

Evidence to Family Rights Group Care Crisis Review

Submitted by Legal Action for Women, January 2018

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1. Introduction

Our evidence to this Review consists of our Dossier **Suffer the Little Children & their Mothers** (published January 2017), letters and articles produced during 2017, together with this updating information and some questions about the remit and conduct of the Review.

Since our Dossier of 56 cases was published a year ago we have been contacted by almost 100 mothers (and some families) from across England who are fighting through the family courts against children being taken into care, forced adoptions, and violent fathers being given contact and residence. The breakdown of their cases and their experiences of separation confirm those described in the Dossier, which forms the substantive part of our evidence.

Our evidence is based on collective self-help and campaigning. We run monthly self-help meetings where mothers share their experiences and a number of organisations contribute their expertise. They are: All African Women's Group, Black Women's Rape Action Project, English Collective of Prostitutes, Global Women's Strike and Women of Colour GWS, Single Mothers' Self Defence, WinVisible (women with visible and invisible disabilities), Women Against Rape and Payday men's network.

Legal Action for Women co-ordinates the *Support not Separation Coalition* whose members so far are: Association for Improvements in the Maternity Services; Black Women's Rape Action Project; Centre for Social Work Practice; Global Women's Strike; Lactation Consultants of Great Britain; Milk of Human Kindness; Movement for an Adoption Apology; Psychotherapy and Counselling Union; Scottish Kinship Care Alliance; Single Mothers' Self-Defence; WinVisible (women with visible and invisible disabilities); Women Against Rape; former social workers, teachers and other professionals.

In our experience, the main reasons for the increase of children being taken into care are:

- Devaluing of the bond between mother and child.
- Increased poverty as a result of "austerity" cuts particularly affecting single mothers, leading to wrongful accusations of "neglect".

- Victims of rape and domestic violence being held responsible for causing their children “emotional harm.
- Men’s “right” to their children being prioritised over women and children’s right to protection from violence.
- Bias against mothers/families who are poor, working class, of colour, have disabilities and/or mental health problems . . . resulting in sexist, racist and anti-working class assumptions/judgements/prejudices by social workers, children’s guardians and psychologists as well as family court judges.
- Refusal by local authorities and professionals to prioritise support for vulnerable families (e.g. not using powers under S17 of the 1989 Children Act and the Care Act to provide financial or other support to enable families to stay together).
- Promotion of adoption as the “gold standard”.
- Privatisation of children’s services so that taking children into care has become a highly profitable business.
- Secrecy of the family courts so that local authorities, professionals and judges are not held publicly accountable for decisions they make and mothers/families are prevented from going public with what has happened to them and seeking support.
- Denial of legal aid as well as poor legal advice.

2. Questions for the Review

We are concerned that few of the “stakeholders” are mothers or families fighting against unwarranted separation and that unless their voices are heard this review will not lead to the far-reaching changes which are urgent.

We hope the review will:

- Ensure that self-help grassroots organisations like ourselves of mothers/families directly affected (especially by adoption, the most draconian of separations) are invited to participate in the proposed roundtables.
- Make public how the Review is gathering the experiences of mothers and families directly affected.
- Publish a list of everyone who submitted evidence, together with their evidence.

3. Key findings from our Suffer the Little Children & their Mothers Dossier

- 71% of mothers had suffered rape and/or domestic violence.
- Another 14% had been raped or tortured in their home countries.
- 20 % were disputing the father’s contact.
- 53 % of the mothers had a lawyer.
- 29% were Black immigrant women, including 7 women who were seeking asylum; 9% were Black British women; 13% were white immigrant women.
- 39% of mothers suffered from mental health issues including post traumatic stress disorder; anxiety, depression, agoraphobia, “personality disorder”.
- 7% had learning disabilities; 7% had physical disabilities.

- 7% had been separated from their children by prison

Other facts

- 80% of UK women are mothers. Women are primary carers in 90% of households.
- Women have borne the brunt of “austerity” measures (87%) and have been impoverished particularly through the total benefit cap, cuts to benefits and social care, pay inequity and high levels of zero hours contracts.
- Child poverty is at its highest level since 2010 with 30% of children living in poverty of whom 2/3 are in working families. This was before the introduction of Universal Credit which has led to increased destitution (41,000 children live in households which were due to move on to universal credit from mid-November)
<https://www.theguardian.com/society/2017/nov/07/food-banks-warn-of-struggle-to-cope-this-christmas-due-to-universal-credit>. Head of Oxfam’s UK programme, “There are now more people in poverty in the UK than there have been for almost 20 years and a million more than at the beginning of the decade.”
<https://www.theguardian.com/society/2017/mar/16/child-poverty-in-uk-at-highest-level-since-2010-official-figures-show>.
- 50% of children of colour live in poverty (<http://www.poverty.org.uk/06/index.shtml>).
- There are more children “in care” now than at any time since 1985.
- Children from poor areas are 10 times more likely to be taken into care than those in rich areas.
- One in five children are now referred to children’s services
<http://www.bbc.co.uk/news/education-36377293>. We understand from Dr Andy Bilson that his most recent research indicates this proportion is increasing.
- Research by Dr Bilson confirms that those local authorities which have higher rates of adoption also take more children into care.
<http://www.communitycare.co.uk/2017/02/09/the-governments-adoption-drive-isnt-doing-what-it-set-out-to-do/>
- The number of referrals to children’s social services in 2016-17 was 646,120, an increase of 4% on the previous year and a 7% increase since 2010 (when the Department for Education timeline starts). But the proportion of referrals that, following assessment, do not result in any involvement or help from social services is at a high of 27.8%, up by 2.5% from the previous year and 8.7% since 2012 (when this data were first collected).
- In 2016-17, there were more referrals but a reduction in those getting further help from social services. As a result, a smaller proportion of children – 330.4 per 10,000 aged under 18 – are now categorised as children in need than at any time since 2010.
- The main reasons children are subject to child protection plans are neglect (48.1%) and emotional abuse (33.8%) not actual harm. <https://www.theguardian.com/social-care-network/2017/nov/07/more-children-than-ever-need-our-help-but-they-are-being-ignored>
- Initial [child protection case conferences](#) are up 73% to 75,890, and a record number of children – 51,080 – have a child protection plan, 75% more than before the Baby P case in 2008.
- There has also been a 130% increase in care proceedings and a 21% increase in [the number of children in the care of local councils](#) over the same period.

- This has happened at the same time as central government funding to local authorities [has been reduced by 40% since 2010](#) , when specific grants such as [Sure Start have been ended](#) , and when social security benefit cuts have badly affected [poor families with children](#), especially single mothers.
- Children from single mother families are twice as likely to be referred to social services (Yorkshire & Humber Region, RIEP & ACDS funded Safeguarding and Promoting Welfare Research Project, Professor David Thorpe, published 2011)
- Children in care (not kinship care) account for [0.5%](#) of the child population, but as adults account for [27%](#) of the prison population. [31% of women prisoners](#) have spent time in care as children, and **24%** of men. This is whilst in total in England, there are less than 1% of [children in care](#).” ([From Care to Custody](#), Women in Prison)

4. Devaluing mothers

The huge rise in children taken by the state results from the **devaluing of mothers and the caring work we do**. Gender neutral legislation makes mothers invisible. Yet mothers are children's first protectors; when we fail to protect our children it is usually because we are unable to protect ourselves. The clearest evidence of this is that the main reason now used to take children away is men's domestic violence. Instead of being protected from violent partners, women who speak out against violence risk having their children taken from them.

The **views and understanding of mothers** and other primary carers, grandparents and sometimes fathers, **are dismissed in favour of the individual views of professionals**. Why? Mothers and kinship carers know their children better and are more committed to them than any “corporate parent”. Taking children from the person they are closest to is the worse form of abuse by the state and must be stopped.

Social services are acting illegally by taking children without due cause. (There is ample evidence of this, including from child abuse enquiries such as in Jersey which found that children were taken without legal justification.)

We are told that the reason so many children are being taken is that social services are ‘**risk averse**’, that they will do anything to avoid another Baby P or Victoria Climbié tragedy. But they are not risk averse about the **lifelong trauma** caused to children by unwarranted separations, or about **the risk of child abuse once the children have been removed** and left at the mercy of institutions which have been shown over and over again to have abused children. So ‘risk averse’ seems to be limited to protecting social workers from scandals which may lose them their jobs not with protecting children from harm.

Adoptions are at their highest point since complete data collection started: 90% of adoptions are without parental consent. Despite legal requirements that adoption must be a last resort – when “nothing else will do” – we see time and again young children taken at an early age without good reason. In all the cases we have dealt with, no actual harm had occurred. The mothers were often young and/or vulnerable and had little chance against an array of professionals ready to condemn them for their vulnerabilities rather than offer the support and help they are legally entitled to.

Class bias as well as **racism** and **discrimination** on grounds of **age** and **disability** are widespread. Mothers who are deemed of making 'poor choices' in the eye of a social worker are accused of being mentally unstable and have their children taken. Professor Bilson's research shows that, in working class areas **50% of children are referred to social services**, yet the incidence of abuse is not higher – they are targeted because they are impoverished and have little access to legal and other support.

Working class women have their children taken away where a more affluent family, especially if it's not a single mother family, will not. Women **who have been in care as children** or who have a child as a result of rape (such as the women in Rotherham) are having their children taken. Is it not illegal for state agencies to victimise those who have been wronged and are entitled to justice and help?

There is also **negligence by social services**. In some of the most notorious cases where children were killed by fathers or step fathers, social workers and other professionals had done little to stop bullish men, perhaps because they were afraid of them – it is easier to blame the mother for „failing to protect“ than to stand up to the violent father. Children and mothers are being made to pay for the wrongdoings of social workers, and for the cuts which make social workers overworked and social services short staffed.

The family courts have often **rubberstamped social services illegalities** rather than protected children, which is their duty.

5. Targeting single mothers

The targeting of single mothers started under Thatcher with Peter Lilley's 'little list' which imposed sanctions on single mothers who refused to name the father of their children. Then Tony Blair ended One Parent Benefit and labeled single mothers as 'workless'. It denied the work of raising children and our right to financial support which Eleanor Rathbone had established when she won Family Allowance (Child Benefit) as the first measure of the welfare state.

Single mothers' entitlement to Income Support has been relentlessly attacked and it is now only available until children are five. Mothers are pressured into "work related" activities even while their children are nursing infants. And the introduction of sanctions is bringing poverty and destitution.

6. Interpretation of legislation

According to the **Children Act 1989**, the **welfare of the child is paramount**. Yet the most important relationship to the welfare of children – **the relationship between children and their primary carer, in 90% of cases their mother, is devalued and dismissed**. Children who are loved and have suffered no harm are routinely taken on the basis of speculative and subjective 'risk of future emotional harm'. The emotional harm inflicted by separation (greater than most other harm that can be inflicted on a child) is hardly considered.

According to the Children Act 1989, children should be helped to stay with their families including by **providing impoverished families, usually single mothers, with cash**. This

used to happen but is no longer happening. Is it not illegal for social services to ignore this crucial aspect of the law? Social services' budgets have prioritised spending on taking children away rather than on supporting families (usually single mother families) who have been impoverished. Their excuse is that with austerity budgets are tight. But **taking children into care is much more expensive** as well as much more damaging than supporting mothers.

The speculative risk of **'future emotional harm' is given more weight than** whether or not any **actual harm** has happened.

7. Rape and Domestic Violence

Domestic abuse features in 70-90% of cases in the family courts yet less than 1% of child contact applications are refused – violent fathers who request contact nearly always get it. The family courts are **re-imposing patriarchal standards**, even those which have been discredited in open courts. The secrecy of the family courts has enabled sexist rulings based on biased views of women which have long been discredited in the criminal courts. For example, women who allege multiple incidents of domestic rape and other violence are less likely to be believed than those who mention one incident. Yet it is well established that most domestic violence is not a one off incident but on-going. It takes women an average of 37 incidents of violence before they report to police.

Controlling behaviour, which is now part of the definition of DV, is rarely prosecuted and considered even less in the family courts. Protest by individual mothers and organisations such as ours, BWRAP and WAR, and others, have resulted in some changes to the way mothers are treated in court, such as mothers who allege domestic violence not being cross-examined by their attacker. But these are nothing like enough. The assumption that women lie about rape and DV must end.

The legislation and the **family courts often prioritise men's 'right' to their children over women and children's right to protection**. Violent men are being given contact and even residence despite mothers revealing a history of violence and despite children showing that they are afraid of their fathers and upset when they are forced to see them. Increasingly, if mothers allege rape or other domestic violence they are not only disbelieved, but are threatened by judges with change of residence to the father in a blatant attempt to silence them. We know of several cases where this change of residence has been imposed on the children despite their stated wish to stay with their mother, leading to the father's ongoing control of the mother as well as the children.

The harm caused by children witnessing violence, most often inflicted by men on women, is used to accuse mothers of failing to protect children, not against fathers to deny them contact and custody. We have been involved in cases where mothers have lost custody after reporting rape by the father. Often the mothers' accusations are dismissed as 'false' but even in cases where the man has been convicted of raping the mother, the children are taken from her. Mothers are the most aware of the dangers and lasting trauma of separation, so we often keep quiet and don't defend ourselves from violence for fear of losing our children. This is not only a reasonable response, it is a response based on love for our children, on the intimate understanding that without us they are even more unprotected.

8. What we are demanding

An end to the forced separation of children from their mothers.

Implement S17 to ensure families get the financial and other help they need in times of crisis and to avert a crisis; we want early support NOT early intervention.

Reinstate income support, one parent benefit and universal child benefit, end the benefit cap, Universal Credit and sanctions.

Adequate financial support for kinship carers (usually grannies).

Reprioritise housing for single mother families.

Open up the family court.

Reinstate legal aid for family court matters.

End privatisation of children's services.

Change the law so that 'likely to suffer future emotional harm' is removed as grounds for removing children.

9. Attachments

1. Sandra Laville *Guardian* article 19 Jan 17 "Rising adoptions penalise poor families but don't cut numbers in care, says report".
2. *Guardian* letters 30 Jan 17, "How poverty, care and adoption are related".
3. Support not Separation coalition launch in Parliament 7 July 17.
4. Support not Separation aims, 11 July 17.
5. *Guardian* letter 10 Dec 17, "Family carers must get the financial support they deserve".
6. Notice and video of "Another Handmaid's Tale" public meeting at The World Transformed 26 Sept 17.
7. Kinship Care Fact sheet.
8. Family Court Protest leaflet.
 - a. Family Court Protest *Independent* video 8 March 17.
 - b. Letter to Sir James Munby 8 March 17 "Valuing mothers and children – concerns about the discrimination mothers face in the family court"
9. Open Letter to CAFCASS and NSPCC "Re your participation in a conference run by Families Need Fathers", 14 Oct 17.

Rising adoptions penalise poor families but don't cut numbers in care, says report

Sandra Laville, Thursday 19 January 2017

The push to increase adoption in England is punishing low-income women, who are increasingly losing their children due to poverty, according to research by Legal Action for Women.

A report to be presented at the House of Commons on Wednesday contains new research from the legal service and campaign group, which suggests the policy of increasing adoption has not reduced the number of children in care – as it was intended to – but has increased the number of those separated from their parents.

Dr Andy Bilson, emeritus professor of social work at the University of Lancashire, has been analysing the data gathered between 31 March 2001 and 2016. He found the number of children from care living with adopted parents or special guardians, has increased from 87,090 to 143,440 – a rise of 65%. His research found adoptions have risen by 40% over the past five years, compared with the five previous years, but over the same period the number of children in care rose by 7.5% to 70,440. “This is very unlikely to be due to an increase in abuse,” said Bilson. “The vast majority of this is about neglect or emotional abuse, often through witnessing domestic violence.

“Both of these can be better dealt with through family support and responses to poverty and deprivation. We are more willing to spend money on someone else looking after these children than in making sure the parents make a good job of it.”

Bilson’s research is part of the dossier of evidence collected by Legal Action for Women to be presented at the House of Commons on Wednesday. The report, Suffer the Little Children, examines what the group calls “the unjust separation of children from their mothers.”

It finds the number of looked-after children in England is the highest it has been since 1985; one in five children under five are referred to children’s services, one in 19 are investigated and adoptions are higher than in any other European country, and now stand at the highest level since data was first collected. More than 90% of adoptions are done without the consent of the family, the report states.

The report examined the cases of 56 women, all of whom came for help to fight for their children. Between them the women had 101 children; 71% of the women had suffered rape and/or domestic violence, 47% did not have a lawyer and 39% had mental health problems.

Anne Neale, one of the report’s authors, said: “Charges of neglect are used to punish, especially single-mother families, for their unbearably low incomes.

“The fundamental relationship between mother and child is dismissed as irrelevant to a child’s wellbeing and development, and the trauma of separation, and its lifelong consequences, are ignored.

In numbers

65%

Increase in children moving from care to live with adopted parents or special guardians between 2001 and 2016

75%

Increase in the numbers of children in care in the past five years – to 70,4440 – compared with previous five years

90%

Proportion of adoptions carried out without the consent of the birth family, according to Legal Action for Women

“Mothers who are victims of domestic violence are refused help, blamed for ‘failing to protect’ their children, and punished with their removal.”

The report highlights the secrecy of family courts, where adoption decisions are made in private hearings, in which mothers are prevented by law from talking about the loss of their children.

Donna Clarke, whose granddaughter was taken from her teenage mother and handed to adoptive parents, will speak on Wednesday at the launch. She said families were being punished for living in poverty. “It is a form of social cleansing,” she said. “Vulnerable people are having their children taken away. It is all about them judging the risk of significant harm but if they spent the money on putting in the support that was needed many of

these families would be able to keep their children.”

Clarke’s granddaughter was adopted when she was 13-months-old after spending the first five months with her biological mother, a teenager with learning difficulties. The baby was sent to a foster parent at five months while adoption proceedings got underway. The baby’s grandparents asked to be considered but none were deemed suitable and the child was given to new adoptive parents.

Clarke is able to write and receive two letters a year from the adoptive parents to keep in touch with her granddaughter. Her son – the baby’s father – and the baby’s mother, have gone on to have other children whom they are successfully caring for.

The drive to increase adoptions began under Tony Blair’s government in an attempt to reduce the numbers of children in long-term care. It was continued under David Cameron, who said that the children and social work bill – currently in parliament – was designed to “tip the balance in favour of permanent adoption where that is the right thing for the child - even when that means overriding family ties.”

In a 2013 high court ruling, Sir James Munby, the president of the high court family division, said the political drive to hasten and increase adoption should not override due process and break up families unnecessarily.

2.

the guardian

Adoption

How poverty, care and adoption are related

Letters

Monday 30 January 2017

John Simmonds raises two issues in [his letter](#) (25 January). First, he questions the “data and its analysis” cited in the article ([Rising adoptions penalise poor families but don't cut numbers in care, says report](#), 19 January) without outlining his concerns. I have published a spreadsheet showing sources of data, assumptions made, and the calculations (bilson.org.uk/calculations/) so that he, or anyone else, can see them. Second, I make no claim that there is an explicit policy to address poverty through adoption. I do show that a policy of increasing adoption to reduce the number of children in long-stay care leads instead to an increase in care. The government doesn't provide statistics relating adoptions to levels of poverty, but research shows that children living in the 10% of most deprived communities are almost 11 times more likely to be in care than in the least deprived communities. It is thus highly likely that adoption is concentrated in these poor communities.

My most worrying finding is that if local authorities are grouped into thirds based on high, medium and low levels of children leaving care to be adopted, then high-use authorities increased children in care by 10% in the past five years, middle use increased it 6%, and in low use it fell by 3.2%. We need research to look at the link between increasing numbers of children in care alongside rising use of adoption. But it is already clear that policymakers should not assume that increasing adoption will reduce numbers in care.

Dr Andy Bilson

Emeritus professor of social work, University of Central Lancashire

- I have enormous respect for John Simmonds but I suggest that his response to your article on the rise in adoption from care fails to take account of a key element in the process. Of course, the courts are usually rigorous in their application of the “best interests” test, but they are often applying this months or even years after the crucial decisions about child protection and family support have been made. If those decisions were taken in a climate of (i) pressure to remove children to avoid public criticism, (ii) pressure to consider adoption as the best solution at a relatively early stage, and (iii) serious cuts in family support services, then the courts might well find – and frequently do – that the passage of time has cut off options that might have been better for the child in an ideal world. The clock cannot be turned back, but we should be looking

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seriously at the consequences of current policy and practice, and at what might be the alternatives. Having been present at the meeting to which John refers, I am aware that the data are being contested, and I hope this process will lead to robust conclusions that we can all get behind.

Dr Nigel Thomas

Professor of childhood and youth research, University of Central Lancashire

- As a former family magistrate I was involved in many cases where we made the decision to remove a child from her parents for adoption. I do not believe that the decision was ever made on the basis of the poverty of the natural parents. However, it was frequently made on the basis of the parents' or mother's mental health and/or drug addiction. Intuitively, I suggest that these factors are correlated with poverty and unemployment, and also that their effect is more severe where people are materially deprived.

Julia Carter

London

- While by law adoptions should only happen when “nothing else will do”, as John Simmonds says, by the time of a final court hearing (often months or years later) social services have already shaped the case against the mother in favour of adoption. Judges usually follow their recommendations, and when they don't social services fight to get their way. A teenage mum we tried to help was taken to court two days after an emergency caesarean so her baby could be removed immediately. When the judge refused, she was isolated from her support network in a mother and baby unit, under constant critical observation. Not surprisingly, although the baby flourished, her mother was deemed unfit and the child was adopted against the family wishes.

CoramBAAF disputes the connection between poverty, increasing levels of adoption and children in care, but offers no explanation. The Royal College of Paediatrics and Child Health has just reported worsening ill-health among children in poverty. Yet time and again social services scrutinise working-class mothers, triggering child protection intervention when the obvious problem is poverty.

In our dossier [Suffer the Little Children and Their Mothers](#), the mothers whose children were adopted were all on low incomes, half had been teenage mothers, half were women of colour, half were survivors of rape or domestic violence. One mother with a learning disability had her first baby adopted at birth, never given a chance to care; a young couple who asked for advice about a mark on one of their children's faces ended up in the high court without a lawyer unable to stop their adoption; a woman raped by the children's father (who was convicted) was

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accused of failing to protect them, and the children were adopted by strangers in preference to their grandparents.

Fostering and adoption produce millions in profit for private companies. The children and social work bill now in parliament would extend that lucrative privatisation by removing statutory protection for children in care. The lifelong trauma of separation on children and their birth families is not considered. How is this cruelty in the best interest of children?

Anne Neale and Nina Lopez

Legal Action for Women

<https://www.theguardian.com/society/2017/jan/30/how-poverty-care-and-adoption-are-related>

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3.

07 July 2017 PRESS RELEASE

LAUNCH of SUPPORT NOT SEPARATION – a coalition to end the unwarranted and damaging separation of children from their mother or other primary carer.

WHEN: Tuesday 11 July 6-8pm, Wilson Room, Portcullis House, Westminster, SW1A 2JR

CO-ORDINATED BY: Legal Action for Women (LAW)

HOSTED BY: MP Emma Lewell-Buck

CONTACT: Anne Neale, LAW. Tel: 020 7482 2496

The unwarranted removal of children is not an aberration of the past or *The Handmaid's Tale* of the future. Thousands of mothers are being labelled „unfit“ and treated as mere surrogates right now.

Successive governments promoting adoption, financial and other pressures on social services, family court secrecy, increased privatisation of children services and cuts in legal aid have led to a 65% rise in children taken into care or adopted – 143,440 in 2016!

The number of „looked-after“ children in England is the highest it has been since 1985; one in five children under five are referred to children's services, one in 19 are investigated; adoptions are higher than in any other European country, and now stand at the highest level since data was first collected. More than 90% of adoptions are done without the consent of the birth family. Fostering and adoption are now multi-million pound industries.

Under the Children Act 1989, the welfare of the child is paramount. Yet the trauma of being torn from the love and protection of a mother or other primary carer, and the additional harm of being in care, are routinely ignored.

The mothers and grandmothers in our coalition have had their children taken at birth, while still breastfeeding, after months under CCTV surveillance in mother and baby units where breastfeeding is forbidden, or couldn't get their children back from temporary care (like the mother of Lemn Sissay). Others are fighting to stop violent fathers having contact or custody of their children. We come together at monthly self-help sessions and monthly protests outside Holborn's family court. Most mothers are single, low income, young, of colour, immigrant, have a disability or a learning difficulty, and/or have had children taken before. One woman has lost six children, the last two despite acknowledgement that she was an able and loving mother. [One in four](#) whose children are (forcibly) adopted grew up in care.

Our experience that families from poor areas are targeted has been confirmed by new research showing a geographical divide with [families from the North of England](#)

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[disproportionately at risk](#). With nearly four million UK children (28%) living in poverty, the potential for social engineering is huge.

In January 2017 we published the dossier [Suffer the Little Children and their Mothers](#). Its launch was hosted by MP Emma Lewell-Buck who led opposition to clauses in the Children and Social Work Bill which would have removed statutory protection from children in care, enabling further privatisation of children services. The clauses were defeated.

Support Not Separation is bringing together organisations and individuals directly affected by the unwarranted removal of children.

Closed family courts have enabled decisions based on lies, sexism and other prejudices. An end to secret hearings is a crucial demand of the Coalition. Other demands include: Help for families to stay together unless there is evidence of serious actual harm. Support for primary carers – evidence shows that protecting mothers is almost always the best way to protect children. Ending adoptions as a form of social engineering.

We are determined to stop the unwarranted removal of children and to get mothers, grandmothers and other primary carers the support they are entitled to.

Labour's manifesto commitments to keep child protection services out of private hands, "refocus social care to work with families ... to prevent children becoming at risk of going into care," and increase ongoing support for kinship carers are important steps in the right direction.

Members so far include:

Legal Action for Women, co-ordinators

Association for Improvements in the Maternity Services

Black Women's Rape Action Project

Global Women's Strike

Lactation Consultants of Great Britain

Milk of Human Kindness

Movement for an Adoption Apology

Scottish Kinship Care Alliance

Single Mothers' Self-Defence

WinVisible (women with visible & invisible disabilities)

Women Against Rape

Mothers, grandmothers, children who suffered historic separation, former social workers, the founder of a support service for the children of prisoners, teachers and other professionals.

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4.

11 July 2017 SUPPORT NOT SEPARATION

A coalition to end the unwarranted and damaging separation of children from their mother or other primary carer

WHO WE ARE

We are a coalition of organisations and individuals who have experienced or witnessed the damage caused by the forced separation of children from their mother or other primary carer and are determined to change this desperate situation. Families living in poverty are much more likely to have their children taken into care. Given that nearly 4 million children (28%) are living in poverty in the UK, that the number of children taken from their birth families is at its highest in 35 years,¹ and that 90% of adoptions are without consent, this is now urgent.

OUR AIMS

Expose how the policy of successive governments to promote adoption rather than treat it as a last resort, and pressure on social services, have led to more and more children unjustly taken into care.

Separating children from their birth families, especially their mother or other primary carer, causes serious long lasting harm. When considering the welfare of the child under the Children Act 1989, avoiding the trauma of separation must be a primary concern.

Institutional care and adoption must be treated as a last resort. Social services, CAFCASS and family courts must implement the law according to this central but often ignored principle.

Poverty and/or poor housing must not be used as evidence of „neglect“ or „future harm“ to children when what is needed are support and resources.

Families must be helped to stay together unless there is evidence of serious actual harm.

¹ There were 143,440 children in care, adopted from care or in special guardianship in 2016. Research by Dr Andy Bilson, Emeritus Professor of Social Work, Care and Community, University of Central Lancashire, quoted in *Suffer the Little Children and their Mothers* (see footnote 2 below)

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End adoptions being used for social engineering – taking children from low income families, often single mothers, to place them with wealthier ones. Biased decisions on grounds of income, gender, race, nationality, disability, religious affiliation . . . lead to children being unjustly taken from their families.

Support primary carers. Evidence shows that protecting mothers is almost always the best way to protect children.

Value and protect breastfeeding in line with international recommendations. Children services and family courts must be educated to uphold such standards rather than dismiss them.

Mother and baby units should provide a caring and supportive environment not isolation and monitoring aimed at mothers „failing" so the children can be removed.

Extend and support paid maternity leave and parental leave so mothers are not isolated and threatened with losing their babies if they need or seek help.

Reinstate Income Support for single parents (overwhelmingly mothers).

Provide financial resources so that mothers and children can leave violent relationships and stay together.

Reinstate legal aid so no mother has to face the family court and her violent ex-partner unrepresented.

Fathers with a history of violence to women or children must not be allowed unsupervised contact with their children.

The family courts must open their doors to public scrutiny while continuing to protect children"s anonymity. The courts secrecy has encouraged gross injustices against children and even death. Justice must be seen to be done.

Prison sentences for primary carers must be avoided so children are not punished. Where a prison sentence is in place, children"s regular contact must be enabled. Requests for respite, temporary care or other help must not be used to prevent children returning to their families at the earliest opportunity.

Every child is the social concern of all of us. We oppose all privatisation of children services.

Support Not Separation is co-ordinated by Legal Action for Women.²

Coalition members so far include:

Association for Improvements in the Maternity Services; Black Women's Rape Action Project; Centre for Social Work Practice; Global Women's Strike; Milk of Human Kindness; Movement for an Adoption Apology; Scottish Kinship Care Alliance; Single Mothers' Self-Defence; WinVisible (women with visible and invisible disabilities); Women Against Rape; former social workers, teachers and other professionals.

11 July 2017

Legal Action for Women

Crossroads Women's Centre

² [*Suffer the Little Children and their Mothers*](#) – a dossier on the unjust separation of children from their mothers, Nina Lopez and Anne Neale for Legal Action for Women, launched 18 January 2017 at the House of Commons at a meeting hosted by Labour MP Emma Lewell-Buck.

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5.

5.

Guardian letters

Family carers must get the financial support they deserve

Sun 10 December 2017

• Finally, a call for financial support for kinship carers. We've campaigned for years to end the discrimination that pays strangers for foster care but not grandparents who often have to fight to stop children being adopted. But what about supporting mothers so children can stay with them? Women, 80% of whom are mothers, suffer 86% of austerity cuts, including benefit sanctions which drive thousands to food banks; 56% of single parents (overwhelmingly mothers) with jobs live in poverty; single-mother families are 47% of the statutory homeless and nearly three-quarters of families affected by the benefit cap.

[Section 17 of the 1989 Children Act](#) instructs local authorities to "promote the upbringing of children by their families" by "providing accommodation and giving assistance in kind or in cash". The Care Act 2014 entitles disabled mothers to extra help. Why are these entitlements rarely implemented? The 40% cut in "early intervention" highlighted by the shadow chancellor, John McDonnell, is not the only reason. An ideology of blaming mothers even for the domestic violence they suffer, devaluing the child-mother relationship regardless of its impact on children, promoting forced adoptions and privatisation of children services, has resulted in nearly 90,000 children in care (England and Scotland). In some working-class areas, 50% of children are being referred to social services.

In 2016, ruling against a forced adoption, the European court of human rights said that article 8 (respect for private and family life) placed the state under a "positive obligation" to keep families together. It blamed "public and private services provided by „saviours“" for "child maltreatment and discrimination". Mothers and kinship carers picket London's family court every month demanding to be reunited with their children. They ask: when will they get the support they are legally entitled to?

Nina Lopez *Support not Separation*

Micheleine Kane *Scottish Kinship Care Alliance*

Kim Sparrow *Single Mothers' Self-Defence*

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<https://www.theguardian.com/society/2017/dec/10/family-carers-must-get-the-financial-support-they-deserve>

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6.

Workshops at The World Transformed running during the Labour Party conference: 23-26 September 2017

We hope you can join us. Please share with friends & networks.

All events are wheelchair accessible.

Tues 26, 3-5pm

A NOT HER HANDMAID'S TALE

Komedia Studio, 44-47 Gardner St, Brighton BN1 1UN

In poor communities, as many as 50% of children are reported to social services. Poverty is used to allege „neglect,” treat mothers as surrogates for fostering and adoption without consent, inflicting lifelong trauma on thousands of children. Single mothers are most at risk, especially if they report rape or domestic violence, are of colour, or have a disability. A growing movement is breaking the silence and picketing secretive family courts. It is reflected in Labour's manifesto. Mothers, women's organisations, professionals, MPs – and you – speak out.

Cristel Amiss (Black Women's Rape Action Project), **Selma James** (Global Women's Strike), **Micheleine Kane** (Scottish Kinship Care Alliance), **Abbie Kirby** (Friends, Families and Travellers), **Emma Lewell-Buck MP** (Shadow Minister for Children & Families), **Anne Neale** (Legal Action for Women – LAW). Clip of **John McDonnell MP** at launch of Support not Separation Coalition (SnS). Others TBC. Chaired by **Nina Lopez** (SnS). Organised by LAW.

For more information on these workshops:

gws@globalwomenstrike.net or law@allwomenscount.net

Full programme: www.theworldtransformed.org

Video of Another Handmaid's Tale meeting

<https://www.youtube.com/watch?v=2rU3aGqng64&feature=youtu.be>

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7. KINSHIP CARE FACT SHEET

Kinship carers are also known as family and friends carers. They bring up a child that they already know, to live with them, often to stop the child going into care. They are most often grandmothers but include, older siblings, aunts and uncles and family friends, but they could be anybody who is a relative or already knows the child.



Scottish Kinship Care Alliance demanding justice for kinship kids.

- [200,000](#) children are being raised by kinship carers in the UK.
- [95%](#) of children in kinship care are not 'looked after' by the local authority. By safely keeping children out of the care system, kinship carers save the Treasury billions of pounds each year.
- [51%](#) of children in kinship care are growing up in households headed by grandparents (usually grandmothers), [23%](#) in households headed by a sibling, and [25%](#) are lone carers.
- [30%](#) of kinship carers have a chronic illness or disability.
- [2.7%](#) of Black children are raised in kinship care households; [1.2%](#) of white children are raised by a kinship carer.
- [Children](#) in kinship care are doing significantly better than children in formal care – they feel more secure and have fewer emotional and behavioural problems and are doing better at school ([43%](#) of children in kinship care achieved 5 A*-C grades at GCSE compared to [13%](#) in formal care).
- Children in care (not kinship care) account for [0.5%](#) of the child population, but as adults account for [27%](#) of the prison population.
- [75%](#) of kinship carers experience severe financial hardship. [25%](#) can't afford to put the heating on at will; [33%](#) live in overcrowded conditions; and [7%](#) could not afford a daily hot meal for themselves.
- [49%](#) of kinship carers have had to give up work permanently to care for the kin child, and a further [18%](#) had to give up work temporarily.
- [22%](#) of kinship carers' households have three or more children aged 18 or under. The government's proposed limit on child tax credits will have a detrimental effect on kinship carers.
- Like mothers, kinship carers get very little help for raising a child: £20.70 in Child Benefit and £63.94 in Child Tax Credit – that is **£84.64 / week** for one child. A foster carer in the London borough of Camden looking after a child up to the age of 10 will get a maintenance allowance for the child of at least £217 plus a professional fee of £136.50 – that is **£353.50 /**

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week (specialist foster carers may get up to **£800 / week**). If the child were in care, the local authority may pay **£3,000 / week**.

- **17%** of English local authorities do not have a published policy promoting and supporting the needs of children living with kinship carers, thus failing to comply with statutory guidance which requires them to have a published policy by September 2011.
- **80%** of kinship carers felt that when they took on the child, they did not know enough about the legal options and the consequences for getting support.

Compiled by *Global Women's Strike & Payday men's network*

www.globwomenstrike.net www.refusingtokill.net

8.

FAMILY COURT ON TRIAL FOR UNJUSTLY TAKING CHILDREN FROM THEIR MOTHERS

Protest outside family court first Wednesday of every month.

12.30-1.30pm

[London court](#) First Avenue Hse, 42-49 High Holborn, WC1V 6NP

[Brighton court](#) 1 Edward St, BN2 0JD



Mothers and other carers protest outside Holborn and Brighton family court against the increasing numbers of children taken into care, court secrecy, cuts to legal aid for family cases, forced adoptions, mothers' and children's poverty and destitution, sexism, racism and other bias. Join us.



Contact: **Legal Action for Women**

law@allwomenscount.net

Single Mothers' Self-Defence

smsd@allwomenscount.net



JOIN US TO DEMAND:

- An end to sexist judgements which deny the bond between mother and child, and downgrade the crimes of violent fathers.
- Fathers who are violent should not have unsupervised contact.
- An end to the secrecy of the family courts; there must be public scrutiny.
- Legal aid for all family court matters; no mother should have to represent herself.
- An end to institutional discrimination on grounds of income, race, nationality, disability, religious affiliation and/or occupation.
- An end to forced adoptions.
- Courts and social services must prioritise keeping children with their mother or other primary carer wherever possible. The state must support mothers doing their best for their children.

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FACTS

- 80% of UK women are mothers. Women are primary carers in 90% of households.
- 28% of children live in poverty
- There are more children “in care” now than at any time since 1985
- Children from poor areas are 10 times more likely to be taken into care than those in rich areas
- Domestic abuse features in 70-90% of cases in the family courts yet less than 1% of child contact applications are refused – violent fathers who request contact nearly always get it.
- One in five children are now referred to children’s services yet the proportion of identified cases of abuse by parents has dropped from 24% to under 8%.
- Adoptions are at their highest point since complete data collection started: 90% of adoptions are without parental consent.



Suffer the little Children & their Mothers: A dossier on the unjust separation of children from their mothers is available at <http://legalactionforwomen.net>

9a.

Protest outside Central Family Court: Value the world's mothers and children – part of International Women's Strike events on International Women's Day 8 March 2017



See video & article in The Independent [here](#)

9b.

At the protest we handed in an Open Letter to Sir James Munby, President of the Family Division of the High Court of England & Wales asking to meet with him to convey our concerns about the discrimination mothers face in the family court. See our letter below:

Dear Sir James Munby,

Valuing Mothers and Children

We write to respectfully request a meeting with you.

We are mothers and organisations struggling against the unjust separation of children from their mothers, and today, International Women's Day, we are protesting outside the Family Court. We are deeply concerned about the rise in the number of children being taken into care, forced to have contact or live with neglectful, vindictive and violent fathers, or adopted against the wishes of their mothers and of the children themselves.

As you will know, the number of "looked after" children in England is the highest it's been since 1985. The number of adoptions is higher than in any other European country, and 90% are without the consent of the biological family. Instead of reducing the number of children in care, the push for adoption has led to a staggering 65% increase in children separated from their parents.

This situation is likely to get worse as women are paying for 87% of austerity cuts and have lost jobs, services, legal aid, housing and benefits, even our lives, to callous cuts and sanctions. 80% of women in the UK are mothers and those of us who are single mothers, women of colour, disabled, asylum seekers, very young . . . are particularly

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vulnerable. Time and again social services scrutinise working-class mothers, triggering child protection intervention when the obvious problem is poverty. Recent research shows that children living in the poorest neighbourhoods of the UK are almost 10 times more likely to be taken into care or placed on a child protection plan than those from affluent areas. It is a grave injustice that when mothers ask for help and support, or leave violent partners, we risk losing our children instead. The family courts have been complicit in this grave and destructive situation.

We respectfully request to meet with you to discuss the following issues:

1. Sexist judgements in the family courts which repeatedly downgrade, ignore or dismiss the bond between mother and child, and at the same time downgrade the crimes of violent fathers against women and children. The consequent insistence on children having unsupervised contact with fathers known to be violent, and in some cases being forced to live with them, has had devastating consequences. Despite the serious concerns expressed by your predecessor Sir Nicholas Wall nearly 15 years ago, this practice has if anything increased. As you know, at least 19 children have been murdered because of it in recent years alone.
2. The lifelong trauma inflicted on children by separation from their mothers, siblings and grandparents is being ignored or dismissed. This is not in the best interest of the child and does not comply with the Children Act and court precedents that adoption should be used only as a last resort.
3. The need for legal aid to be reinstated so no mother has to represent herself in the family court. While the government is making changes so women are not cross-examined by the men they have accused of violence, these are nowhere near enough.
4. The need for family courts to open their doors to public scrutiny while protecting children's anonymity. It is done for rape victims in the criminal courts, it can be done in the family courts. If the courts are no longer secret, fairness and protection of children are bound to increase.
5. Institutional discrimination on grounds of income, race, nationality, disability, religious affiliation, occupation which pervade the family court system.
6. The need for the courts to ensure that social services are instructed to prioritise keeping children in their families wherever possible, protect and value mothers and other primary carers. Mothers have every right to expect help from the state when they ask for it.

We enclose a copy of our dossier *SUFFER the little CHILDREN & their MOTHERS*. We hope you will agree to meet with us at your convenience and that you share our concerns that children, and the vital relation between mother and child are not being protected by the institutions paid to do so.

Yours sincerely

Cristel Amiss, *Black Women's Rape Action Project*
Lisa Longstaff, *Women Against Rape*
Nina Lopez, *Global Women's Strike*
Anne Neale, *Legal Action for Women*
Kim Sparrow, *Single Mothers' Self Defence*

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9.

OPEN LETTER to CAFCASS and NSPCC re your PARTICIPATION in a conference run by FAMILIES NEED FATHERS (FNF) on Saturday 14 October 2017

We understand that you are speaking at this FNF conference on parental alienation. You must be aware that FNF have consistently attacked women.

Must we refresh your memory? As long ago as 1994, during a debate on the Child Support Agency, [MP Glenda Jackson](#) reported in Parliament that FNF advised fathers who were not allowed access to their children to „kidnap them. If that failed and nothing else could succeed, it advocated the murder of the mother.“ Recently we helped a father re-introduce contact with his child. He had previously gone to FNF and was horrified when their facilitators described the whole system as stacked against men, and

They kept referring to „feminist Nazis“. He said they promote and perpetuate misogyny and refused to go back.

FNF deny domestic violence, dismissing it as false allegations. They claim that [„False and unfounded allegations poison proceedings when a non-resident parent is seeking parenting time with his children. Judges need to make findings of fact as soon as possible and to take false allegations into account when determining the best interests of the child.“](#) FNF claim that [„there is widespread abuse of men and boys in the context of the family courts“](#) and accuse women of [„making a l l e g a t i o n s“](#) [as „a motorway to obtaining legal aid“](#).

Such claims are totally outrageous. Surely you know that:

- One in five women aged 16-59 have suffered sexual violence in England and Wales; [\[1\]](#) two women a week are murdered by a partner or ex-partner; one in four women have been subjected to domestic violence in their lifetime; 81% of victims of domestic violence are women; domestic violence has a higher rate of repeat victimisation than any other crime; 62% of children in households where domestic violence is happening are also directly harmed; [\[2\]](#) 50% of rapes are domestic. The level of false allegations of rape is less than 1% and less than 0.5% for domestic violence, both are much lower than false allegations for other crimes. [\[3\]](#)
- Family courts have allowed violent fathers (even when they have a criminal record for violence) to terrify, threaten and intimidate those they had victimised and who managed to escape them. These legal standards would never be tolerated in an open court. Judges have insisted on contact and even residence, dismissing what women and children were telling them. Nineteen children and two mothers were killed between 2005 and 2015 following court orders to allow fathers unsupervised contact. ([Women's Aid](#))
- FNF have the view that fathers who are estranged from their children have the same rights as mothers who do the daily work of caring and protecting them.

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That is the traditional patriarchal view by which children and their mothers are men's property for them to do what they want with. No organisation or charity which gets public funds, especially ones that claim to speak for children, should give credence to such views.

We hope you will reconsider your participation in this conference.

Legal Action for Women and Women Against Rape

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