

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

**from**

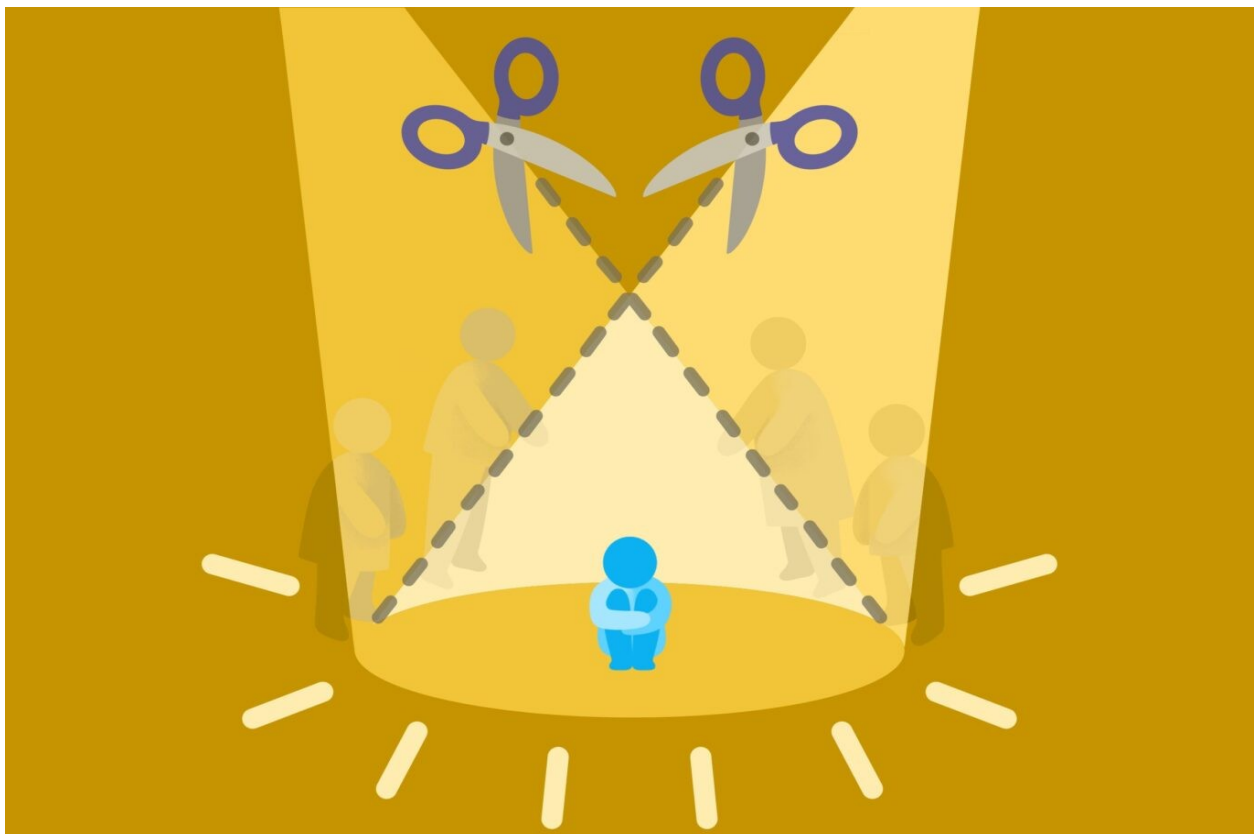
**ATD Fourth World**

**The University of Birmingham**

**&**

**Human Rights Local**

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



## About Us

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. The UK Equality and Human Rights Commission has awarded a travel grant to ATD to participate in the UK's 7th periodic ICESCR review. 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. On behalf of the **University of Birmingham**, Dr Simon Haworth is an academic who teaches and sees social work as a value-based activity focussed on challenging oppressions and genuinely promoting social justice. Simon Haworth is also involved with ATD Fourth World, the Children and Families Truth Commission (<https://childrenfamiliestruth.com/>) and the Parents, Families and Allies Network ([PFAN – Parent, Family and Allies Network](#)).
3. **Human Rights Local** is a project of the Human Rights Centre of the University of Essex 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>  
Project Lead: Dr Koldo Casla. Research Officer: Lyle Barker.

## Overview and recommendations

4. Poverty shipwrecks loving families, stranding parents and children apart from one another and causing lifelong damage in their lives. Vulnerable families in poverty in the UK can often 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 that permanently sever relationship among siblings and with the entire extended family. These issues will be discussed in depth in the main body of our report, below.
5. **Families deserve support:** In its Concluding observations of the 6<sup>th</sup> periodic report, CESCR recommended that the United Kingdom "introduce measures to guarantee targeted support to all those living in poverty or at risk of poverty, in particular [...] families with children".<sup>1</sup> This bears reiterating; but in addition we are asking CESCR to go further. Policies such as the Children and Social Work Act 2017, the Statutory guidance on Working together to safeguard children 2015, and the Children's Well-being and Schools Bill currently before Parliament should be amended in order to:
  - Move away from the current aim of negating risk to children, and viewing this aim as separate to family support. Instead, policies should refocus on **meeting the needs of families** so that parents can provide for their own children. This means offering access to the material and social resources needed to function and thrive, rather than breaking families apart. Specifically, a legal duty should be placed on local authorities to provide timely and accurate needs-based assessments and support within a human rights framework when families reach out for help. Shifting child welfare policy and practice towards working with families to identify and meet their needs is crucial in improving outcomes.
  - Ensure that social care professionals stop discounting families in poverty in order to support these families' own aspirations and to have greater aspirations for them. Child protection social work should be reformed through **the development of a 'community workers' profession focussed on family life**

within its wider settings, including the community. This would support both families' and communities' agency and resources and would recognise children as members of extended families and communities.

6. The UK Government should **link anti-poverty policies with child welfare policies** because child poverty is never "fixed" by plucking children out of their homes. This should begin with the statutory guidance for the socio-economic duty to be commenced by the Government. The guidance should prescribe anti-poverty practice training to be delivered by people with lived experience of poverty for children's hearing panels, police, the National Health Service, school/education staff, social work staff, and all supporting services that make referrals to social work.
7. To prevent and eradicate cultures of risk-aversion, the UK Government should reform the legislation of its child protection system to ensure that:
  - **Kinship care**, unless contrary to the best interests of the child, is pursued at all available opportunities and those wishing to undertake this model of care are adequately supported.
  - Adoptions should no longer be forced when parents contest them, and in all cases, **closed adoptions should be ended**, as [recommended by the President of the Family Division](#) of the Courts and Tribunals Judiciary, Sir Andrew McFarlane.<sup>2</sup> Legislation must be amended to make open and voluntary adoption a legal presumption unless there is clear evidence that it would be an unsafe option.
8. Government services like children's social care must be directly accountable to families themselves. This means restructuring support for families towards community-based solutions such as **Family Group Conferences**, which have shown very positive results: "Over 2000 children per year could avoid going into care and instead safely remain with their families if FGCs are rolled out across England."<sup>3</sup>
9. **Financial reform** is crucial: Currently, large for-profit organisations are being commissioned within children's social care for a range of services. Tens of thousands of pounds are seeping out of the system to these for-profit providers while economically disadvantaged families are not being supported with basics and told by children's social care that they can't be provided with something as basic as a fridge, a decent mattress, or other white goods. While it might not work for all families' problems, simple solutions costing only a few hundred pounds a month have been shown to have a huge and positive impact. The NSPCC cites the positive financial impact in its call for the UK government to invest in improved longer-term support services to help families reunite and stay together when it is safe to do so.<sup>4</sup> The government should mandate that local authorities must divert funds away from late interventions (such as court applications, foster care, and residential care) to instead invest a significant proportion of their budget towards collaborative early support for families of children in need before crises arise.
10. Local authorities should ensure that **parent-to-parent advocacy schemes** provided by people with lived experience of children's social care and of poverty are in place in their social work departments to deter cultures of risk-aversion and povertyism. The UK Government should promote these schemes locally and monitor local authorities to ensure that such schemes are in place from the first point of contact with families right through to closure of their case.<sup>5</sup> See page 10 for a detailed example of how this can work.

### **Human Rights Framework**

11. The issues raised in this submission raise concerns from the perspective of the **right to protection and assistance to the family**, recognised in Article 10 ICESCR.<sup>6</sup> The right to protection and assistance to the family must be secured for everyone with **no discrimination** of any kind (Article 2(2) ICESCR), including on the ground of socio-economic status. In line with Article 10(3) ICESCR, any intervention and assessment of risk made by child protection services must be **proportionate and free from discrimination**. As observed by the CESCR in General Comment No. 20, "a person's social and economic

situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places”.<sup>7</sup> The issues raised in this report are also an expression of negative stereotyping against people in poverty, which the UN Special Rapporteur on Extreme Poverty and Human Rights calls “**povertyism**”.<sup>8</sup> Consequently, the right to protection and assistance to the family would mandate the recognition of socio-economic status as a protected characteristic under domestic equality legislation. It would also require States to take active measures to prevent and tackle negative stereotyping against the poor in child protection services.<sup>9</sup>

12. Public authorities, such as local authority social work departments, have a legal duty to respect, protect and fulfil the right to protect and provide assistance to all families. Any actions they take to interfere with this right must be legitimate, proportionate, and fully inclusive of options to support family life and preserve family relationships. Supporting human rights means supporting dignity and agency, showing respect and treating people fairly.
13. In several cases the European Court of Human Rights has censured child protection services for punishing parents — primarily lone mothers — by removing their children simply because they lived in poverty. The European Court of Human Rights has held that poverty must not be conflated with neglect, and it cannot be the sole ground for separating children from their families.<sup>10</sup> The principles that poverty is not equal to neglect, and that family separations must be exceptional and preferably temporary, are reinforced by the case-law of the European Committee of Social Rights and of the Inter-American Court of Human Rights.<sup>11</sup>
14. Article 16 of the European Social Charter also protects the right of the family to social, legal and economic protection, not dissimilar to Article 10 ICESCR. The European Committee of Social Rights has established that “financial conditions or material circumstances” are not by themselves sufficient reasons to interfere with the right to protection and assistance to the family. Placement of children outside of the home should be an exceptional and temporary measure, and in all circumstances appropriate alternatives to placement should first be explored, considering the views and wishes expressed by the child, their parents and other members of the family.<sup>12</sup> Reintegration with the family should always be a goal, ensuring contact with the family during the placement outside the home, unless contrary to the best interests of the child, and “[w]henver possible, placement in a foster family or in a family-type environment should have preference over placement in an institution.”<sup>13</sup>

### ***Povertyism, Prejudice and Discrimination in the UK***

15. The complex and multidimensional nature of poverty impacts family life severely. In addition to material deprivation, poverty means social and institutional maltreatment, disempowerment, and suffering in heart, body and mind.<sup>14</sup> Parenting in poverty is inherently challenging.<sup>15</sup> In the UK, the protection of family life is under attack via a range of factors. Some 1.3 million children live in households subject to the two-child limit to benefit payments. Low pay and insecure work make it increasingly harder for parents to cope with the spiralling costs of housing, transportation, digital access, energy and food, while the poverty premium means that those who can least afford it pay the highest rates.<sup>16</sup>
16. Family separation by children’s social care can be understood as ongoing state-sanctioned harm for families living in poverty. The 2024 Children and Families Truth Commission Report calls children’s social care in the UK “draconian and punitive in nature”. This report cites legal experts specialising in human rights and duties of care in child protection and family law. For example, Grégory Thuan Dit Dieudonné, President of the Human Rights Commission of the European Lawyers Union and a former Senior Lawyer at the European Court of Human Rights criticises “the terrifying figures for child protection in the UK” and

calls for “the balanced notion of the child's best interests” in order to “end the harmful effects of the child welfare system on families”.<sup>17</sup>

17. The approach of UK child protection systems is particularly authoritarian when interacting with families in poverty.<sup>18</sup> These systems form especially brutal and severe examples of these ongoing attacks on the right to protection and assistance to the family. The risk-averse nature of UK child protection systems leads to failures to meet families’ needs, and to recognise and respond to the evident relationships between deeply unequal societies, deprived communities, and children’s needs.<sup>19</sup> Rather, they individualise the causes of child neglect and abuse to the family home and position neglect of children in particular as an affliction of the poor.<sup>20</sup> A large-scale study found that there is no clear evidence that these systems and policies focussed on safeguarding children decrease child maltreatment.<sup>21</sup>



18. These failures have been amplified by significant reductions in spending on early interventions and family support and increases in spending on child protection and care proceedings. Recent data show that this is worsening: “Declining spending on early intervention services means many families are not receiving support before they reach crisis point. For the first time, more money is being spent on children's residential care than on early intervention services to prevent children needing to go into care.”<sup>22</sup>

For an increasing number of families in poverty, the right to protection and assistance to the family is further endangered by the risk-averse nature of UK child protection systems, and their failure to respond to the impact of poverty on parenting and family functioning. It can therefore be argued that families in poverty suffer a twofold assault on their right to protection and assistance to the family. Firstly, they are neglected by society and provided with insufficient resources to effectively meet children’s needs.<sup>23</sup> Secondly, the State, through risk-averse child protection social work, sanctions them, restricts their autonomy to function as families, and removes their children into care or adoption.<sup>24</sup>

***The UK Government's Response to the List of Issues***

20. We welcome the Government’s 2023 introduction of regulations to mandate national standards, registration and inspection for what were unregulated supported accommodation for 16- and 17-year-old looked-after children and care leavers, and we look forward to the follow-through to make this commitment a reality. In addition, we are hopeful about the new Government’s pledge to commence the socio-economic duty (s.1 Equality Act 2010), following the example of Scotland and Wales, and to bring to life the dual discrimination provision in the Act.

21. Regrettably however, their response failed to address other key questions, namely:
- 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?
  - Why are contested closed adoptions so common in the UK when kinship care can 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 leading to increased removals of children from their homes?
- 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?
- What measures is the UK Government taking to implement parent-to-parent advocacy at the national level?

### *The Current Situation for Families in Poverty Interacting with the Social Care System*

*"Forced adoptions are horrendous. [...] It is shameful that the poorer you are in this country, the more likely you are to have children forcibly taken from you. You see this around the number of children placed in care or put up for forced adoptions. [...] Poverty gets confused with neglect. [...] You often get judged by social workers instead of supported to have what you need to raise your children decently. When you're scrimping on the basics, you don't have the money to cover up the cracks. The state spends money on foster care that could instead be used to help prevent the need for it."*

- expert-by-experience Patricia Bailey, quoted in [Amnesty UK's Summer 2023 magazine issue](#)  
*It is absolutely awful, soul-crushing, to have to hand your child over, crying for you, calling out, 'Mummy!' and you are court ordered to walk away. [...] You end up feeling guilt for pretending to be okay. Because, if you show you are not feeling great, it will be used against you. You end up feeling like a fraud no matter what you do. Guilt will swallow you whole if you let it. It ravages your soul and steal away what little sunlight remains as you walk through the hell that is child protection. [...] You have to climb out of the crumbled, wreck of your soul."*

- expert-by-experience Taliah Drayak<sup>25</sup>

22. There is **daily discrimination** against families in poverty within the child protection system. 'The Child Welfare Inequalities Project' 2018 report by Prof. Bywaters et al states that "[c]hildren who live in the most deprived 10% of neighbourhoods are ten times more likely to be looked after or on a child protection plan, than children in the least deprived 10% of areas." They go on to report that: "Each 10% increase in deprivation rates saw a 30% rise in a child's chances of entering care. [...] Relative to demand, more deprived councils have less funding to allocate to children's social care."<sup>26</sup>
23. Povertyism is also seen in specific regions and ethnic communities:
- In Scotland, "[c]hildren in the most deprived small neighbourhoods are nearly 20 times more likely to be in the care system or on the child protection register than children in the least deprived neighbourhoods."<sup>27</sup>
  - With "increasing numbers of Gypsy/Roma children in care, [...] discrimination plays a significant role. [...] The impact of inequality and socio-economic circumstances is visible, and often affects Roma parents' ability to meet expected standards of care. [...] Our research also highlighted a concerning pattern where social workers, especially when dealing with Roma children, tend to conflate poverty with neglect."<sup>28</sup>
24. *Povertyism can be compounded when **special needs** are also present. Parents with special needs are wrongfully seen as at risk of becoming neglectful. This occurs both when the parents are not receiving needed support, or sometimes as a result of baseless and discriminatory assumptions about their capacities.*<sup>29</sup> According to Clements and Aiello of the University of Leeds, when children have special needs, social work practice is to categorise them in the same way as children considered "at-risk of neglect", which means that their family's interactions with social services often become investigations where the parents are treated as if they've been accused of abuse.<sup>30</sup>

*Pamela's two children were placed in care 18 months ago, while she was experiencing domestic violence. Even though she was the victim of her partner's violence, she felt treated as a villain for having failed to protect her children from witnessing this. Recently, social services told Pamela they were ready to return custody of her children given that she has left her partner. But this presents a new challenge for her. She grew up in poverty herself and left school early. She feels she doesn't deserve to be treated well, and she lacks resources and community support. Even though she was the victim of her partner's violence, she felt treated as a villain for having failed to protect her children from witnessing this. Recently, social services told Pamela they were ready to return custody of her children given that she has left her partner. But this presents a new challenge for her. She grew up in poverty herself and left school early. She feels she doesn't deserve to be treated well, and she lacks resources and community support. Even though she is aching to have her children home again, when Pamela sees the material means of her children's foster carers, she fears that she can't afford to give them the decent life that all children should have. Given the cost-of-living crisis, for now, she has not dared to bring her children home.<sup>31</sup>*

25. With the advent of **artificial intelligence**, povertyism and other discrimination are becoming entrenched in the predictive modelling used by children's social care.<sup>32</sup> Administrative data on families from public records joined together, with algorithmic processing used in an effort to identify any risk of potential family problems. It is not just an individual family's data that is used to forecast its own future actions, however; data from all families is drawn into the predictive modelling net and it is other families' propensities that determine whether or not a family is deemed to pose a future risk to its children." According to Edwards and colleagues, "[i]n effect, this is mass digital monitoring. [...] Predictive algorithmic endeavours give a veneer of being scientific and value-free but they replicate and perpetuate stereotypes and inequalities built into the data they are developed from. [...] A recent report from the Office of the United Nations High Commissioner for Human Rights<sup>33</sup> has called for a moratorium on the use of artificial intelligence systems including data profiling, automated decision making and other machine-learning technologies that pose threats to human rights until sufficient safeguards are implemented."<sup>34</sup>
26. A 2024 survey by Social Work News about the past three years found that 81% of social workers working with families have seen the number of **cases referred to them due to poverty increase**, while 79% of social workers also report self-referrals rising. Dr Ruth Allen, Chief Executive of the British Association of Social Workers, said: "Social workers have raised the alarm on the untold damage and distress that rising hardship is causing across the country, which is undoubtedly contributing to social services supporting more families in increasingly complex and vulnerable situations. We all want families to stay together but [...] important decisions taken by professionals are a delicate tightrope being made ever frailer by deepening financial pressures. While poverty in itself is never a reason to remove children from parental care, the stresses and hardships render people more vulnerable to other risks and can undermine parenting."<sup>35</sup>
27. Recent figures show a **102% increase in the number of children taken into State care** in the past 12 years. This is due to "declining spending on early intervention services mean[ing] many families are not receiving support before they reach crisis point".<sup>36</sup> In addition, since 2019, there has been an up-tick in children making allegations of maltreatment by their carers despite "the fear of being punished by their foster carers for speaking out and being sent back to a care home [as] possible incentives for some children currently in foster care to keep their maltreatment hidden. [...] The latest data also reveal concerning numbers of allegations about physical and sexual abuse, as well as neglect and emotional abuse along with the use of physical restraint against children by foster carers."<sup>37</sup>
28. When children are taken into care, the idea should usually for this to be temporary, leading to reunification with their parents. However a new survey by the charity Action for Children shows that 78% of social workers who responded said "they would like to provide more pre-reunification support than is currently offered". The report on this survey add that "funding constraints and a lack of recruitment and

retention of social care staff is preventing children from getting the support they need to return home from care”.<sup>38</sup>. It is clear that reunification is not being prioritised in practice.

29. *Since 2017, each family has been limited to receiving child benefits for only two children (the so-called “two-child limit”). Families with three or more children must wait until older children age out of receiving the benefit in order to access it for younger children. This is one of the Welfare Reforms the CESCR raised concerns about in its 2016 Concluding Observations.*<sup>39</sup>

*“This two-child limit puts a value on children’s lives based on birth order: if you are born first, you deserve support; if you are born third, you deserve nothing. Regardless of birth order, all people have a right to social security. Despite this right, the limit has been having a big impact on large families, pushing some families into poverty, and others into deeper poverty.”*

- expert-by-experience Kaydence Drayak

30. “Rather than money being directly spent on supporting families remaining together, funds are redirected to remove children from parents at a huge expense”, according to a social worker in the North East of England.<sup>40</sup> Over the past three decades, **the private sector** has adopted a significantly increased role within the children’s social care sector, with some children taken into environments that are not suitable for their needs. We have seen £250 million profit syphoned-off to private firms and international financiers.<sup>41</sup> Writing for The Observer, Anna Fazackerley wrote: “Children’s social care is widely understood to be the single biggest factor pushing English councils towards bankruptcy as increasing numbers of young people being taken into care coincide with steep fees for private children’s homes. More than 80% of children’s homes in England and Wales are now run to make a profit, with many owned by private equity companies. A 2023 survey by the Local Government Association found more than 1,500 placements costing at least £10,000 a child a week.”<sup>42</sup> This in itself equates to £780 million per year.

31. *One example of these private sector service is that private agencies can be asked by family courts to carry out 24/7 in-home or residential assessments of parenting capacity. One family support worker described to ATD Fourth World how this plays out:*

*We’ve seen a family experience ‘assessment burnout’. Within two days of their baby’s birth, safeguarding concerns were raised, and 24/7 observation was put in place in the hospital. This continued in the family’s home for 11 months, 24 hours a day, seven days a week. A parenting assessment was being made during a 12-week period, but the rest of the time it was observation related to safeguarding. In court proceedings the family’s barrister talked about that: when you have people who are constantly on your shoulder all the time looking at you, it takes a toll on people, on their well-being and they become completely burned out. It seemed that the parents would be in almost constant arguments with the people observing them, where they felt accused and judged, arguments they felt they were always losing. Everything that was happening was being questioned, probably by both sides. Both parents have learning disabilities; they needed a more caring, empathic and supportive environment to thrive and show the best of themselves. The parents got completely burned out having constant eyes on them and being criticised. It was unbelievably stressful, and they were completely overwhelmed by this constant observation.”*

32. **Contested closed adoptions** continue to separate children from their siblings, parents, extended families and communities.

*“My daughter was adopted away from me at age 4. Now that she’s 12, she managed to find me on TikTok. When she found out that I am raising two sons, she said she always wanted little brothers and now she really wants to meet them. But she’s hiding our communication from her adoptive parents because they told her that I am dangerous.”*<sup>43</sup>



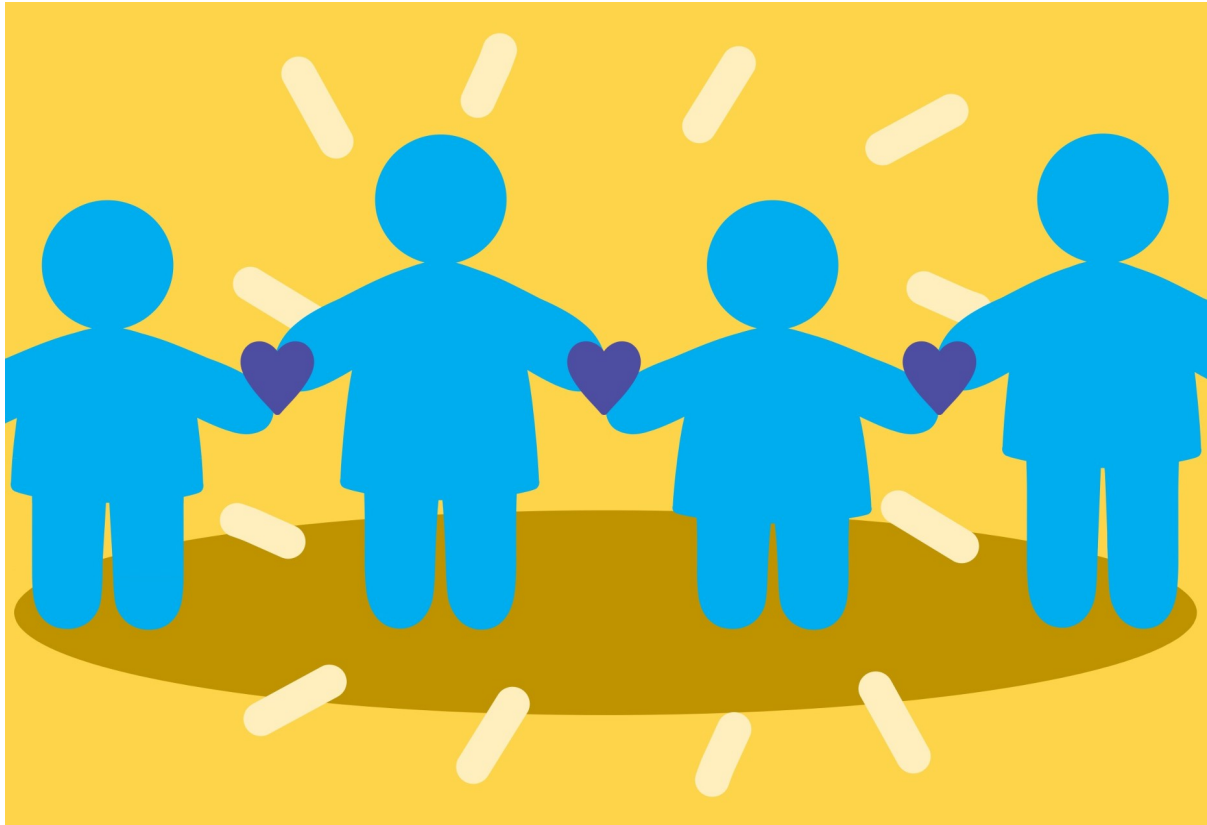
33. Some 90% of all adoptions in Britain are contested by birth families during the care proceedings process.<sup>44</sup> Research by Dr Davey shows the high prevalence of contested adoptions in the UK compared with other countries.<sup>45</sup> A Social Work in Action article points out: "In almost all other European countries adoption is a consensual process, whereas in the UK parental agreement can be dispensed with. [...] The process of compulsory adoption is further damaging already vulnerable people. [...] The very presence of adoption as a preferred outcome skews practice throughout the system and changes the capacity for social workers to engage with birth parents in a constructive mode."<sup>46</sup> Changing national policy so that adoptions become consensual is also the new recommendation of the Public Law Working Group of the UK Courts and Tribunals Judiciary.<sup>47</sup>
34. A study about the effects on children of being separated from their parents by government authorities found that across "a half century of protecting children from their parents [...] the effects were universally negative and included [...] psychological trauma, depression, [and] anxiety. [...] Signs of children's distress that can be seen, heard, and felt are many and often extreme".<sup>48</sup> Children describe being taken by strangers to live with strangers as kidnapping.<sup>49</sup> An estimated two-thirds of adoptees over the age of 16 have sought help for their mental health.<sup>50</sup> Some adoptees say that "that even when placed with the most loving families they carry a deep hole in their hearts not knowing who their birth parents are, and that this has left them feeling angry, a feeling which they have spent their entire lives trying to manage".<sup>51</sup>
35. *Family separations due to state-ordered court removal also take a steep toll on parents. Researcher Lisa Morriss states: "As 'abject figures', the [birth] mothers are silenced through the stigma and shame of being judged to be a deeply flawed mother [and] the justifiable fear of future children being removed. These mothers exist in a state of haunted motherhood: they are paralysed in anticipation of an imagined future of reunification with their children [and] painfully aware that any future pregnancy will also be subject to child protection procedures".*<sup>52</sup>

*"Children's services expected me to show no emotion. I don't understand that concept. I wasn't allowed to tell my son that I loved him because it was called 'emotional harm', putting my stuff onto my child."*

*- expert-by-experience Francesca Crozier-Roche<sup>53</sup>*

36. In 2023, the First Minister of Scotland formally apologised for forced adoptions during the 1960s and 70s when young or unmarried mothers were forced or coerced into the adoption process. In her apology the First Minister says "Mistreating women and forcing them to part with their babies, was never right. It was always cruel, unjust and profoundly wrong."<sup>54</sup> Despite this, adoptions continue to be imposed, with families in poverty disproportionately the victims. What was wrong then is still wrong now.
37. **The 2021-22 Independent review of children's social care** stated clearly that the child protection system in England is broken. This review acknowledges the impact of poverty and inequality. It notes that the system is overly focussed on investigation and child removal; that most families the system works with need help, as they are parenting in conditions of adversity; and that the adversarial nature of the system makes relationship-based support difficult. The report described this system as "increasingly skewed to crisis intervention, with outcomes for children that continue to be unacceptably poor".<sup>55</sup> It was Government-led and funded; yet the Government has still failed to act on its conclusions. In February 2024, the Government launched an Education Select Committee Inquiry into Children's Social Care Services; however, to our knowledge there is no final report.<sup>56</sup>

38. The 2023 Government Consultation Children's Social Care: Stable Homes Built on Love makes no mention whatsoever of poverty and has been called piecemeal by several MPs.<sup>57</sup> However, this report does make a useful point about **kinship care or Special Guardianship Orders** (SGOs, where a family court orders a child to be placed in the care of an extended family member). The children and young people consulted "said that kinship care needs more recognition, and [they] highlighted the benefits of living with and being cared for by extended family networks. Some mentioned that financial support for kinship care should match foster care."<sup>58</sup> At least since 2013, it has been well documented that "potentially successful kinship care arrangements run the risk of failure because of the real and severe financial strain kinship carers



clearly face."<sup>59</sup> And yet, the UK Government's 2023 Kinship Care Strategy does no more than consider "exploring the case" for mandating a financial allowance for all special guardianship and child arrangement kinship carers, in every local authority, equivalent to the corresponding local foster carer allowance.<sup>60</sup> Kinship carers play a vital role and deserve legally mandated support, both financial and otherwise.

*My own children ripped out of my arms by police after a false accusation,  
Six years of self-litigation,  
Precious time away from my children that I will never reclaim,  
Six years of trying to clear my name.* – expert-by-experience Lisa-Marie Graham<sup>61</sup>

**Parent-to-parent advocacy in action**

39. **Our recommendation (para. 10) is for parent-to-parent advocacy.** Provided by people with lived experience of children's social care and of poverty, this bespoke support—currently made available only in a small number of local authorities across the country—should be available from the first point of contact with families right through to closure of their case.<sup>62</sup> This includes:

- **case advocacy:** increasing parent participation in decisions regarding their own involvement with child protection systems when a decision is considered about whether to remove a child from a parent's custody and during development of the family support plan;
- and **programme advocacy**, where parents work as trained advocates in social service agencies (such as prevention, family support, out-of-home placement and legal assistance) to assist parents who are struggling to raise their children safely or to be reunited with them.<sup>63</sup>

40. Not only do parents with lived experience bring unique expertise to offering advocacy, but it is empowering to be able to play a constructive role to ensure better outcomes for others. One parent-to-parent advocate said: "You're trying to inspire people with compassion to help them stand up and fly again. I want to let other parents know there is hope."<sup>64</sup>

41. Below is one example of the positive role that can be played by parent-to-parent advocates.

'Olivia<sup>65</sup> has a disability and is the sole carer for her 8-year-old son. Social workers were very concerned about her ability to meet his needs, because of their poor housing conditions in an insalubrious council flat. A family court judge was asked by social services to make an order for the boy to be taken into care. In court, an ATD activist with lived experience of poverty accompanied this mother as her parent-to-parent advocate. This woman, 'Amy', was allowed to address the judge. She recalls: "The mum felt very, very fragile. And so I'm up in front of this judge, and I'm telling him that there's been no care order made yet. And we actually do want him to make an order. We all agree on that; but what should go into that order? So I told the judge:

'Before you make this order, you need to remember that, to this child, you are magic! If the order you make removes him from his home, he's gonna lose his mum, he's gonna lose his friends and his school, he's gonna lose the dog. And the child is gonna feel like he's being punished, because his mum wasn't supported to give him what he needs. You also need to know that the council is charging this mum rent for an accommodation so damp that she's had to bin mattresses. Every time she puts wallpaper up on the mouldy walls, it slides back off because of the damp. And remember that the council has never assessed her for support, even though she's disabled. So this child does need you to make an order, but please be magic for this child. Your order could compel the local authority to give them a new flat. If you ordered the child to have chocolate ice cream every Friday, they would have to give it to him. You can ask for anything, because you're magic, so please be magic to help this family.'"

"The judge did it! In the order, he compelled the local authority to rehouse the family and he compelled them to make a grant to the mum to buy new beds and mattresses. And now the family is no longer on an order at all because the mum finally has disability support, and so it's covered for her to have a cleaner."

The judge's order lifted this family out of the vortex. With one order, he completely redesigned their relationship with the local authority so that it would work better for all of them. As a parent-to-parent advocate, Amy has now met the same judge on several other occasions. She says: "Every time I've come in front of that judge he says, 'You think I'm magic!' and he winks at me. Every case I've had in front of him has been treated much better because this changed his perspective."<sup>66</sup>

## Appendix

- <sup>1</sup> CESCR, [Concluding Observations: UK](#), E/C.12/GBR/CO/6 (2016), para. 48.
- <sup>2</sup> The Mayflower Lecture 2023, [Speech by Sir Andrew McFarlane: Adapting Adoption to the Modern World](#), Courts and Tribunals Judiciary, November 10, 2023.
- <sup>3</sup> Foundations, What Works Centre for Children and Families, [Randomised controlled trial of Family Group Conferencing at Pre-Proceedings Stage](#), June 2023.
- <sup>4</sup> NSPCC, [“We’re calling on the UK government to improve support for reunited families”](#), 20 August 2024.
- <sup>5</sup> Community Care, [Should Parents Have a Right to Advocacy During Child Protection Cases?](#) August 2024.
- <sup>6</sup> Barker, L. and Casla, K., [Poverty, Child Protection, and the Right to Protection and Assistance to the Family in England](#), University of Essex, 2023.
- <sup>7</sup> CESCR, [General Comment No.20: Non-discrimination in ESCR](#), UN Doc. E/C.12/GC/20 (2009), para 35.
- <sup>8</sup> Special Rapporteur on Extreme Poverty and Human Rights, [Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty](#), UN Doc. A/72/157 (2022).
- <sup>9</sup> For a legal analysis of the content of Article 10 ICESCR, and its relationship with non-discrimination and “povertyism”, see: Casla, K. and Barker, L. [“Protection and Assistance to the Family: Interpreting and Applying Article 10 ICESCR from Learnt and Lived Experiences”](#), *Journal of Human Rights Practice* 16(2) (2024), at 497-499.
- <sup>10</sup> European Court of Human Rights, *RMS v. Spain*, App. No. 28775/12. Judgment of 18 June 2013, para. 84; *Soares de Melo v. Portugal*. App. no. 72850/14. Judgment of 16 February 2016, para. 106-108; *Y.I. v. Russia*. App no. 68868/14. Judgment of 25 February 2020, para. 88-91.
- <sup>11</sup> ECSR ‘Conclusions 2011: Statement of Interpretation on Article 16 and 17(1)’ Conclusions no 2011\_163\_03/Ob/EN (12 December 2011); Inter-American Court of Human Rights, *Juridical Condition and Human Rights of the Child*. Judgment of 28 August 2002. Advisory Opinion no. OC-17/2002, para. 76-77; *Gelman v. Uruguay*. Judgment of 24 February 2011. Series C no. 221, para. 125; *Atala Riffo and Daughters v. Chile*. Judgment of 24 February 2012. Series C no. 239, para. 169; *Fornerón and Daughter v. Argentina*. Judgment of 27 April 2012. Series C no. 242, para. 47; *Family Pacheco Tineo v. Bolivia*. Judgment of 25 November 2013. Series C no. 275, para. 26.
- <sup>12</sup> Casla, K. and Barker, L. [“Protection and Assistance to the Family: Interpreting and Applying Article 10 ICESCR from Learnt and Lived Experiences”](#), *Journal of Human Rights Practice*, 2024, Vol. 16, Issue 2, 489-511.
- <sup>13</sup> ECSR ‘Conclusions 2011: Statement of Interpretation on Article 16 and 17(1)’ Conclusions no 2011\_163\_03/Ob/EN (12 December 2011).
- <sup>14</sup> Bray, R., de Laat, M., Godinot, X., Ugarte, A., & Walker, R. (2020) Realising poverty in all its dimensions: A six-country participatory study. *World Development*, 134, pp.105025.
- <sup>15</sup> Lee, T. (2020) *Dragged deeper: How families are falling further and further below the poverty line*. London, Child Poverty Action Group.
- <sup>16</sup> Davies & Evans (2023) [The poverty premium in 2022 – Progress & problems](#), *Personal Finance Research Centre*, University of Bristol.
- <sup>17</sup> Simmons, M., Haworth, S., Phillips, N. (2024) [“Eroding the right to family life: Human rights violations in Britain’s child protection systems”](#), The Children and Families Truth Commission, pages 6 and 15.
- <sup>18</sup> Featherstone, B., Gupta, A., Morris, K., White, S. (2018) *Protecting children: a social model*. Bristol, Policy Press.
- <sup>19</sup> Haworth, S. et al., ‘Everything felt wrong’: Ethical challenges related to the impact of poverty on the right to family life in the UK, *International Journal of Social Work Values and Ethics*, publication pending.
- <sup>20</sup> Bywaters, P., Skinner, G., Cooper, A., Kennedy, E. & Malik, A. (2022) *“The relationship between poverty and child abuse and neglect: New evidence”*. London, Nuffield Foundation.

- <sup>21</sup> Gilbert, R., Fluke, J., O'Donnell, M., Gonzalez-Izquierdo, A., Brownell, M., Gulliver, P., Janson, S. and Sidebotham, P. (2012) 'Child maltreatment: Variation in trends and policies in six developed countries', *The Lancet*, 379(9817), pp. 758-772.
- <sup>22</sup> The NSPCC, "[102% Increase in the Number of Children in Care in the Past 12 Years](#)", 9 May 2024.
- <sup>23</sup> Blumenthal, A. (2021) Neglect as collective failure to provide for children: Towards a new theoretical approach. *Child Welfare*, 99(3), pp.31-60.
- <sup>24</sup> Featherstone, B. (2023) Can we go on? Child protection in a broken place. *Families, Relationships and Societies*, 12(1), pp.116-126.
- <sup>25</sup> Parents from IPAN and PAR, '[Never-Ending Grief: Writing by parents about social service interactions](#)', ATD Fourth World, 30 October 2024.
- <sup>26</sup> Bywaters, P. et al., [The Child Welfare Inequalities Project: Final Report](#), Child Welfare Inequalities Project, 2022.
- <sup>27</sup> One Parent Families Scotland, [Poverty-proofing for families in or on the edges of care: A policy briefing](#), August 2023.
- <sup>28</sup> Boyce, M., Coker, S., Felja, D., Greenfields, M., Kostka, J. and Radley, C., '[Come to Us in a Peaceful Way: Improving experiences of Roma families with children's services in England](#)', Anglia Ruskin University and Lancaster University, July 2024.
- <sup>29</sup> Legal Action for Women, [written evidence presented to the House of Lords](#) Children and Families Act 2014 Select Committee Inquiry, May 2022.
- <sup>30</sup> Clements, L. and Aiello, A., 'Institutionalising parent carer blame The experiences of families with disabled children in their interactions with English local authority children's services departments', Cerebra and the University of Leeds, July 2021, page 44. See also IPSEA (Independent Provider of Special Education Advice), '[Why the Government's review of children's social care must not forget disabled children](#)', April 2022.
- <sup>31</sup> 'Pamela' (not her real name) spoke about her situation to ATD Fourth World in September 2023.
- <sup>32</sup> ATD Fourth World, "[The Use of Artificial Intelligence in Housing, Welfare, and Social Care](#)", 26 July 2019.
- <sup>33</sup> UN Human Rights Office of the High Commissioner, [A/HRC/51/17: The right to privacy in the digital age](#), 4 August 2022.
- <sup>34</sup> Edwards, R., Gillies, V., Gorin, S., & Vannier-Ducasse, H., [Pre-problem families: predictive analytics and the future as the present](#). *Families, Relationships and Societies*, 13(2), 198-214, Policy Press, 2024.
- <sup>35</sup> Social Work News, "[Third of UK social workers witness child removals where financial poverty a key factor](#)", 11 December 2024.
- <sup>36</sup> NSPCC, "[102% Increase in the Number of Children in Care in the Past 12 Years](#)", 5 September 2024.
- <sup>37</sup> Phillips, N., [Allegations of abuse by children against their foster carers reach five year high](#), Researching Reform, 22 August 2024.
- <sup>38</sup> Action for Children / NSPCC, "[Home Again: Understanding reunification practice in the children's social care system in England](#)", January 2024.
- <sup>39</sup> CESCR, [Concluding Observations: UK](#), E/C.12/GBR/CO/6 (2016), para. 40.
- <sup>40</sup> Social Work News, "[Third of UK social workers witness child removals where financial poverty a key factor](#)", 11 December 2024.
- <sup>41</sup> Macdonald, R., [Children's care home 'profiteering' as planning 'loophole' leaves councils powerless to act](#), LancsLive, 30 October 2024.
- <sup>42</sup> Fazackerley, A., "[Vulnerable teenagers 'dumped and abandoned' in hotels by councils in England](#)", The Guardian, 28 April 2024.
- <sup>43</sup> 'Kendall' (not her real name) spoke about her situation to ATD Fourth World in October 2024.
- <sup>44</sup> Phillips, N., [Open survey gathers families' experiences of involuntary adoptions and care orders in Britain](#), Researching Reform, 27 June 2024.
- <sup>45</sup> Davey, S. (2020.) *A Failure of Proportion: Non-Consensual Adoption in England and Wales*. Oxford: Hart.
- <sup>46</sup> Ward, J. and Smeeton, J. [The end of non-consensual adoption? Promoting the wellbeing of children in care](#). *Social Work in Action*, 29 (1), 2017, pp. 55-73.
- <sup>47</sup> Public Law Working Group, "[Wholesale Reform to Adoption Process Is Needed](#)". 7 November 2024.



- <sup>48</sup> Crittenden, P and Spieker, S, (2023) [The Effects of Separation from Parents on Children](#). Understanding Child Abuse and Neglect - Research and Implications, IntechOpen.
- <sup>49</sup> Carr-Hopkins, R., De Burca, C. and Aldridge, F.A. (2017). [Assessing attachment in school-aged children](#): Do the School-Age Assessment of Attachment and Family Drawings work together as complementary tools? *Clinical Child Psychology and Psychiatry*, 22(3), pp.402-420.
- <sup>50</sup> Casey, C. '[Working to revolutionise post-adoption contact between birth parents and their children](#)', The Independent, 27 January 2023.
- <sup>51</sup> Phillips, N., [The End Of Forced Adoption In The UK? Meet The Social Workers Challenging The System](#), Researching Reform, 15 November 2017.
- <sup>52</sup> Morriss, L. (2018). [Haunted futures: The stigma of being a mother living apart from her child\(ren\) as a result of state-ordered court removal](#). *The Sociological Review*, 66(4), 816-831.
- <sup>53</sup> ATD Fourth World, "[Study Group: Language and Communication](#)", 13 June 2024.
- <sup>54</sup> Sturgeon, Nicola, addressing Scottish Parliament, "[Apology for historical adoption practices: First Minister's speech](#)", 22 March 2023.
- <sup>55</sup> McAlister, J., [The Independent Review of Children's Social Care: Final Report](#), 2022, 8.
- <sup>56</sup> House of Commons, [Education Committee Oral evidence: Children's social care](#), HC 372, 27 February 2024.
- <sup>57</sup> UK Parliament, Reform of Children's Social Care, Volume 727: debated on 2 February 2023.
- <sup>58</sup> UK Department for Education, [Children's Social Care: Stable Homes, Built on Love - Government Consultation Response](#), September 2023.
- <sup>59</sup> Nandy, S., & Selwyn, J. (2013). [Kinship Care and Poverty: Using Census Data to Examine the Extent and Nature of Kinship Care in the UK](#). *The British Journal of Social Work*, 43(8), 1664.
- <sup>60</sup> UK Department for Education, [Championing Kinship Care: The National Kinship Care Strategy](#), December 2023.
- <sup>61</sup> Parents from IPAN and PAR, '[Never-Ending Grief: Writing by parents about social service interactions](#)', ATD Fourth World, 30 October 2024.
- <sup>62</sup> Community Care, [Should Parents Have a Right to Advocacy During Child Protection Cases?](#) August 2024.
- <sup>63</sup> The Parents, Families and Allies Network, "[Parent Advocacy](#)".
- <sup>64</sup> ATD Fourth World, "[Study group: peer-to-peer advocacy and absorbing outrage](#)", 10 April 2023.
- <sup>65</sup> Names in this example have been changed to protect privacy.
- <sup>66</sup> ATD Fourth World, "[The Story of the Magic Judge](#)", 3 November 2023.