



Children speak out on living in care

About CRAE

The Children's Rights Alliance for England (CRAE) works with over 150 organisations and individuals to promote children's rights – making us one of the biggest children's rights coalitions in the world.

We believe that human rights are a powerful tool for improving children's lives. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

About Children's Rights and the CRC

The UN Convention on the Rights of the Child (CRC) sets out the basic things children need to thrive - the right to an adequate standard of living, to be protected from all forms of violence, to an education, to be cared for and to play. It applies to all children aged 17 and under. It has four general or guiding principles. These are rights in themselves but are also the framework through which all the rights in the CRC should be interpreted. They are: non-discrimination (article 2); the best interests of the child (article 3); survival and development (article 6); and respect for the views of the child (article 12).

The UK Government promised to uphold these rights in 1991. Roughly every five years, a group of 18 independent experts from the UN – the UN Committee on the Rights of the Child - scrutinise all States that have ratified the CRC on how well they are respecting children's rights. They request evidence from government and civil society, including children, to find out if children are having their rights fully respected. The UK examination took place in 2016 and the UN Committee made over 150 recommendations for action in order for the UK to improve its record on children's rights (see below).

About *See it, Say it, Change it*

The *See it, Say it, Change it* project supported children and young people in England to tell their side of the story to the UN Committee as part of the 2016 examination of the UK Government. It continues to support them to campaign for change.

See it, Say it, Change it is led by a steering group of 22 children aged seven to 18 years-old from all over England. This is a diverse group which includes children whose rights are most at risk including disabled children, children who have faced homelessness, those who have grown up in care and children who face discrimination for many other reasons. With the support of CRAE the steering group carried out research with nearly 1000 children and young people from across England to find out how well their rights are being met. This research formed the basis of the *See it, Say it, Change it* submission¹ to the UN Committee in July 2015. Members of the *See it, Say it, Change it* project met with members of the UN Committee to share their personal experiences and evidence of where children's rights are not being respected and protected.

About this briefing

Numbers of children in care have increased steadily in the last five years to the highest rate since 1985.² There were 70,440 looked after children at 31 March 2016, an increase of 1% in the past year, and an increase of 8% compared to 2011. Though the increase in some instances means more children being cared for safely, it also means that in other cases, early intervention to avoid care has been insufficient.

There's also been a steady increase in the number and proportion of children over 10 being looked after (older children are likely to have greater needs) but a reduction in the number and proportion of children aged 1- 4 years. Despite rising numbers of children

entering care, children's services continue to face budget cuts.^{3,4} The majority (75% or 52,050) of looked after children on the 31st March 2015 were living with foster carers. 9% (6,570) were living in secure units, children's homes or hostels while the remaining 16% were placed either with parents, for adoption, in another placement in the community, in a residential school or other residential setting.⁵

This briefing identifies areas where children in care themselves have told us their rights are not being met including issues around entering and leaving care; inadequate support from social workers; and problems in foster placements. It builds on findings of the *See it, Say it, Change it* report and research carried out in focus groups in 2016 in which we spoke to children living in care aged 11-18. It was co-produced by CRAE staff and children from the steering group. The briefing does not try to represent the experiences of all children in care but it reflects what children and young people have told us. When read in conjunction with CRAE's research and official statistics, it illustrates some worrying patterns and at the end of the briefing we make recommendations to ensure these are addressed.

This briefing will be useful for policy-makers, parliamentarians, professionals working with children and young people themselves.

Children in care and the CRC

All the rights in the CRC apply to children living in care, including the general principles:

- The right not to be discriminated against (Article, 2);
- The right that adults should think about the best interests of children and young people when making choices that affect them (Article 3);
- The right to live. Governments should ensure that children survive and develop healthily (Article 6).
- The right to be listened to (Article, 12);

Some specific rights will be particularly important to them:

- The right to be protected from all forms of violence (Article 19);
- The right to extra protection for children who do not live with their families (Article 20);

- The right not to be subject to degrading treatment and punishments (Article 37 (a) and Article 28.2);
- The right to regular review of treatment in care which should be based on the best interests of the child (Article 25).

Following its recent examination of the UK, the UN Committee raised concern that children in care continue to experience discrimination⁶ and made a number of recommendations, including:

- The Children and Young Persons Act (1933) should be revised to ensure it fully protects all children under 18 years, including those who are 16 and 17 years old and living in care, from child abuse and neglect.
- Efforts must be made to provide stability for children in care, including the retention of social workers, to give consistent support to children and avoiding unnecessary placement changes and house moves.
- There should be more information and support for children who are leaving care including about where they will live, employment and further education. Children should be consulted with about decisions that are made about their lives.
- The system for collecting information on violence against children should be improved, including information on domestic violence and gender based violence. Information sharing between different people working with children should also be improved.

Entering care, children's views and access to information in the care system

Entering Care

In focus groups we spoke to children in foster care, residential care and supported accommodation living in different regions of England. The children had been in care for different periods of time – from eight months to 11 years. Children told us that on entering care they often were not given clear information about what was happening:

'I was at primary school, I was six and two adults came to collect me and my sister. We had to go to the school office and meet them. I didn't know who they were or what was happening. They didn't explain in a way we could understand. They just took us in the car. Now I know they were social workers' (Female, 15)

Children's views and accessible information

In our survey we asked children already living in care if they had been asked for their views on contact with family. Positively many children said that they had been asked their views on having contact with parents (62%), siblings (56%) and grandparents (56%). However some children we spoke to highlighted that their social workers had not shared key information with them:

'I've been waiting six months for my social worker to tell me about my siblings. I've not seen my brother since Christmas, he lives somewhere else now. And my sister moved away in February.' (Female, 13)

Fewer children had been asked their views on where they would be living (41%) and who they would be living with (43%). One child told us:

'They don't ask you where you want to live. They just put you in care.' (Female, 13)

A third of children said they were not happy with decisions made about where and with whom they live. In England all children living in care should have a care plan, a document outlining living and care arrangements. It is good practice to involve children in writing this and to make them aware of its contents. Only 16% of children who responded to our online survey said they have a care plan, while a further 53% didn't know if they had one. Of those who did have a care plan, only 19% said they were involved in writing it. A quarter of children said they hadn't been involved, and 54% weren't sure if they had been involved or not.

Children also highlighted problems in relationships with their social workers. Of the children who responded to the survey who had a social worker, only 40% thought they were listened to and taken seriously.

In focus groups we talked to some children with Special Educational Needs (SEN) who would soon be leaving care. Worryingly children told us that information they had received about leaving care was hard to understand and left them unsure about what was happening:

'When I first heard I might move into my flat [six months earlier], they told me it would be next month but now I'm confused. I don't know when it is. No one's mentioned the date. I asked my foster carer when my flat would be ready but I didn't understand what she explained.' (Male, 16)

What needs to change?

Children told us that they needed to be given clear, age and ability appropriate information when they enter care and before leaving care. Appropriately adapted tools such as 'words and pictures'⁷ used by some local authorities are positive but must be reviewed and monitored to make sure they are effective in helping children, especially younger children or those with SEN, understand what is happening. Children need to feel that their views have been heard regarding contact time with families and where they live. Children told us:

'I know I might not be able to see them all the time but I just want to say what I want, feel like someone listened to me.' (Male, 14)

Stability and support in Care: Relationships with social workers and placement change

Relationships with social workers

In our research children reported difficulty in building trusting, respectful relationships with social workers due to high turnover. In its new *Putting children first* strategy the Government has taken a number of welcome steps to try and improve social worker recruitment, retention and professional standards. Changes need to be implemented swiftly. The strategy highlights evidence from frontline delivery organisations, multiple Serious Case Reviews and Ofsted inspections which show inconsistency in the quality of work with children and families across England⁸, conclusions that match our findings.

One child told us that she had had 'a consistent train of really awful social workers' (Female, 17). Among the worst examples we came across was a child who had six different social workers in six months and another who had 20 social workers over 11 years. High turnover often led to disillusionment and disengagement with support services as well as feelings of abandonment:

'It's like I don't want them to know me anymore because they just leave' (Female, 14)

Children told us about frequently feeling let down by social workers who were unreliable and could be hard to contact:

'She tells us she's going to come at four o'clock and then she comes at seven. She's supposed to pick me up from school... I was waiting in school for two hours.' (Female, 13)

Children told us that being let down by their social worker is an upsetting experience that stops them from being able to do things that they enjoy:

'When she's [the social worker] late, it ruins my day because you'll plan something but then you can't go.... And you try calling her, she's not answering me. I was waiting for her all day and it's sunny and I want to go with my friends.' (Female, 13)

Worryingly, children told us that feeling let down by social workers led to them disengaging and ceasing to share information:

'Why would I tell her things when I don't even know her? When I've had a bad problem I don't feel okay to tell my social worker. I don't trust them.' (Female, 13)

Foster Care Placement Changes

Children we spoke to with experience of foster care were highly critical regarding regularity of placement changes and the way these were handled by social workers. In the year ending 31st March 2016, 68% of children had one placement change or more, 21% had two placements and 10% had three or more placement changes.⁹ The Government's new strategy recognises the need to stabilise foster care placement for children, and plans to carry out a national stock take of foster care in order to gain a better understanding of how to make placements successful, yet more needs to be done.¹⁰ Children we spoke to had moved with great regularity, one 12 year-old girl had changed placement four times in just eight months of being in care.

Children reported changing foster care placements often came without warning. One young person told us it felt like *'they dropped a bombshell on me'* (Male, 16) when he was told he would be moving suddenly.

Another young person told us that when they were 14 years-old they had been informed of a placement change whilst trying to get support from their social worker about another issue:

'We were locked out and waiting outside in the cold, just before Christmas, so my sister called the social worker. While they were talking the social worker let it slip that we were going to move placements in January. It was really unexpected' (Male, 18).

Some children had been given inaccurate information about placement changes:

'I didn't even know I was going to move. At first my social worker said I'd be there for just a weekend. And then it's dissolved into like three months, four months. And then one day, suddenly, I was moved' (Female, 15)

Some children were particularly concerned that when issues arose in foster care the response from their social worker was to move them as quickly as possible, rather than giving the child and foster carer an opportunity to resolve the matter – as might happen with a birth parent. This exacerbated a sense of not being with a birth parent and disappointment at differential treatment.

What needs to change

To stop putting children at risk it's essential that Government continues investing in its programmes to ensure retention of social workers and to reduce the high turn over experienced by children. Children told us that they wanted a social worker who they could trust and was available when they needed them most. In order to address the problem of regular placement changes children told us it was essential that instead of moving them immediately when problems occur social workers should support them to *'work through it with foster parents'* (Female, 16).

Safeguarding children in Care: Respect for identity, and neglect

Respect for Identity

A key issue for children we spoke to was being put into foster care placements that denied them the right to express their identity. We found evidence of children being denied expression of their sexuality, culture, language and religion. A 15 year-old boy described how when he was 13 years-old he was put into a placement with Christian foster parents who he described as *'strongly religious'*. He explained that he was extremely unhappy in his placement because of the way he was treated, but that his social worker was unsupportive in dealing with the problems he was experiencing:

'It's because of my sexuality. They didn't agree with who I was...I was getting bullied so much, I was, always staying in my room. I never went downstairs. I told my social worker. He said, he'd talk to them. And he never did and I mentioned it to him so many times.' (Male,15)

In the last year there has been a rise of 1,470 asylum seeking children entering care¹¹. Separated children who are refugees or seeking asylum told us about difficulties they encountered in foster care including being told they were not allowed to speak their home language in the house and being criticised for practicing their own religion:

'At the beginning I was new and I thought, this is London and I can be heard and I could say my opinion,... my relationship with my foster carer was going down and down very low, ...And then I decided to keep things inside of me.' (Male,15)

Neglect, harm and abuse

The majority of children referred to children's services (51%) are assessed as being abused or neglected¹², shockingly some of these children will go on to face further abuse once in the care system: NSPCC figures identify up to 550 substantiated allegations of abuse and neglect per annum by children in foster care and up 300 by children in residential care. Children in foster placements told us about not feeling safe with their foster carers:

'I didn't feel safe at all. She can do what she wants, no one checks up.' (Female, 15)

A 13 year-old boy described to us how his foster carer became angry and locked him out of the house at night in his pyjamas and without shoes:

'He locked the gate so I ran away. He didn't notice for about two hours ...He wasn't even looking for me... And it was really cold...I was in my pyjamas. I saw one of my friend's mum, it was two o'clock at night and she rung the police. And they just said "Oh, you locked yourself out kid."' (Male, 13)

In many examples children reported issues to social workers but weren't believed or no action was taken:

'They didn't even believe me, they believed my carer. And he did it again the next day. And he just kept doing it.' (Male, 13)

'I was taking my GCSEs and the night before one of my exams I was up late revising. The carer told me to go to bed but I didn't as I needed to revise. In the morning I found I was locked into the house, windows, doors everything locked. She'd taken some of my personal possessions like photos so that I wouldn't run away because she knew how important they are to me. It was awful. I had to cause damage to the house to get out and take my exam. I called the social worker after my exam to tell them what had happened but they didn't want to know. I was left in the placement for another two weeks.' (Male, 17)

In our online survey 65% of children in care who responded said they wouldn't know or weren't sure how to make a complaint about any aspect of their care.

What needs to change

Children told us that what they needed most to improve life in care and help them stay safe was 'people who listen' when something was wrong. When living in care children told us they needed to feel at home:

'You need to feel...like you belong there. You can just go downstairs and open the fridge and not get shouted at.' (Female, 15)

Discrimination against children in care

Being Treated Differently

47% children who responded to our survey said living in care changed the way children are treated and in focus groups carried out with children in care discrimination was a common theme.

Children we spoke to in focus groups told us how being in care affected important aspects of their lives like making friends:

'It affects your friendship. Friend's don't trust you... and sometimes you can't do things other people your age can do like sleep over' (Female, 15)

Discrimination in education

Children living in foster care and residential care told us that they felt they were discriminated against in education: *'There's an expectation that if you live in care then you wouldn't be the same as other people.'* (Male, 15). Children said there was often little sensitivity to their backgrounds, for example:

'In primary school my teachers knew I was in care. ... We were doing about abortions and one of the alternatives was foster care. My teacher took me outside of the classroom and made a big scene about it.' (Male, 13)

Children in residential care told us they were treated differently in school because they were labeled as a "care kid" by teachers who then made assumptions that they would fail in education and cause problems.

Bullying in education

In line with other research,¹³ children in care said bullying often happened *'because they say I'm different'* (Male, 13). Entering care was identified as a primary cause of bullying:

'I went into care, when I was nine, in the juniors, it led to me getting bullied. I got bullied a lot, everyone picked on me. It's still happening now. It's really not nice.' (Female, 15)

What needs to change

Children we spoke to in focus groups told us that there needed to be more education in school about the care system and living in care. Children identified Personal Social and Health Education (PSHE) as the best subject for this learning to take place and suggested developing a similar approach to that taken for LGBTQ education:

'I'm on the LGBTQ committee and that exists to help stop LGBTQ people getting bullied at my school. We're trying to get teachers to include it into lessons, in PSHE would be best but in any lessons that we can. And that's what I think we should do with children in care as well.' (Female, 15)

Leaving care

Support for Children

Only 19% of children who responded to the survey feel that enough is done to support children leaving care. A third said that there isn't enough support for children leaving care. Children told us: *'they don't give you enough support to leave care until it's too late'* (Female, 17). Government has set out a number of positive steps in its new strategy to improve outcomes for care leavers through increased support¹⁴. The extension of Personal Advisers for care leavers until 25, the *Local Offer* (where local authorities will be required to make care leavers aware of services that can help them) and the *Care Leavers' Covenant* for the public, private and voluntary sector to set out the services and support they offer care leavers are all welcome. However squeezed budgets mean the services that local authorities offer care leavers are variable.¹⁵ Too many children leaving care are expected to cope with independent living too early and without proper support.¹⁶

Support leaving foster care

Under the *Staying Put* arrangements children in foster care are able to request to stay in care until the age of 21 giving them more time to become ready for independent living. However, children highlighted that it is not always working affectively:

'I'd been moved to a new placement that would keep me until I was 21. I'd discussed with my social worker that I would not be ready for independent living straight after my 18th birthday. We'd always said that. After I moved I decided that I don't want to carry on with my second year of college. I want to start working. I shared this with my carers and suddenly they said they wanted me out. Suddenly my social worker seems to think it's fine for me to live on my own even though I've said I'm not ready. I don't feel like the Staying Put policy has protected me at all. I can't help but feel angry and frustrated.' (Male, 17)

Accommodation after leaving residential care

In focus groups we spoke to children living in supported lodgings after leaving residential care. The 2016 *Narey Review of residential care* highlighted disparity in support for children leaving foster care and children leaving residential care. These children are more likely to have multiple, short-term placements, be placed further away from support networks, have mental health issues and SEN and as a consequence face significantly worse outcomes than other groups of children in care. The introduction of the *Staying Close* pilot is therefore a positive step towards offering children leaving residential care better support as it allows them to visit their former home regularly and retain links with previous carers. However, it does not carry the same legal duty or parity of support as *Staying Put*.

Many of the children we spoke to had been offered inappropriate accommodation such as bed and Breakfasts (B&B) or hostels, where adults with complex issues were living. Examples we found in our research included being offered a flat share with three young people who were all drug users and being housed in adult sections of hostels despite being only 17. One 17 year-old girl had been placed in a B&B after no foster care placement was available for her. She told us: *'I was there for 17 weeks – with adult smack heads. Paedophiles, murderers, everything.'*

The Government's own statistics show that 7% of care leavers (1,780) were in accommodation considered unsuitable.

What needs to change

Children leaving care need to be given proper support and guidance about how to cope with independent living. *Staying Put* should be assessed to ensure it's working affectively for children. *Staying Close* should be piloted and after evaluation rolled out and given the same legal duty and parity as *Staying Put*.

Recommendations for Change

1. Children entering and living in care must be given age appropriate information which they can understand about what is happening to them and should be consulted about decisions made about where they live. Professionals working with children in care should be trained to listen to children's wishes and not to leave them in positions of risk. Children should be involved in delivering this training. Training on children's rights must be introduced for all professionals working with children in policing and the justice system.
2. The Government should ensure that all children who cannot live with their birth parents are able to access the best long term placements for them as soon as practical.
3. The Government should continue investing in programmes to ensure retention of social workers.
4. PSHE should include education about living in care and should be introduced as a compulsory part of the teaching curriculum
5. The Government should carry out an assessment of the *Staying Put* arrangements to ensure that they are working affectively to allow children who wish to do so to remain in care until 21.
6. The Government should roll out *Staying Close* pending a successful evaluation of the pilot to ensure children *Staying Close* have parity of support with those *Staying Put*. Decisions based on its future shouldn't be purely based on financial considerations but achieving the best outcomes for children in care.

Endnotes

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**See it,
Say it,
Change it.**

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