Supporting the sibling relationships of children in care in Scotland

Dr Gillian Henderson
Information & Research Manager
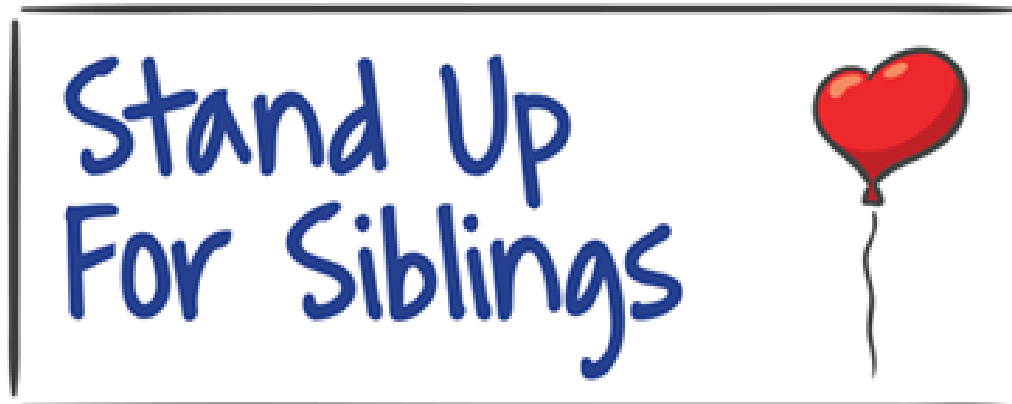**Scottish Children's Reporter Administration**

9th January 2020
Cardiff University

www.scra.gov.uk
www.standupforsiblings.co.uk

Overview:

Scotland's Children's Hearings System

Our research – sibling estrangement

Stand Up For Siblings

Scotland's system for child protection and youth justice

Children's Hearings System – since 1971 (Kilbrandon Report, 1964)

Guiding principles:
- Decision making by a lay panel.
- Primacy of the needs of the child.
- Vital role of the family.
- Preventive and educational approach.
- Children who offend are often the same children who require care and protection

Scottish Children's Reporter Administration
Children's Hearings Scotland
Sheriff Courts and higher courts

Children's Hearings System

Children are referred to the **Children's Reporter** if there are concerns about their safety, welfare or behaviour. Anyone can refer a child - most are from the police and social work. The Reporter investigates each referral to decide if there should be a **Children's Hearing.**

Each Children's Hearing - 3 **Panel Members**
Trained volunteers from the local community
 ~3,000 Children's Panel Members

The Hearing listens to the child's circumstances and decides what measures are needed. Usually **Compulsory Supervision Orders** (CSOs) - requiring the child to be placed with foster carers, relatives, in a residential unit/school, in secure care or to stay at home with support.

Children's Hearings System – 2018-19 statistics

12,869 children (aged 0 to 17 years) referred to the Children's Reporter = 1.4% of children in Scotland

    10,881 children – non-offence grounds

    2,824 children – offence grounds

31,653 Children's Hearings held (for 13,667 children)

9,206 children - CSOs

564 children -
Child Protection Orders

824 appeals to Sheriff Courts against Hearings decisions

Adoption and permanence in Scotland

Children's Hearings - CSOs – reviewed every 12 months

Sheriff Courts – Permanence Orders (with or without authority to adopt), Adoption Orders

2018:
1,726 - children with Permanence Orders (POs)

226 - children with POs with authority to adopt (POAs)

321- looked after children were adopted

Siblings in care

Practice & policy context - placements

Presumption that looked after children should be accommodated together:

- o   where reasonably practicable; and
- o   not contrary to a child's best interests.

England - Around 3 in 5 children in care have siblings also in care. Of these, more than 70% are separated from siblings.

Not known how many looked after and accommodated children in Scotland have siblings also in care and how many are living apart from them.

Practice & policy context – Scotland and Wales

Scotland – currently legal duty on local authorities to facilitate contact between looked after children and their birth parents but not other significant family members.

Social Services and Wellbeing (Wales) Act 2014. Part 6 Code of Practice (Looked After and Accommodated Children):

> 130. '*The local authority **must** also ensure that , so far as is reasonably practical, the placement …. enables the child to live together with any siblings who are also being looked after by the local authority.*'

> 238. '*Arrangements for contact between children, birth parents, siblings who are looked after and friends **must** be clarified and discussed with carers*'

Practice & policy context - contact

We do not know how many looked after and accommodated children or children in permanent placements in Scotland have direct contact or information exchanges with siblings who live elsewhere.

Research in England indicates that contact arrangements vary in type, frequency, quality and availability of support and that sibling contact tends to become less frequent over time.

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Outcome studies - stability, wellbeing and permanence

Co-location of siblings in care is associated with improved outcomes for children:

- Placement stability
- Mental wellbeing
- Having greater feeling of belonging in foster family
- Achieving permanence
- Siblings can serve as attachment figures and provide emotional security

If a fully intact placement is not possible, even a partial one yields more positive outcomes than separation

When asked – children express a strong desire to stay in touch with their siblings

NB - co-location is not always in best interests of children.

Our research

Dr Christine Jones, University of Strathclyde, Glasgow
Dr Gillian Henderson, Scottish Children's Reporter Administration
Dr Ruth Woods, Robert Gordon University, Aberdeen
Funder: Sir Halley Stewart Trust

Jones, C., Henderson, G., & Woods, R. (2019). Relative strangers: Sibling estrangements experienced by children in out-of-home care and moving towards permanence. *Children and Youth Services Review*, 103, pp 226-235

Henderson, G., Jones, C. & Woods, R. (2017). Sibling birth order, use of statutory measures and patterns of placement for children in public care: implications for international child protection systems and research. *Children & Youth Services Review* **82**, 321-328

Our research - study design

Stage one: Quantitative - SCRA data and case file analysis

We selected <u>50</u> 'index' children who had achieved legal permanence (POs/AOs) between 1st April 2013 and 31st March 2014 identified their <u>154</u> biological siblings from SCRA case records - so data on 50 families and 204 children.

Stage two: Qualitative - interviews with families

24 interviews in 11 families - 10 interviews with young people who experienced permanent placements (adoption or permanent foster care), 5 interviews with siblings of young people in permanence and 9 interviews with adopters/carers.

Our research - key findings

1. Sibling networks are large and diverse.

2. High degree of estrangement from siblings experienced by looked after children.

3. Separation and estrangement from siblings means living with loss and the unknown

4. Patterns of intervention and adoption differ by birth order

Sibling networks are large and diverse

From case file analysis of 204 children:

Sibling group size ranged from 2 to 9 **biological** siblings

Mean sibling group size (including the 'index' child) was just over 4 children.

40% of 'index' children had 3 or more maternal siblings. [**9.5%** of babies born in UK in 2013 had three or more older (maternal) siblings]

Paternal siblings likely to be under-reported.

Defining biological siblings

Familiar siblings – evidence that 'index' child has some level of a relationship with or awareness of the sibling

Stranger siblings – mentioned in reports but clear that 'index' child has no relationship with, any contact with or even any knowledge of the sibling

Undocumented siblings – those absent from case records but likely to exist, e.g. paternal half siblings

High degree of estrangement from siblings experienced by looked after children

50 'index' children:

76 'familiar' siblings and **78 'stranger' siblings**

More than half (58%) had stranger sibling(s)

1/5 had stranger siblings only

Stranger siblings included full siblings, maternal and paternal half siblings

Of the 78 *stranger* siblings -15 live in the same local authority area as the 'index' child.

Most siblings were looked after.

Defining placements with siblings

Together – all siblings are living together

Split – none of the siblings are living together

Splintered – some siblings are together, and other(s) are in separate placements

High degree of estrangement from siblings

Of the 50 'index' children (1 missing case):

    27 live with <u>none</u> of their siblings – **split**

    8 live with <u>some</u> **- splintered**

    14 were living with <u>all</u> **- together**

Around 70% were separated from <u>at least one</u> of their siblings

Of the 154 siblings (1 missing case):

    25 were <u>living with</u> an index child;

    22 lived elsewhere and had <u>direct contact</u>

    28 were known to the index child but had <u>no contact</u>

    78 were <u>stranger siblings</u>

Adoption/permanence and/or parental estrangement were main contributors to sibling estrangement

High degree of estrangement from siblings

Type of sibling placement: 39/50 'index' children had **familiar** siblings.

Around 2/3 of these 39 'index' children were living apart from at least one of their biological siblings when first accommodated and at permanent placement

High degree of estrangement from siblings

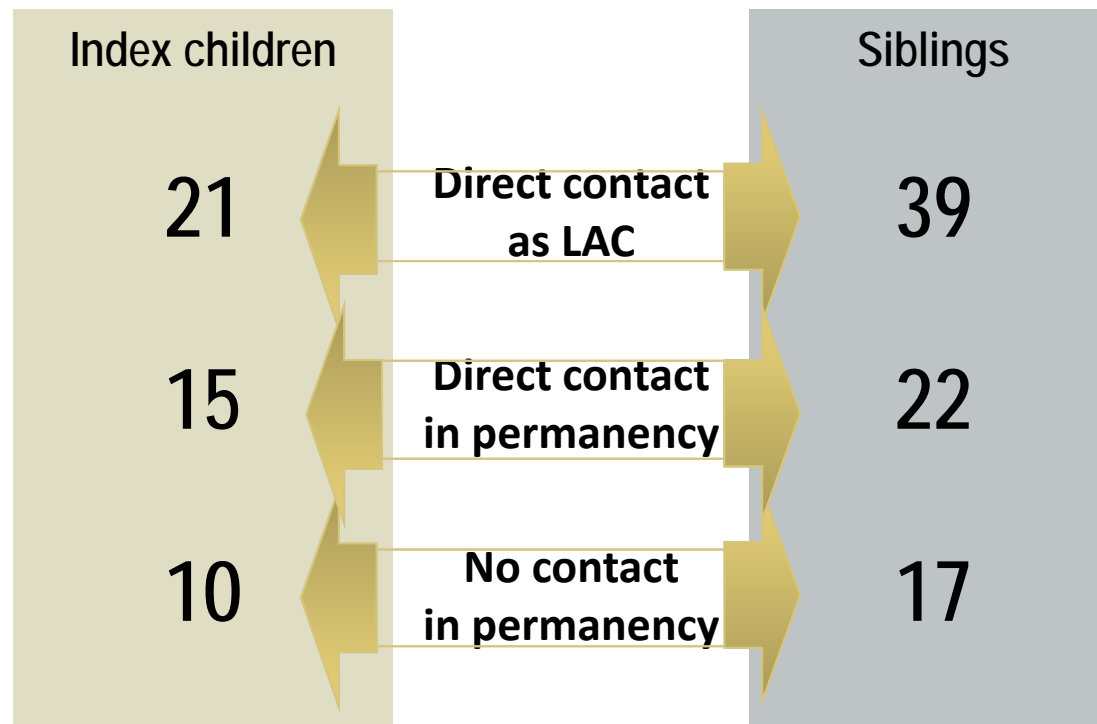**Type of sibling placement:** 39/50 index children had **familiar** siblings.

2/5 of the 39 index children were living in split placements.

High degree of estrangement from siblings

Contact patterns of 25 children in split & splintered placements with <u>familiar</u> siblings

Index children		Siblings
21	Direct contact as LAC	39
15	Direct contact in permanency	22
10	No contact in permanency	17

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High degree of estrangement from siblings

Children's views on contact with siblings

Difficult to assess from case files what children felt about contact with their siblings, and how this was considered in decision making.

Children's views on contact with siblings were often lacking in reports and Child Plans and were rarely considered by Children's Hearings.

Loss was a common theme in young people's interview accounts:
    loss of the known
    loss of the unknown or imagined

Living with the unknown

Information gaps are common (pre and post-placement)

Consequence of lack of information is lack of coherent stories of growing up.

> "… 'cause [adoptive] Mum wanted to know what my first words were and stuff like that. And [my siblings] were like, 'Well, we just, there was so much going on, we don't remember.' … [adoptive] Mum asked what some of … their most poignant memories were. And some of them were just… 'Well, whatever hour in the morning, sitting on the stairs, trying your hardest to make up a bottle.'"

Living with the unknown

Partially known difficult histories
Can become undiscussables – emotionally difficult
Some feel thwarted in attempts to get information

*"I feel like people have a lot of secrets
and they like box people out"*

*"around [my older sister] I would be
careful not to ask questions that'll
get her upset or like say anything
that's wrong"*

Living with the unknown

Lack of information creates concern for brothers and sisters:

e.g. annual contact and periods of uncertainty.
"There is a feeling of relief... at the end of [contact], sort of that... they are doing okay in their lives... 'cause, you know, you do worry."

Living with the unknown

Some (older) siblings played a role in filling biographical gaps.
Stories of mundane family life, sharing photographs, writing letter with questions in teenage years.

Siblings can help to make the un-discussable become discussable.

> "[my birth brothers] are kind of the only two people I can go to about my birth mum … So it's nice to be able to have someone to talk to about that, that knows how everything feels and things."

Most children and young people want more information and some are intensely curious

Our research - Patterns of intervention and adoption differ by birth order

Interventions and outcomes of the 50 'index' children and their 62 'familiar' siblings under the age of 18 = 112 children

Coded by maternal birth order

Compared first born (oldest) and last born (youngest) maternal full and half siblings – 24 pairs of siblings

Patterns of intervention and adoption differ by birth order

First born children:

    Takes longer from their first referral to the Children's Reporter to CSO being made – average of **30 months** longer than for their last born siblings

    Are older than their last born siblings when first placed on CSO – on average **33 months** older

    Are older than their last born siblings when first accommodated – on average **46 months** older

Last born children are significantly more likely to be adopted than first born children:

    44% first born children were adopted

    75% of last born children were adopted

Patterns of intervention and adoption differ by birth order

First-born child in a family may be particularly vulnerable to delayed statutory intervention and the cumulative effects of harm and certain routes to permanence may be less available to them.

 Need increased focus on timely and intensive assessment of first-born children, where risk of maltreatment is identified.

First Minister, Nicola Sturgeon MSP -
launch of Stand Up For Siblings, March 2018:

"We talk a lot about wanting to put love into the care system but we should also make sure that we don't inadvertently take it out".

Care experienced young person:

"For families who have had it tough, sibling relationships are even more intense than normal. Trauma glues you together. But when you go into care, siblings become unusually distant. So it's a huge turnaround. You really miss the simple stuff – playing football in the park, asking each other how their day was."

Who Cares? Scotland (2017) *Sibling Separation and Contact: Young Radicals Report.*

Members

University of Strathclyde

Scottish Children's Reporter Administration

CELCIS, Centre for Excellence for Children's Care & Protection

Care Inspectorate

Barnardo's Scotland

Edinburgh City Council

Who Cares? Scotland

Clan ChildLaw

STAR Siblings Reunited

Social Work Scotland

Adoption UK

Fostering Network

Adoption & Fostering Alliance

TACT, Fostering & Adoption

Influencing

Stand Up For Siblings

1. Evidence – Children (Scotland) Bill, Family Justice Modernisation Strategy

2. Expertise – Review of National Child Protection Guidance, seminars and training, sibling champions, legal advice

3. Children's stories – meeting politicians, events, videos, blogs, Independent Care Review

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Progress

Law

Children (Scotland) Bill
- duty on local authorities to promote the personal relations and direct contact between a looked after child and their siblings
- siblings' views should be ascertained by a local authority when making decisions on a child they are looking after, or proposing to look after

Supreme Court cases on sibling rights in the Children's Hearings System: UKSC 2019/0063) and UKSC 2019/0134

Policy

Family Justice Modernisation Strategy
- duty on local authorities to place siblings under 18 years together when they are looked after away from home

Recognition

Herald Society Partnership Award 2019 – winner

What's next – we want:

Creation of a Siblings Champions Board reporting directly to Scottish Government

Improved recording of sibling relationships in official documents

Changes in law:
* Duty on local authorities to <u>facilitate</u> and promote sibling contact
* Right for a sibling to make an application for contact

Increase number and quality of foster and kinship carers who can meet the needs of sibling groups

Gillian.henderson@scra.gov.uk

www.scra.gov.uk

@ChildReporter

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THANK YOU FOR LISTENING