million children in the UK with a disability](#). In England, there are nearly [87,000 children and young people](#) with life-limiting or life-threatening conditions. Many are cared for by single mothers with other children, who only coped before Covid19 because they had very intensive two-to-one or one-to-one care. Support previously provided to children on an EHCP (Educational and Health Care Plan) [ceased](#) and there was no additional funding to support them in the community. Parents of [severely disabled children](#) who needed round the clock care lost all their much needed support. A lot of families of disabled children are reporting increased mental health needs on the part of both their children and themselves.

Two legislative changes, like SI445, were slipped in without public scrutiny and oversight and leave disabled children even more vulnerable. The Special Educational Needs and Disability (Coronavirus)(Amendment) Regulations 2020 allow local authorities not to fully comply with the needs of [SEND](#) (Special Educational Needs and Disability) children and their families. And the Coronavirus Act 2020 Modification of Section 42 of the Children's and Families Act 2014 means that instead of being legally required to ensure children's needs are met, councils and the NHS Clinical Commissioning Groups now only need use their 'reasonable endeavours' to meet them, and if they decide this is not possible, the needs go

unmet. Although local authorities often did not meet their responsibilities under Section 42 before the pandemic, now they have been given the excuse to do so without question or oversight. Previously, parents could at least go to tribunal to force councils to act. Now they must take the much harder road to a judicial review.

Case study: A mother with four children whose two teenage children have high special needs and require intensive one to one support at home found the support all stopped as soon as schools shut. The teenagers struggled with mental health issues as a result of being in lockdown, not attending school or getting regular therapy, unable to go out and see friends or have any kind of independent life, which they were used to. The impact on the older girl in particular has been devastating and she has become seriously abusive; both teenagers are now on a child protection plan and the two younger children have to stay with their grandmother because of their sister's behaviour.

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