

SUFFER **the little CHILDREN** **& their MOTHERS**

**A dossier on the unjust separation
of children from their mothers**

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for Legal Action for Women**



In consultation with
Black Women's Rape Action Project
Global Women's Strike
Payday men's network
Single Mothers' Self-Defence
WinVisible (women with visible and invisible disabilities)
Women Against Rape

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Suffer the Little Children and their Mothers – a dossier on the unjust separation of children from their mothers

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Drawing by a child to express both her and her mother's grief in their separation

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1. Summary

More and more mothers have been coming to us who are under threat of losing their children, have lost them and are fighting to get them back, or are trying to prevent their contact with violent fathers. Increased state intervention in family life has resulted in the biggest number of children in care for 30 years. Most are from impoverished families now targeted by austerity policies. While the law assumes that parents have equal rights and responsibilities towards their children, it is overwhelmingly mothers who are the primary carers. But the importance of children's relationship with their mothers and the trauma of forced separation are dismissed, undermining mothers' ability to protect their children. This crisis and its implications for children's wellbeing and development have received little acknowledgement or visibility. This Dossier aims to show the extent of the problem, the supporting evidence self-help groups of mothers are beginning to get from professionals, and to make proposals for action.

2. Why a Dossier?

The groups based at the Crossroad's Women's Centre¹ have been involved in what used to be referred to as "custody" cases, now residence and contact, since our first Women's Centre opened in 1975. We worked with victims of domestic violence, single mothers, immigrant women, sex workers, and lesbian women who, until the new millennium, were generally considered "unfit" to be mothers. Over the past decade we have seen a big increase in mothers coming to us for help.

Some have been defending themselves and their children from the state trying, and in some cases succeeding, to take their children from them. Others have been defending themselves and their children from fathers, most with a history of domestic violence, trying to get residence or unreasonable contact with the children. Others have come because they have desperately tried to get resources, protection and support to care for their children, and been denied them at every turn. Yet others are fighting to be reunited with their children whom they were forced to leave behind in their country of origin.

This crisis in women's lives has had little publicity. It is generally not known how widespread the intervention of the state in families is. The media has covered a few high profile cases but there has been little indication that this injustice is a common occurrence affecting thousands of children and their families every year.

We have uncovered academic research which confirms what mothers have reported. We welcome the figures, which as you will see are shocking. But just as shocking is that mothers and groups like ours involved in day-to-day case work, did not know such figures existed. While those who carried out this research have complained to us about media censorship, it is also true that research institutions are not in the habit of making their information available to those for whom it is vital. It is rare for researchers to campaign for change, even if their work

¹ All African Women's Group, Black Women's Rape Action Project, English Collective of Prostitutes, Global Women's Strike and Women of Colour GWS, Legal Action for Women, Single Mothers' Self-Defence, WinVisible (women with visible and invisible disabilities), Women Against Rape and Payday men's network

exposes grave injustices which may be personally upsetting to them. Consequently, mothers who desperately need the facts and arguments research can provide, have not been able to access it.

As the intrusive powers of the state continue to expand, the increasing number of women in positions of power is used to convince us that society is moving towards equity between women and men, that fathers are doing as much caring work as mothers, and that the bond between the child and the mother can be dispensed with. This is untrue.

“There is no such thing as an infant”, meaning, of course, that whenever one finds an infant one finds maternal care, and without maternal care there would be no infant.²

This famous remark stems from paediatrician and psychoanalyst Donald Winnicott’s observation that in the early stages of human development, before an autonomous identity is created, the infant exists only through its relationship with his or her mother.

Mothers are the primary carers in 90% of UK families.³ Central to their caring is their protection of children. Nobody protects children like mothers do – not teachers, not doctors, not social workers, not the police. When those of us who are mothers fail, it’s usually because we need protection ourselves and are not getting it.

There is an assumption that the relationship between mother and child can be dispensed with as if it is irrelevant to a child’s wellbeing and development. This has wide, devastating and lifelong consequences for children and therefore for the whole society.

This Dossier aims to describe, quantify and publicise the traumatic and discriminatory treatment of children, mothers and grandmothers by the state and the institutions who are in charge of child protection. In this way the Dossier can become one instrument to overturn the policies and practices responsible for this tragedy. We also hope to encourage professionals who have misgivings or even profoundly disagree with the system they are involved in to speak out individually and collectively, and to support mothers (and other primary carers) and those like us who campaign with them.

We find that among academics our starting point is best expressed by Professor Dorothy Roberts, who is committed to exposing the injustices perpetrated by the US child welfare system, beginning with its racism. She writes:

Removing children from their homes is perhaps the most severe government intrusion into the lives of citizens. It is also one of the most terrifying experiences a child can have. Because parents involved with child protective services are so often portrayed as brutal monsters, the public usually ignores the trauma of taking their children. But many children in foster care, who

² The Theory of the Parent-Infant Relationship, DW Winnicott, 1960, The International Journal of Psychoanalysis 41 585-595

³ <http://www.independent.co.uk/life-style/health-and-families/health-news/fathers-angered-by-psychologists-claims-that-under-fives-are-damaged-by-sleepovers-with-their-9537861.html>

typically have been removed because of neglect, have close and loving relationships with their parents, and it is indescribably painful to be separated from them.

Of course, these harms of removal may be outweighed by the harm of leaving children with violent or very neglectful parents. But just as we should pay attention to the risks of child maltreatment, we should not minimize the very real pain caused by separating children from their families. The damage caused by disrupting these ties may be far greater than the harm agencies are trying to avoid.⁴

3. The way we work

When a woman comes to the Crossroads Women's Centre with her problem, she is integrated into a process of collective self-help. We try to quickly grasp the main elements of her case and put her in touch with the relevant group/s. This is crucial since almost every case involves more than one issue. For example, a single mother might come to Single Mothers' Self Defence (SMSD) but if she has a disability we can call on WinVisible (women with visible and invisible disabilities) for advice and support. If she is a rape survivor, we can call on Black Women's Rape Action Project (BWRAP) or Women Against Rape (WAR).

Bi-weekly work meetings put women in touch with each other opening the possibility of women exchanging experiences and advice. Women work with others but always keeping the power of decision in their own hands – we call this “collective self-help”.

From the beginning, we make clear that we are not lawyers or social workers. But we do know a lot about how the system works from mothers' point of view, rather than from the point of view of a professional. The mother (or family) who are fighting for their child/ren must always be “centrally involved in their own case” – that is the only way to ensure that they stay in charge of their fight for their children and that there is no misrepresentation of their case. We will make sure they have the benefit of our accumulated collective experience so that they can make informed decisions about how to fight their case. We are committed to getting as much help and advice as possible from professionals without letting them determine how a particular case is fought – this must be in the mother's hands. And we insist that our work as experienced lay people is respected by professionals so that we can get the best out of each other.

When the situation is urgent (e.g. when there is a court hearing in the next day or two) we plunge in and set in train what is most needed to deal with the crisis. This might be trying to find a lawyer, making sure the mother has the papers/documents she needs, knows what to expect in court, etc.

Our procedure is first to ask the woman to answer a series of basic questions. The answers will clarify what stage the case is at, what additional information is needed, and whether there

⁴ Child Welfare and Civil Rights, University of Pennsylvania Law School, 2003, http://scholarship.law.upenn.edu/faculty_scholarship/585/ While the laws in UK and US are not exactly the same, there are basic similarities in the way mothers and children are treated. Colleagues of ours in the US have worked productively with Prof Roberts for years.

are resources (such as lawyers) she can be referred to. We can then discuss her options with her. Establishing if she is entitled to legal aid is crucial, because if not, we will have to see what (limited) legal advice we can get from a friendly lawyer. Depending on the issues, the organisation best placed to take the lead will co-ordinate from then on, but consulting with others as and when needed.

Our involvement ranges from one-off advice on the phone to intensive work over several years. This might include:

- attending child protection meetings and giving advice on how to approach them
- making sure the mother understands what is happening at every stage
- discussing what she could do to challenge whatever unfairness she is facing
- attending meetings with a lawyer
- helping to make sure a mother's statement covers all the relevant information
- doing a witness statement and appearing as a witness in court
- going to court as a Mackenzie friend
- giving advice about contact sessions
- finding an independent social worker to do a report for court and liaising with them
- informing family members that they could apply for special guardianship
- letting them know the procedures, encouraging them not to give up
- organising translation
- ensuring special guardianship payments get made, including when family members are abroad
- ensuring they are aware of what benefits they are entitled to and any resources that may be available.

While we are based in London and the cases represented in this Dossier are from England, we work with the Scottish Kinship Care Alliance. Their determination to keep children within their own family, fight discrimination, and get resources from the state has been a source of power for all of us. (See Appendix 6)

4. Key findings and other evidence

In putting together this Dossier we have documented the experiences of **56 mothers** who have come to us over the past nine years (four with supportive partners). They have **101 children** between them. **43%** of the children lived with their mothers; **23%** with their father; **30%** were in care or had been adopted. The children of **4 mothers (5%)** were separated from their mother by prison.

Nearly all these mothers were on very low incomes. Many are women of colour, immigrant, young, have mental health issues or other disability, or some or all of these. Approximately 34% of mothers lived outside London at the time, the rest were in London where we are based.

We have worked with many of these women over a number of years as court proceedings are slow.

- **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 had 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.**

While our sample is small, the academic figures we are now aware of bear out some of our findings and expose other worrying trends.

- **A 14% increase in the past year alone in referrals to the Children and Family Court Advisory and Support Service (CAFCASS).⁵**
- **Up to 5% of all families are referred for assessment every year.⁶**
- **The proportion of identified cases of abuse from parents has dropped significantly from 24% to under 8%.⁷**
- **Adoptions are at their highest point since the start of complete collection of data.**
- **Domestic abuse features in 70-90% of cases going to family court and in 70% of CAFCASS cases.⁸**
- **Less than 1% of child contact applications are refused,⁹ i.e. violent fathers are nearly always given some contact with their children if they request it.**

⁵ CAFCASS - A total of 12,741 care applications, involving 21,666 children, were made between April 2015 and March 2016. This is the highest ever recorded number of applications, and a 14% increase on the number of applications made in 2014/15.

⁶ Referrals and Child Protection in England: one in five children referred to children’s services and one in 19 investigated before the age of five; Andy Bilson and Katie E.C. Martin, British Journal of Social Work, May 2016

⁷ Rethinking Child Protection Strategy: Learning from Trends, Dr Lauren Devine & Stephen Parker, University of the West of England, March 2015

⁸ Women’s Aid, Nineteen Child Homicides (Bristol: Women’s Aid, 2016)

- **Widespread abuse in institutional and foster care. More than two out of five foster carers in proven abuse cases had been subject to previous allegations – yet they were still caring for children.**

The most startling figures are that:

- **96% of all adoptions are without parental consent.¹⁰ In other words, adoption is rarely the result of the child being an orphan or having been rejected by their biological family.**
- **There has been a big increase in newborn babies taken into care, including multiple babies from the same mother.¹¹**
- **1/3 of adoptions break down and the child is once again in limbo.¹²**

5. Increased state control over mothers and children

A number of policies have increased state control over children and families, and lead to more children being separated from their mothers: successive legislation escalating intervention and targeting particular communities, the push for adoption including with financial incentives, legal aid cuts undermining mothers ability to defend themselves, lack of public scrutiny in secret family courts, higher sentences for women who are found guilty of a criminal offence.

I. LEGISLATION PROMOTING EARLY INTERVENTION

The **Children Act 1989** obliges local authorities to investigate cases where children might be at risk of “*significant harm*” and to identify children who may be “*in need of services*”.

The concept of “**corporate parenting**” was introduced in 1998 with the launch of the Department of Health Quality Protects programme. The local authority, seen as the “corporate parent” of children in care had a legal and moral duty to provide the kind of support that any good parents would provide for their own children. Funding was linked to “better outcomes” by local authorities. No one seems to have objected to the term “corporate parent” at the time. In 2016, as we oppose the increased involvement in children services of private companies for profit, it has even more sinister connotations.

⁹ Domestic Abuse, Child Contact and the Family Courts, All-Party Parliamentary Group on Domestic Violence Parliamentary Briefing, April 2016.

¹⁰ Adoption without consent – Study for the Policy Dept Citizen’s Rights and Constitutional Affairs, European Parliament, 2015 by Dr Claire Fenton-Glynn, King’s College London

¹¹ One quarter of mothers whose children were removed by care proceedings had more than one child (and in one case, 16 children) taken away, and this figure rises to one in three mothers if they were teenagers when their first child was born. Research by the University of Lancaster found there were 2018 babies subject to care proceedings in 2013, compared to 802 in 2008. The Guardian 14 December 2015

¹² <http://news.bbc.co.uk/1/mobile/magazine/8665576.stm>

The **Children and Family Court Advisory and Support Service (CAFCASS)** was established as part of the 2001 Criminal Justice & Court Services Act.¹³ They are involved at the beginning of any court case where the parents are in dispute with each other. They are asked by the court to consider whether there might be any safety issues in relation to the children. This is done by writing a “*safeguarding letter*” based on speaking to each parent on the phone and making police and local authority “*safeguarding checks*”.¹⁴ If they consider there are any “*safeguarding issues*”, the court will ask them to do a more in-depth Section 7 report¹⁵ after meeting both parents, seeing the children with the resident parent and asking the children what their “*wishes and feelings*” are regarding where they want to live and how much contact they want to have with the non-resident parent.

CAFCASS is also involved when there is a court-appointed Guardian ad Litem¹⁶ to represent the interests of the child in proceedings where the state is trying to remove children from their families. Although guardians are supposed to be independent of the local authority, most are social workers and it is not unusual for them to have worked for the same social services department now trying to take the child away. Mothers are entitled to ask whether the allocated guardian has any connection with the social services department dealing with their case, but they are not told they have this right.

The **Adoption and Children Act 2002** extended the definition of significant harm to include “*impairment suffered from seeing or hearing the ill-treatment of another*” so a child who witnesses domestic abuse is considered to be *at risk*. This gives the state the power to take the child from a mother whose partner is violent, (who may or may not be the child’s father), regardless of the mother’s efforts to protect herself and the child. It puts mothers in a Catch 22: if they report the violence they risk losing their children; if they don’t report and the violence comes to the attention of the authorities they risk losing their children for “failing to protect them” and their lives and that of their children continue to be “at risk”. (See Section 5: The case of domestic violence.)

The **Children Act 2004** further expanded the powers of the state, charging social services with having “*regard to the need to safeguard and promote the welfare of children*”,¹⁷ not just those assumed to be at risk but *all* children and families. Not only social services but virtually *all* professionals who come into contact with children are under an obligation, and therefore have power, to intervene in private family life. They are expected to report any concerns which they might (rightly or wrongly) have, based on their own belief rather than any objective evidence.¹⁸

¹³ CAFCASS aims to “(a)safeguard and promote the welfare of the children,(b) give advice to the court about any application made to it in such proceedings,(c) make provision for children to be represented in such proceedings,(d) provide information, advice and other support for the children and their families.”^[14]

¹⁴ <https://www.cafcass.gov.uk/about-cafcass/divorce-and-separation/cafcass-report-to-court-work-to-first-hearing.aspx>

¹⁵ <https://www.cafcass.gov.uk/about-cafcass/divorce-and-separation/section-7-report.aspx>

¹⁶ A CAFCASS officer appointed as an “independent” voice for the child.

¹⁷ Sect 11 (2) a)

¹⁸ Everyone who works with children - including teachers, GPs, nurses, midwives, health visitors, early years’ professionals, youth workers, police, Accident and Emergency staff, paediatricians, voluntary and community workers and social workers - has a responsibility for keeping them safe. Working Together to Safeguard Children, HM Government, March 2013

The **Legal Aid Sentencing and Punishment of Offenders Act 2012** abolished legal aid for private law family cases following a relationship break up, i.e. disputes between parents about children's residence and finances. Until relatively recently, mothers whose cases involved domestic violence which took place within the past two years were still entitled to legal aid. Since disputes about contact can go on for years, this time limit excluded many from legal aid. As a result of a recent legal challenge this time limit has now been extended to five years.

The **Children and Families Act 2014** introduced a statutory requirement for separating parents to attend mediation unless exempted, and curtailed the use of independent experts except in exceptional circumstances. Since then CAFCASS have often been the only "experts" to give evidence in family court proceedings. Their powers have grown accordingly: judges invariably accept their recommendations and there is unlikely to be any other professional to challenge their views.¹⁹ When the mother asks for other expert evidence, in relation to breastfeeding for example, she is often refused. CAFCASS, regardless of their lack of expertise in this field, are considered good enough.

The 2014 Act also enshrined in law the presumption that both parents should continue to be involved with the child after separation.²⁰ Most mothers want the father to remain involved with the children, and often go the extra mile despite great obstacles to enable this. But the fact remains that in most families mothers continue to be the primary carer and protector. This should not be ignored, but it is. Their power to care and protect has been greatly undermined by this legal presumption.

The 2014 Act also imposed targets for faster adoptions and a 26 week turn around for family court cases. The UK already adopts more children against the wishes of their birth parents than any other European country.²¹ Adoption means the end of a child's contact with their biological family, at least until they reach 18, and the courts have ruled that it should be the "last resort". Despite this, the government has announced its intention to speed up adoptions again, thus reducing a mother's chance to "prove" that she can provide safe loving care to her children.²²

Mandatory reporting. Under new government proposals teachers, doctors and other professionals who work with children would be legally obliged to report suspicions that a child was being abused. Views have been divided on whether this would make children safer. Unless children and mothers are listened to and supported, more state intervention is likely to lead to yet more unjust separations.

¹⁹ <http://www.familylawweek.co.uk/site.aspx?i=ed114276>

²⁰ Section 11 (2A) of the Children and Families Act 2014 provides that a court is "to presume, unless the contrary is shown, that involvement of that parent in the life of the child concerned will further the child's welfare".

²¹ In the year ending 31 March 2014, 5,050 children were adopted from public care, an increase of 26% from 2013, and of 58% from 2010. Adoptions are now at their highest point since the start of complete collection of data. 96% of all adoptions take place without parental consent.
[http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519236/IPOL_STU\(2015\)519236_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519236/IPOL_STU(2015)519236_EN.pdf)

²² Dr Freda Gardner, consultant clinical psychologist and expert witness to the family court says: "The availability of services is the most frequent barrier to providing the child with the best possible chance of being cared for by their birth parents in the long-term." <http://www.theguardian.com/social-care-network/2016/jan/07/young-mothers-trapped-cycle-babies-removed>

II. ADOPTION ABOVE ALL ELSE

Both prime ministers Tony Blair and David Cameron heavily promoted adoption. In 2000 Blair's government introduced targets and bonuses for Local Authorities to increase adoption rates.²³ Following an outcry about forced adoptions, the government claimed to have ended bonuses for local authorities to speed up adoptions in 2008. People working in this field, like former MP John Hemming,²⁴ agree that while national adoption targets may have been scrapped, they are certainly in place in at least a dozen local authorities and we don't know how many of these are combined with financial incentives promoting adoption.²⁵

In any case, government directives increase pressure on social workers to comply with the ethos of adoption as the "gold standard", regardless of their own views about what is best in any particular case.

The political impetus to take children away was expressed by former Education Minister Michael Gove in 2012 when he announced:

I firmly believe more children should be taken into care more quickly . . .
I want social workers to be more assertive with dysfunctional parents, courts to be less indulgent of poor parents, and the care system to expand to deal with the consequences.²⁶

Martin Narey (formerly head of Barnardo's) was appointed as the government's "adoption tsar" from 2011-2013 and urged local authorities to increase their adoption numbers, warning that those who failed to do so would be named and shamed, and calling on social workers to spend less time assessing "unsuitable" family and friends as carers.²⁷

If we really cared about the interests of the child, we would take children away as babies and put them into permanent adoptive families, where we know they will have the best possible outcome.²⁸

The consequences of such a brutal policy were exposed recently by a report that one Newcastle mother had 17 children taken into care, from birth; a mother in Gateshead had 10 children taken; and in Cumbria, Sunderland and Durham, the highest figure for a single mother was nine children.²⁹

²³ <http://www.telegraph.co.uk/news/uknews/1556114/System-taking-hundreds-of-babies-for-adoption.html>
The Telegraph 1 July 2007

²⁴ <http://www.telegraph.co.uk/news/uknews/1577386/Anger-as-minister-denies-adoption-bonus-policy.html>

²⁵ Children should not be adopted to meet municipal targets Louise Tickle The Guardian 13 December 2016
<https://www.theguardian.com/commentisfree/2016/dec/13/breaking-up-families-councils-child-adoptions>

²⁶ *The Guardian* Friday 16 November 2012

²⁷ <http://www.communitycare.co.uk/2011/07/14/adoption-tsar-martin-narey-answers-his-critics/>

²⁸ Martin Narey, *The Guardian* 6 September 2009

²⁹ *The Guardian* 15 June 2016

In 2016 then Prime Minister David Cameron celebrated that under his watch:

Adoptions rose by 72%, and we more than tripled the number of babies under the age of one who were successfully adopted.

He claimed that The Children & Social Work Bill (now in parliament) aims to:

tip the balance in favour of permanent adoption where that is the right thing for the child – even when that means over-riding family ties.³⁰

There was significant opposition to the Bill in the House of Lords, which threw out clauses aimed at allowing local councils to “opt out” of statutory child protection duties, leading to further privatisation of child protection. As we go to press, these have been reinstated by the Commons’ Public Bill Committee, despite widespread opposition (see Appendix 4). The Bill was described as a “*deeply worrying piece of legislation*” by Solicitor Advocate Rodney Noon. He warns that the implications of extending even greater powers to the Secretary of State (rather than Parliament) are compounded

when one realises that these enormously wide and sweeping powers are to be put into the hands of an administration which has an almost evangelical belief in the efficacy of one solution (adoption) over all others. A simplistic and extreme belief which does not seem to be shared by any respectable body of academics or practitioners.³¹

Leading the opposition to this push for adoption, Shadow Minister for Children and Families MP Emma Lewell-Buck, herself a former social worker in Tyneside, said:

For some children adoption is the best outcome, but the policy of adoption above all else works on the premise that children will be better off with wealthier parents, rather than on the premise of making all efforts to let them remain with their birth families. Putting the work in to keep children at home is hard social work. It costs time and energy, but in the long run it is worth it if it benefits the child.

The damage caused by the adoption targets is not being considered in the Bill, but it must be. Evidence reported just this week by *The Guardian* shows that local authorities are using targets, sometimes combined with financial incentives. It is worth remembering that adoption is far cheaper for councils than foster placements, because once a child is adopted, they are off the council’s books for good. Adoption is also cheaper than providing services that might ensure that vulnerable parents can care for their children, but what of the money being saved? What about the lives of those destroyed by the separation?³²

³⁰ The Sunday Times, 15 May 2016

³¹ Editor’s Blog 2 June 2016, Seen and Heard, Nagalro – the professional association for children’s guardians, family court advisers and independent social workers

³² Hansard, 15 December 2016

Mothers and grandmothers have fought desperately against forced adoptions (see Ms A, Ms H, Ms M, Ms Q, Ms U and Ms Y). They are obviously devastating for the children and their families, with long-term consequences including for children who are raised for several years by loving mothers or grandparents and are then torn away from them. Who cares for the children when their trauma affects them so deeply that they become “difficult” and the adoption breaks down? Yet up to one third of adoptions break down – a fact that is little known and has received little publicity.³³

Writing movingly as an adoptive mother, Amanda Boorman of The Open Nest says:

Every adoption is a result of loss. Even whipping them out when they are young does not make that fact go away. It should never be about entitlement to children or ownership of children but about long term, lifelong commitment to care in an empathic and fully informed manner that suits each child. If this approach is not chosen from the start, adult adopted people are often left with an uncomfortable legacy that nobody wants to hear about. This is particularly damaging amongst a saviour rhetoric that is so entrenched it allows adoption marketing, including photographs, of potential adoptees on social media and television.³⁴

Once the state has such overreaching powers over families, it opens the way for any child to be taken under any pretext, especially from working class families. Startling new research by Dr Andy Bilson, Emeritus Professor of Social Work, Care and Community at the University of Central Lancashire, to be published shortly looks at the number of children in care (70,440) together with those adopted from care (52,600) and in special guardianship, i.e. usually with kinship parents (20,400), a total of 143,440. His research shows that:

The policy [of adoption from care] has had a major consequence – instead of reducing children in care it has led to an **increase of 65%** in children separated from their parents. My current research provides data on children in care and living with adoptive parents or special guardians on 31st March 2001 and 2016. It shows that the number has increased from 87,090 to 143,440 – an increase of 56,350 or 65%.

This is very unlikely to be due to an increase in abuse. Child protection findings of physical and sexual abuse have fallen since 2001. Whilst child protection plans have increased, mainly since 2010, 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 which lead to children being over 10 times more likely to be in care or on a child protection plan.

³³ In the UK an estimated 20% fail, according to those working in the field. This figure is thought to rise to a third with older children. No official figures are available because local authorities and voluntary adoption agencies are not obliged to keep such vital data. <http://news.bbc.co.uk/1/mobile/magazine/8665576.stm>

³⁴ On National Adoption Week 20 October 2016, Amanda Boorman analyses the current situation for adopters and adoptees across the country. <http://theopennest.co.uk/>

Professor Bilson shows that over the last five years (2011-12 to 2015-16), 22,580 children were adopted, a 40% increase over the previous five-year period. Despite the extra children adopted, the number of children in care went up by 7.5% to 70,440. The rate of children leaving care to adoption varies across the country from 30.5% in Bolton to under 3% in Kensington and Chelsea. Comparing the one third of local authorities with the most children adopted with the one third with the least children adopted we can see that on average: the local authorities with the highest adoption rates over the last five years also have the largest increases in children in care, whilst in those authorities with the lowest rate of adoption the number of children in care had actually fallen. In other words, prioritising adoption results in more, not fewer, children taken into care. Taking children into care feeds the implementation of the policy of adoption.

Others believe that the push for adoption has led to an increase distrust of social workers. Dr June Thoburn CBE, Emeritus Professor of Social Work says:

The promotion of adoption sets up an adversarial dynamic that can seriously undermine social workers' ability to develop trusting relationships with families needing help, as distrust and suspicion permeate the system.³⁵

III. PREVENT – THE TARGETING OF MUSLIM CHILDREN

Prevent legislation was introduced under the Counter-Terrorism and Security Act 2015. It targets Muslim families “at risk” of “radicalisation”. Children as young as four have been reported. They face terrifying investigation and traumatic separation.³⁶

According to solicitor Gareth Peirce:

We come across repeated incidences of the threat and on occasion the bringing into being, of children being removed from their mothers. A frequent trigger is when the father is alleged (even before conviction or proof) to have been involved in terrorist activity. The most frequent trigger in the past several years has been the complex conflict in Syria. Social workers and police in these circumstances can question families without any right to a witness or a lawyer, and many families have no ability to access legal advice. (We understand that the limitations on legal aid in family law are now extraordinary). Furthermore family lawyers, if they can be accessed, are having to plunge into an area involving Terrorism Act definitions, law, practice and interpretation of real complexity . . .

Despite the interests of the child being paramount in law, the wardship proceedings in the High Court appear to have mushroomed into formal and state affairs in which members of the press arguing for “transparency” have intruded and can report . . .

The particular experience that I was referring to . . . involved a young teenage girl . . . [who] was removed from her family and put into a form of internal exile

³⁵ <http://theconversation.com/by-rushing-to-speed-up-forced-adoptions-we-are-letting-children-down-51609>

³⁶ <http://www.aljazeera.com/indepth/opinion/2016/02/uk-counterterrorism-strategy-prevent-160221133827418.html>

far further away in the country with very limited and only supervised contact with her parents. There is no doubt that the whole of the family despite the parents' extraordinary stoicism and maturity, was and no doubt still is traumatically affected.³⁷

Community Care reports that an eight year old boy was referred to a social services department in east London by his teachers after he wore a T-shirt which said 'I want to be like Abu Bakr al-Siddique' – a major Islamic figure, considered to be one of the first converts to Islam . . . "presumably on the basis of a misreading of the name on the t-shirt as referring to Abu Bakr al-Baghdadi, the leader of [Islamic State]."³⁸

A Muslim mother of five children who is being taken to court because she refused to work with Prevent says:

There are a lot of insinuations that I am a poor parent, that I am a woman who carries radical ideologies. But I am raising my children Muslim and that seems to be my crime.

Nobody is actually looking at the children, at the long term effect of putting them under this child protection plan could be. They don't see this struggle and disruption we are suffering as a family. It's almost as if they've taken over our lives. We have no private family life.³⁹

The effects of all this legislation and associated practices have been catastrophic. As we raised in the key facts above, there has been a 297% increase in child protection referrals since the Children Act came into force,⁴⁰ and up to 5% of all families are now referred for assessment every year. But the proportion of identified cases of abuse has dropped from 24% to just under 8%.

. . . despite the increased cost, level of intrusion into private family life and surveillance of families *there is no proportionate increase in the level of child abuse found in referred children*. Although the number of children referred into the system has significantly increased, the number of cases where "core abuse" (physical and sexual abuse) is detected has dropped.⁴¹

It is clear that the pain inflicted by the ever increasing encroachment of "child protection" services is cruel and unnecessary.

³⁷ Letter from Gareth Peirce, Birnberg Peirce solicitors, to LAW, June 2016

³⁸ Luke Stevenson, *Community Care*, 20 July 2016
<http://www.communitycare.co.uk/author/lukestevenson1/>

³⁹ "I refused to work with PREVENT and now I'm afraid of losing my children", CAGE (previously known as CagePrisoners) <https://cage.ngo/article/i-refused-to-work-with-prevent-and-now-im-afraid-of-losing-my-children/>

⁴⁰ <http://www.theguardian.com/society/2016/apr/15/rise-in-referrals-social-services-trauma-families-child-protection>

⁴¹ Rethinking Child Protection Strategy, see footnote 8.

IV. SOCIAL WORKERS ARE ENCOURAGED TO USE THEIR POWERS TO REMOVE CHILDREN

Until something goes horribly wrong (like with Darren Throssell who killed his two sons and himself), triggering a Serious Case Review,⁴² there is absolutely no public scrutiny of the decisions made by social workers. And these are generally backed by judges. To have almost unbridled power to determine the direction of people's lives and relationships is corrupting.⁴³ The mother under threat of losing the people who are closest to her is almost entirely powerless in this situation. The social workers, though most likely to be women, seem unlikely to feel her pain at the trauma that the children will face if they are separated from her.

Mothers describe social workers as biased and judgemental. Many make judgements about whether a mother is “good enough” or not according to: 1) prejudiced middle class standards which may have little or nothing to do with the mother and her background; 2) how compliant the mother is. A mother who stands up for herself and objects to what is being imposed on her with good reason, is likely to be targeted as difficult and uncooperative.

Maternal response as classified by the social worker was the most influential single factor in determining whether children came into care . . . it was where the mother's response was deemed unsatisfactory that children ended up in substitute care.

This suggests the question of whether parents (particularly mothers) are deemed to be 'working with professionals' is perhaps more important than the events leading up to the referral or whether those events can be substantiated.

. . . rather than any forensic, evidence based process of filtering, decision making is based on moral judgements . . . Decisions seemed to be based on social work impressions, not just of the index event but of the surrounding responses.

. . . the expansion to include all children, underpinned by Every Child Matters targets for all children, could be used as a compliance tool enabling local authorities to police parental non-compliance with government ideals of child rearing if their children are not meeting government targets.⁴⁴

When mothers have voluntarily contacted social services for help (for example, because of domestic violence, disability, housing and/or debt), they often find that an inquiry into whether the children are “in need” turns into an investigation of whether the children are “at risk” (see

⁴² A Serious Case Review is undertaken by local safeguarding children boards (LSCBs) for every case where abuse or neglect is known - or suspected - and either: a child dies, a child is seriously harmed and there are concerns about how organisations or professionals worked together to protect the child. <https://www.gov.uk/government/publications/2010-to-2015-government-policy-childrens-social-workers/2010-to-2015-government-policy-childrens-social-workers>

⁴³ Social worker Siobhan Condon gloated about having three children taken into care on her publicly accessible Facebook page. She bragged about the power she felt at breaking up the family and revelled in the judge giving the parents a “massive rollicking”. Her contract with the local authority was not renewed, but she is still employed as a social worker. *Daily Mail*, 15 September 2014 <http://www.dailymail.co.uk/news/article-2755853/It-amazing-moment-Social-worker-gloats-Facebook-breaking-family-revelling-massive-rollicking-judge-gave-parents.html>

⁴⁴ Rethinking Child Protection Strategy, see footnote 8.

Ms DD). Fear of children being taken away, or a bad experience with social workers in any context, prevents many mothers and families from asking for help to which they should be entitled.

Emotional abuse and neglect, highly subjective definitions, are now the main reasons for referrals rather than “core” abuse which is physical and sexual abuse.⁴⁵

Local authorities increasingly use the threat of “*future emotional harm*” to take away new-born or very young children, not because they *have been* harmed, but because professionals consider that they *might in the future be harmed*.⁴⁶ The standard of evidence needed is very low, and *possible* future harm is deemed to outweigh the quality of love and care that the child has received up to that point. This wanton disregard for the effect on children of forced separation from love, familiarity and protection we consider cruel and sadistic⁴⁷.

The experiences of Ms H and Ms M are typical of this approach. “Experts” claimed that the mothers would not be able to provide suitable care for their babies and they were adopted. Yet Ms H’s grandchild had flourished in her mother’s care and come to no harm; and Ms M was never given the opportunity of looking after her child. Both mothers had mild learning difficulties for which they received no support and their disability was used as a reason why they would not be “good enough” mothers

Richard Wexler, Executive Director, National Coalition for Child Protection Reform (US), who has been confronting similar problems in the US, believes that focusing on child “neglect” has contributed to shifting attention and resources away from violent cases, thus making children more vulnerable rather than less. He offers an explanation for why rushed and controlling interventions seem to be the norm.

In 40 years of following child welfare, I have never seen a caseworker fired, demoted, suspended, reprimanded or so much as slapped on the wrist for taking away too many children. All of these things have happened to workers who left even one child in her or his own home and had something go wrong. When it comes to taking away children workers are *not* damned if they do and damned if they don’t – they’re *only* damned if they *don’t*. That is why there is a Baby P effect.⁴⁸

A retired social worker explains:

My experience was that the most prestigious work as a social worker was taking children into care. Supporting mothers in their homes – getting

⁴⁵ As above

⁴⁶ *The Guardian*, 14 December 2015 <https://www.theguardian.com/society/2015/dec/14/big-jump-in-number-of-newborns-taken-into-care>

⁴⁷ A recent report by Public Health Wales found that children who suffer four or more adverse childhood experiences are more than twice as likely to be diagnosed with a chronic disease in later life than those who have experienced none. *The Guardian* 2 November 2016

⁴⁸ Unacceptable Risk: Child welfare, the happiness patrol, and the failure of foster care; Written Presentation by Richard Wexler to Suffer the Little Children public meeting organised by Legal Action for Women in UK Parliament, 7 June 2016 <http://www.nccpr.org/UKpresentation.pdf>

resources and money – just did not have the same professional weight. There was an internal pressure to do the “high status” work.⁴⁹

Some are known to have lied in pursuit of taking children.⁵⁰ In Ms H's case, a social worker told the judge that they had been unable to contact the foster mother who would have been prepared to adopt the child in question, when in fact they had made no effort to reach her. So the option of the young child staying with someone she had already bonded with after being taken from her mother was discarded in favour of adoption by strangers.

Despite this increased state intrusion into family life, horrific cases of child murder, rape and other violence, continue to come to public attention. Whether in individual cases of child murder such as Baby P⁵¹ or Paul and Jack Throssell or multiple cases of child rape and other violence such as Rotherham, and Rochdale,⁵² what emerges is a catalogue of neglect, carelessness, prejudice and complicity by the authorities, beginning with social workers, police and other professionals who have done little or nothing to protect the children in the state's “care”.

While social workers are quick to intervene to take children away from their parents, they seem to care far less when the violence happens in care. Institutions which have been shown to be negligent or complicit in the widespread sexual and other abuse of children continue to be promoted as preferable. The retired social worker says:

Children's homes were not safe for children – as we know from everything that has happened recently. Where I worked in Kensington & Chelsea, a head-of-home was caught sexually abusing a teenage girl. The local authority didn't sack him, but put him back into another children's home. He lost his position (but not his salary). He was still working with children.⁵³

The assumption that care is safe for children is hardly ever challenged. Yet there is widespread evidence that care puts children at risk. There are between 450 and 550 cases of proven abuse every year in foster care and between 250 and 300 cases of confirmed abuse a year in residential care with an average of two and three proven cases per 100 children. “More than two out of five foster carers in proven abuse cases had been subject to previous allegations – yet they were still caring for children.” These are “proven” cases, so the number

⁴⁹ Michael Kalmanovitz works with whistle-blowers as part of Payday men's network.

⁵⁰ A mother whose two children spent 10 months in care was recently awarded £20,000 in damages against Wakefield Council and West Yorkshire Police. The children were taken after pornographic images were found on the father's computer. The mother was accused of being filmed abusing her daughter; yet within one month a forensic expert told the police that the film was NOT of this mother and her child. The police did not tell the Council. The police asked the parents to identify the child in the video knowing it was not their daughter and a social worker later interviewed the 12 year old child asking her if she recognised the picture which she said was taken from a family album, even though the social worker knew this was not true. *Community Care*, 11 January 2017 <http://www.communitycare.co.uk/2017/01/11/children-wrongly-kept-care-inexcusable-failings-abuse-investigation/>

⁵¹ <http://www.theguardian.com/society/2010/oct/26/baby-p-death-should-have-been-prevented>

⁵² <http://www.theguardian.com/uk-news/2016/feb/25/rotherham-child-sexual-abuse-victims-to-take-police-to-court>; <http://www.theguardian.com/uk/rochdale-child-sex-ring>

⁵³ See footnote 50.

of children abused in care is far greater given that most wouldn't have reported or may have been disbelieved as recent scandals into child abuse have shown.⁵⁴

Many children suffer greatly from having been in care. They are four times more likely to attempt suicide and experience mental health difficulties.⁵⁵ They are also much more likely to have their children taken away when they themselves become mothers, perpetuating a cycle of trauma and discrimination. Baroness Armstrong acknowledged this during the debate on the Children and Social Work Bill:

Six out of 10 mothers who had children sequentially removed were teenagers when they had the first child. Of these, 40% were in care, or had been looked after in the care system, during their own childhood.⁵⁶

The findings of Alexis Jay's Independent Inquiry into Child Sexual Exploitation (CSE) in Rotherham are shocking.

Just over one third of the 1,400 children who were sexually abused in Rotherham were already known to social services. It is unclear how many were technically in the "care" of Rotherham Council, because many had been deliberately removed from their list – for example, in 2005, when 90 children were being discussed at its Sexual Exploitation Forum, there was a management decision to remove from the list all children who were "looked after" or on the child protection register. Children who were exploited before they became looked after continued to be exploited, or were "at greater risk of harm". Other children "became exposed to sexual exploitation for the first time" whilst they were looked after in children's homes. Among the catalogue of the state's failure to protect vulnerable girls was:

Child H (2008) was 11 years old when she came to the attention of the police. She disclosed that she and another child had been sexually assaulted by adult males. When she was 12, she was found drunk in the back of a car with a suspected CSE perpetrator, who had indecent photos of her on his phone . . . The Chair of the strategy meeting expressed concern about her and considered she needed a child protection case conference. This does not appear to have been held. Three months later, the social care manager recorded on the file that Child H had been assessed as at no risk of sexual exploitation, and the case was closed. Less than a month later, she was found in a derelict house with another child, and a number of adult males. She was arrested for being drunk and disorderly (her conviction was later set aside) and none of the males were arrested. Child H was at this point identified as being at high risk of CSE . . . She suffered a miscarriage while with foster carers.⁵⁷

Further, it is easier to blame a desperate undefended mother who poses no threat than to tackle a bullying and violent father or a powerful and well-connected institution. It is clear from

⁵⁴ <http://www.independent.co.uk/news/uk/crime/major-study-reveals-true-scale-of-abuse-of-children-living-in-care-9587244.html>

⁵⁵ http://www.youngminds.org.uk/about/whats_the_problem/mental_health_statistics

⁵⁶ Hansard, 8 November 2016

⁵⁷ Independent inquiry into child sexual exploitation in Rotherham 1997-2013, Alexis Jay OBE, 21 August 2014.

Jay's report that rather than protect children in their "care", the local authority repeatedly either buried, ignored or covered up the evidence of abuse that was presented to them.

And those social or youth workers who care enough to blow the whistle are quickly ostracised or sacked.⁵⁸

V. LEGAL AID CUTS

47% of women had no lawyer.

When mothers are denied legal aid, they have no choice but to go through stressful family court proceedings without a lawyer. Fathers generally are more likely to have a higher income than mothers and so are more likely to pay for legal representation. That was certainly true of the mother who lost her breastfeeding child. (See Appendix 1.)

It is increasingly acknowledged how hard it is to be a "litigant in person".⁵⁹ There is little or no support available to deal with the complexities of a legal case. A mother without legal training has to prepare statements and bundles of documents, and challenge the professional opinions of CAFCASS and others while facing the sexist assumptions that when speaking about her own children she is "unqualified", "unreasonable" and "over emotional". To further intimidate and disadvantage her, in court she may have to question and be questioned by a father who has previously been violent to her and/or the children and is using contact as a way of continuing to exert his control.⁶⁰ The recent public outcry following Women's Aid research⁶¹ and a parliamentary debate into fathers who killed their children as a result of courts enforcing contact, has led to the Justice Secretary promising changes to protect mothers from questioning by violent fathers.⁶² While this would be a welcome change, questioning by fathers hardly addresses the breadth of the injustice. In any case, judges can at any point exercise their discretion to put a stop to it.⁶³ Why don't they use the powers they do have?

⁵⁸ <http://www.communitycare.co.uk/2016/02/17/social-work-whistleblower-made-outcast-punished-challenging-unsafe-management-decision/>
<http://www.telegraph.co.uk/books/what-to-read/rotherham-whistleblower-explains-why-sex-abuse-ring-was-covered/>

⁵⁹ Standing alone: going to the family court without a lawyer, Citizens Advice Bureau, November 2015

⁶⁰ Safe not sorry: key issues raised by research on child contact and domestic violence, Dr Thiara & Dr Harrison, Centre for the Study of Safety and Wellbeing, University of Warwick, 2016

⁶¹ Revealed: how the family courts allow abusers to torment their victims Sandra Laville, The Guardian 22 December 2016 <https://www.theguardian.com/society/2016/dec/22/revealed-how-family-courts-allow-abusers-to-torment-their-victims>

⁶² Truss orders review to ban abusers tormenting victims in family courts Sandra Laville The Guardian 4 January 2017 <https://www.theguardian.com/society/2017/jan/04/truss-orders-review-to-ban-abusers-tormenting-victims-in-family-courts>

⁶³ "Victims of violence are likely to find direct cross-examination by their alleged abuser frightening and intimidating, and thus it may be particularly appropriate for the judge or lay justices to conduct the questioning on behalf of the other party in these circumstances, in order to ensure both parties are able to give their best evidence." Practice direction 12J-Child arrangements and contact order: domestic violence and harm http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j

Mothers are often not told that they are entitled to have a McKenzie friend⁶⁴ to support them in court who may, at the discretion of the judge, be allowed to speak for them. Requests for a friend or relative to accompany them can be refused if and when the father, social services or other party, objects. That the hearings are secret (see below) has fostered oppressive power relations in the family court, grossly undermining the possibility of just decisions.

Even when women do have solicitors, they often end up being represented by a barrister they met for the first time just before entering the hearing. There is limited opportunity to make sure the barrister is familiar with the facts and understands how the mother wants to be represented – that is for the barrister to take instruction. Mothers report that their lawyer, irrespective of gender, seemed too intimidated to stand up to the judge and the “experts”, again irrespective of gender, and consequently advised what they thought the judge and/or the other side would accept, rather than speaking up for the mother. This is even truer in smaller towns and communities where lawyers for both sides almost certainly know each other and the judge, whom they may be anxious not to offend for the sake of future relations. Mothers don’t know they can stick to their guns and argue for what they want, especially if their barrister advises them to accept something else.

For example, in one case the mother’s lawyer advised her to accept overnight contact when her child was under a year old and still breastfeeding on the assumption that the judge would order it anyway. This was subsequently used as an argument that there would be little harm in separating the child from her mother because she had already had overnight contact. The mother’s objections were dismissed on the basis that she had previously agreed and her apparent change of mind became further proof of her unreliability.

Although the baby had flourished in her mother’s care, the judge, Ms Justice Russell (who insists on the feminist “Ms” in her title), decided that because of the mother’s possible future hostility towards the father and his partner, the child would be harmed. She also condemned the mother’s practise of breastfeeding, co-sleeping and carrying her baby in a sling, all well-established methods of child-rearing, as if they were harmful to the child!⁶⁵ As a result, a breastfeeding toddler was taken away from her mother, her primary carer, who is only allowed one and a half hours of supervised contact every fortnight. (See Appendix ONE for letter to Sir James Munby, head of the family courts, by breastfeeding and other experts protesting the bias and ignorance of the judge in this case.)

VI. SECRECY OF FAMILY COURTS

Despite pronouncements by the head of the Family Court, Sir James Munby, about the need for public scrutiny of the family courts,⁶⁶ virtually all proceedings are closed to the public. Even without identifying any participants, few cases are ever reported. And even then, only some judge’s rulings are made (anonymously) public.⁶⁷

⁶⁴ Somebody who accompanies a litigant in person to a court hearing for the purpose of assisting them, for example, by taking notes, helping to organise the documents, and quietly making suggestions – for example as to questions to put to a witness.

⁶⁵ See <http://www.bailli.org>. Neutral Citation Number: [2015] EWFC36

⁶⁶ Senior judge orders greater transparency in family court judgments, The Guardian 16 January 2014

⁶⁷ Cases involving Prevent are often treated differently however. See letter from solicitor Gareth Peirce.

There are also heavy restrictions on what people are allowed to discuss outside of the court. Mothers are repeatedly warned not to share CAFCASS or other reports with anyone except their lawyer (if they have one), making it almost impossible for them to get advice or to benefit from what other women have learnt in similar cases. Mothers who do try to get publicity about what's happening are invariably penalised.

Ms Justice Russell (in the case above) imposed a gagging order so draconian on the mother that she was prohibited from discussing her case even with friends or supporters! The reason given was that a friend had anonymously objected to the unfair proceedings on Facebook.

Another mother who gathered 13,000 signatures on an anonymous petition online asking the family courts to take more account of breastfeeding when considering contact arrangements, was ordered to remove it. (See Appendix 5)

Compounding the secrecy of the courts are the often long delays in cases being heard, and administrative problems which cause further heartache, especially for mothers who are representing themselves. We have seen the same case come in front of different judges so there is no continuity from one hearing to another as each judge has no knowledge of the background or the people involved. One judge might have witnessed how unreasonable a father is because he had an outburst in court, but months later a different judge may be entirely unaware of this as there is no record of the previous hearing except for court orders. When there is no detailed record of a hearing, any bias of the judge or CAFCASS officer remains invisible. It should be possible to apply for the transcript of a hearing, but this is costly and most people are not even told about it.

VII. THE IMPRISONMENT OF MOTHERS PUNISHES CHILDREN

Four mothers had been separated from their children by prison.

Every year around 18,000 children are separated from their mothers by imprisonment.⁶⁸ As women are usually the primary carer, many of those children end up in care. Only 5% of children remain in their own home and only 9% are cared for by their fathers in their mothers' absence.⁶⁹ 66% of women prisoners are mothers of children under the age of 18, many have very young children. A third of mothers in prison are single mothers.⁷⁰ For 85%, prison is the first time they have been separated from their children for any significant length of time. Most don't stop caring while in prison and are tortured by worry about their children. Many self-harm or even kill themselves.

Michelle Barnes, 33, killed herself in a prison in Durham after being told by guards that her daughter would be taken into care, her partner has claimed.

⁶⁸ <http://www.womeninprison.org.uk/research/key-facts.php>

⁶⁹ Children from 70% of the mothers at HMP Styal had been taken away; the remainder were with family. <http://www.womensbreakout.org.uk/about-us/key-facts/>.

⁷⁰ <http://howardleague.org/wp-content/uploads/2016/03/mitigating-motherhood.pdf>

He said the mother-of-three had feared she would never see her daughter again and had become “increasingly distressed” in the hours before she took her own life.⁷¹

Mothers continue to be sent down regardless of their past experiences of abuse (46% of women in prison report having suffered domestic violence, and 53% emotional, physical or sexual abuse during childhood)⁷² and the impact of separation on the child. The number of women imprisoned in England and Wales more than doubled between 1995 and 2010, mostly through a significant increase in the severity of sentences; 81% were in prison for a non-violent crime, such as theft, prostitution offences, non-payment of fines . . .⁷³ The rights of the child under Article 8 of the European Convention on Human Rights is hardly ever taken into account when sentencing mothers.⁷⁴

There are only 80 Mother and Baby Unit (MBU) spaces in England and Wales, and according to regulations children can remain with their mothers only until they are 18 months old. Mothers can be denied a space even when they are still breastfeeding. This deliberate deprivation of an infant’s source of optimum nourishment, comfort and security happens routinely despite Department of Health rules requiring all prisons to support women to breastfeed their babies.

Dr Lorna Brookes, a specialist practitioner who works with the children of women prisoners in Liverpool, describes the trauma she has witnessed:

I would struggle to think of a single time when any of these children felt relief when their mother went to prison. Regardless of the crime, regardless of how they might have been parented, all the children I meet with a mother in prison come to me with the same key issues: high levels of separation anxiety, extreme grief, symptoms of trauma, and a desperate need for contact with their mothers.

. . . the government’s inability to provide adequate resources to offer valuable attachment and reattachment provision for this cohort is, I believe, to be one of Britain’s most acute social injustices. (See Appendix 2)

Women Against Rape is supporting a number of women who reported rape, were disbelieved and prosecuted. One had a 10-month old breastfeeding baby when she was sentenced to three and a half years; and was not allowed to take the child with her. Not content with this draconian separation imposed on the baby and her mother, the solicitor general applied to have the sentence increased. His appeal was turned down.⁷⁵

⁷¹ <https://www.theguardian.com/society/2016/feb/09/new-mother-killed-herself-prison-shortly-after-taken-off-suicide-watch>

⁷² <http://www.womeninprison.org.uk/research/key-facts.php>

⁷³ <http://www.womeninprison.org.uk/research/key-facts.php>

⁷⁴ <http://www.makejusticework.org.uk/wp-content/uploads/Mothers-in-Prison-by-Rona-Epstein.pdf>

⁷⁵ <https://www.theguardian.com/uk-news/2014/sep/25/court-rejects-solicitor-general-rhiannon-brooker-jail-term-false-rape-claims>

Layla Ibrahim reported rape by two strangers and was sentenced to three years in prison; she was pregnant at the time. Fortunately she was able to keep the child in a MBU. WAR is campaigning to clear her name.⁷⁶ Another mother we supported had to fight for six weeks before her baby was allowed to join her. (See Ms AA)

Pauline Campbell,⁷⁷ whose 18-year old daughter was allowed to kill herself on her first day in prison, campaigned for years against women's imprisonment. She was key to the widely acclaimed Corston report, still to be implemented:

Primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children.

Community solutions for non-violent women offenders should be the norm.

Community sentences must . . . take account of women's particular vulnerabilities and domestic and childcare commitments.⁷⁸

6. The case of domestic violence – Devaluing the relationship between mother and child, and reinstating patriarchal values

- 71% of mothers had been subject to domestic violence, and another 13% had suffered rape or other torture in their home countries.
- 23% of children were living with their father
- 20% of mothers were disputing contact with the fathers

Our findings that nearly three quarters of mothers fighting for their children had been subject to domestic violence is confirmed by other research showing that domestic abuse features in 70-90% of cases going to family court and in 70% of CAFCASS cases.⁷⁹

We must put these shocking figures in context so we are aware just how common domestic violence is, how many women and children are affected by it, and how lethal it often is.

Every week two women are murdered by a current or former partner in England and Wales.⁸⁰ One in four women will experience domestic violence in their lifetimes and 8% will suffer domestic violence in any given year.⁸¹ 62% of children in households where domestic violence is happening are also directly harmed.⁸² About half of all reported rapes are by partners.⁸³ Despite a substantial rise in reports of rape and other domestic violence, victims

⁷⁶ <https://www.theguardian.com/society/2016/nov/05/woman-accused-of-faking-rape-bids-to-clear-name-layla-ibrahim>

⁷⁷ See Eric Allison who writes extensively about prisoners' rights. <https://www.theguardian.com/society/2008/dec/16/prison-campaigner-pauline-campbell-inquest>

⁷⁸ <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

⁷⁹ Women's Aid, Nineteen Child Homicides (Bristol: Women's Aid, 2016)

⁸⁰ Office of National Statistics, 2015

⁸¹ Crime Survey of England and Wales, 2013/14

⁸² Safe Lives, 2015 formerly Co-ordinated Action against Domestic Abuse http://www.caada.org.uk/policy-evidence/about-domestic-abuse#facts_and_stats

⁸³ Crime Survey of England and Wales, Office for National Statistics, February 2014, p.13

are still frequently denied legal protection. Only about 4% of rapes end in conviction;⁸⁴ the conviction rate for domestic violence is hardly higher at 6.5%.⁸⁵

While it is not surprising, therefore, that so many of the mothers we meet are victims of domestic violence, it is shocking that so many face permanent separation from their children rather than help to stay together in a place of safety. Lack of financial independence from violent partners is a major reason why women stay with them, especially as austerity policies have cut housing, refugees and benefits previously available. A Women's Aid and TUC study found that around half (52%) of women who were still living with their abuser said they could not afford to leave because they had no money of their own.⁸⁶ They highlighted that many women have their access to money controlled by the perpetrator and some have their attempts to earn their own money sabotaged by a perpetrator, for example, by getting her into trouble at work by making her late or purposefully distressing her before a job interview. Financial abuse is a core element of coercive control, which became a criminal offence in 2015. For women whose immigration status denies them any "recourse to public funds"⁸⁷ the choice is between destitution or staying in the violent relationship.

Research by the NSPCC confirms that despite an increase in notifications of domestic violence to the police and social services, only a small percentage actually result in social services taking action. And "Where families did receive interventions, it was likely to be at the safeguarding rather than family support level."⁸⁸ "Safeguarding" powers are supposed to be used to protect children from harm. Safeguarding is what mothers are most concerned with. But while support for the mother who has been struggling to protect her children is not forthcoming, state intervention triggered by "safeguarding" powers is leading to more children being separated from their mothers and siblings, their main source of love and support, just what the mother in her attempt to care for her children, was trying to avoid.

Some of the women who came to us had reported violent partners after rape, attempted murder or other serious violence, and found that they were not taken seriously by the police who left them unprotected. The widespread police refusal to protect women has been widely acknowledged.

Speaking at the annual Police Federation Conference last year, Theresa May, then Home Secretary, announced a review of the police response to rape and domestic violence:

As HMIC found last year, not a single police force in England and Wales is outstanding at protecting those who are vulnerable from harm and supporting victims, and 31 forces are judged to be either inadequate or requiring

⁸⁴ Women Against Rape, based on figures published by Her Majesty's Inspectorate of Constabulary (HMIC) 5 November 2015 <https://www.justiceinspectors.gov.uk/hmic/news/news-feed/rape-monitoring-group-criminal-agency-data-on-rape/>

⁸⁵ Women's Aid website 2014

⁸⁶ Howard, M and Skipp, A, Unequal, trapped and controlled. Women's experience of financial abuse and Universal Credit (London: Women's Aid and TUC, 2015),

⁸⁷ This means no access to mainstream benefits including jobseekers' allowance, housing benefit and social housing.

⁸⁸ Children and families experiencing domestic violence: Police and children's social services' responses, Nicky Stanley, Pam Miller, Helen Richardson Foster and Gill Thomson January 2010 www.nspcc.org.uk/inform.

improvement. That suggests that substantially more police forces are effective at tackling drug dealers or stamping out anti-social behaviour than are effective at protecting vulnerable victims from rape, domestic abuse or modern slavery.⁸⁹

Yet when social services are called, they are quick to accuse the mother of failing to protect the children and either take them into care or threaten to. Distraught and frightened for themselves and their children, many mothers withdraw their allegations, or don't risk reporting next time round.

Changes in law introduced in 2002, that a child who "witnesses" domestic violence is considered to be "at risk of harm" (see Section 5) accounts for a significant proportion of children removed from their mothers, and in some cases given to the perpetrator of that violence!

Cathy Ashley, chief executive of the charity Family Rights Group:

Our data tells us ... that the state's way of dealing with domestic violence is often to end up with a child being made subject to child protection plans.

Domestic violence – not parental mental illness, drugs or alcohol – is now the main reason children are taken from their mothers.⁹⁰

This conclusion from their figures has not been challenged.

Given the shockingly low conviction rates for rape and domestic violence, most mothers appear in the family courts with little "evidence" of the violence and only their word for proof. The judge can order a "Finding of Fact hearing" to consider the mother's allegations, and the judge's "findings" will then become the "facts" which will form the basis of all future judgements on what should happen to the children.

But standards established in criminal courts to address institutional sexism do not apply here. Criminal court judges must get a "ticket" (i.e. training) before they can sit on rape trials. Mandatory training of judges and CPS barristers, and updated laws and rules of evidence, are designed to prevent comments and questions that draw on sexist myths. For example: delay in reporting is a sign of lying, dressing "provocatively" amounts to "asking for it", not fighting back enough equals consent . . . In a criminal court, victims cannot be directly questioned and humiliated by the man accused of rape.

No such protection applies in the family courts: although potentially judges can intervene and conduct cross-examination themselves they rarely if ever do so.⁹¹ The woman is not treated as a vulnerable witness as she would be in a criminal court. No screen, video link or pre-recorded statement to spare her the trauma of recounting details of the rape or abuse in front of the perpetrator. No chance of his being remanded in custody or of bail conditions to protect

⁸⁹ Police treatment of domestic abuse victims to be investigated, Alan Travis, The Guardian, 17 May 2016 <http://www.theguardian.com/society/2016/may/17/police-treatment-of-domestic-abuse-victims-to-be-investigated>

⁹⁰ FRG reports an 803% rise in inquiries in which domestic violence was a factor between 2007-08 and 2012-13. <https://www.theguardian.com/society/2014/jan/15/children-domestic-violence-parents-care>

⁹¹ Practice Direction 12B – Child Arrangements Programme https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12b.

her from intimidation before the hearing. No separate waiting area, or assistance and care from the witness protection service, and no effort to see that she travels safely to and from court. Many of these protective measures are routinely applied to criminal court hearings, but not to family court hearings.

Women are now eligible for legal aid if they suffered domestic violence within the past five years, and abuse or violence after separation can be taken into account. While there is no need for the woman to have reported to the police or to have secured a conviction, she must, at the very least, have reported what happened to a GP or other health professional who can then direct her to a rape or domestic violence support service for legal aid referral, or who can make the referral directly. This process is not widely known. In addition, many victims never tell anyone what has happened/is happening to them and then end up representing themselves in court without a lawyer.

In this context it is not surprising that mothers are frequently disbelieved, accused of being vindictive or manipulative. You know how hysterical women can be! So violent men who are known to be masters at manipulation and coercion (how else could they control their victim for so long?) are able to put their best face forward in court, often appearing considerate and reasonable, convincing judges time and again of their “good” intentions.

In a fact-finding hearing, a family court judge belittled the mother’s allegations of rape by the child’s father, saying:

. . . whilst the parties had had sexual relations at times and in a manner that the mother claimed she had found objectionable, she had not been forced to do so.

As family court hearings are secret, the gross sexism of this judge passed without comment and the mother didn’t even have a lawyer to object. The father was given residence of the child (see Ms B).

In another case, the judge dismissed a report of rape saying: “We’re not always in the mood for sex.”

The consequences can be lethal as shown by the recent conviction of Ben Butler who murdered his daughter Ellie despite the best efforts of her grandparents.

Ben Butler brutally murdered his six year old daughter less than a year after she was returned to his care by High Court Judge Mrs Justice Hogg. Although Ellie Butler had lived with her grand-parents since she was seven weeks old (when her father was first charged with assaulting her), their warnings about what would happen if she was returned to her father were fatally ignored. Ellie’s own wishes to stay with her grand-parents were also ignored, as was the fact that she was “terrified” of her father. Mrs Justice Hogg ordered that an independent social worker (ISW) working for Services for Children (S4C) should oversee the handover as the family had been “wronged by the system” in the past.⁹²

⁹² A report in The Guardian by Diane Taylor 11 November 2016 reports that this same social worker Steve Atherton, is under investigation by police for alleged offences relating to children.
<http://www.servicesforchildren.co.uk/about-us.html>

The judge ruled that Ellie would be safe, despite overwhelming evidence to the contrary, saying:

I was impressed by the father. He came through as a reflective, thoughtful individual, who at times over-reacts through frustration . . . I note the convictions include assault on adults, not on children. I accept that he can act out of frustration but that does not necessarily mean he will lose control of his temper however fleetingly towards his baby daughter.

This man had served a three-year jail sentence for robbery, intimidation of three witnesses and several assaults on his ex-girlfriend and two strangers. He was also convicted for possession of an offensive weapon in 2011. Despite all this, he was considered more suitable to look after Ellie than the grand-parents who loved her and had raised her for five years. They spent their £70,000 life savings on fighting to keep her, but when their money ran out at a critical point in the proceedings they were not represented.⁹³

The ruling by Mrs Justice Hogg shows breathtakingly and unbelievably, how judges, including women judges, are able to dissociate men's violent behaviour towards their partners and even their children from their capacity to be a good father.

Current case law states that a history of domestic violence does not preclude contact with a child. Thus, perversely, a child's "right" to contact with their father over-rides that child's right to safety. Research has shown that two-thirds of children who were exposed to domestic violence usually against their mother were also directly harmed, most often physically or emotionally abused, or neglected, and that in 91% of cases the abuse was committed by this same man.⁹⁴

The tragic case of Christine Chambers and her two year old daughter murdered by her ex partner as they were going through the family courts highlights what mothers are up against. The IPCC investigation showed that CAFCASS had substantial reports about his violence, but didn't disclose them to Social Services or the police. Before he shot Christine, he tortured her and shot their two year old daughter in front of her before he killed her. No police officer was found guilty of misconduct despite one officer suggesting she try mediation with him when she had a non-molestation order out against him!⁹⁵

Seventy to 90% of cases in the family court involve domestic violence or abuse and yet social workers and courts insist on children having contact with their fathers, including those with a history of domestic violence, against the wishes of the mother⁹⁶ and even the children, with little or no regard for the traumatic and sometimes life-threatening consequences for both children and mothers.⁹⁷ Fewer than 1% of contact applications are refused altogether.

⁹³ See *The Guardian* 23 June 2016 & *The Independent* 21 June 2016

⁹⁴ In plain sight: the evidence from children exposed to domestic abuse Co-ordinated Action Against Domestic Abuse (CAADA) Research Report, February 2014

⁹⁵ *Daily Mail* https://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/Chambers%20investigation%20report%20summary.PDF

⁹⁶ 70-90% of cases in the family courts involve domestic violence/abuse (*Domestic Abuse, Child Contact and the Family Courts, APPPG on DV 2016*)

⁹⁷ Nineteen Child Homicides, see footnote 9.

Mothers' concerns about their children's and their own safety are dismissed as lies motivated by their desire to cut an "innocent" and "caring" father out of their life. Children, whose "wishes and feelings" about residence and contact are supposed to be taken into account, are also ignored, especially when what they want (to stay with their mother and/or not see their violent father) goes against what social workers and judges have decided is in their "best interest".

Once a social worker or CAFCASS officer has decided against the mother (often on the basis of class, race or other prejudice), it becomes an uphill battle for the mother to be listened to and for her concerns and those of her children to be given weight. In virtually all our cases where CAFCASS was involved, they upheld the prevailing bias in favour of fathers having contact with children despite domestic violence and other abuse. They often took at face value what an obstructive and previously violent father said rather than address the concerns of the mother who was the victim of his violence.

That most CAFCASS officers are women has proved no protection for mothers. This is also true of officers who are women of colour and are dealing with mothers of colour. The professional standards they uphold, shaped by government policy and funding, are sexist.⁹⁸

Perversely, mothers who are victims of violence are accused of exposing children to the father's violence and punished for it even while the father gets away with it. In our experience, a mother is more likely to lose her children for being a victim of violence than the father who perpetrates the violence.

Violent fathers are aware that one way to avoid prosecution is to apply to the family court for contact, and may be advised to do so.

On the other hand, mothers have been jailed for contempt after challenging court orders which endangered their children. This is particularly true in cases of sexual violence where mothers and children are disbelieved and the children are given to the father. (See Ms AA)

The mothers in our survey had much to say about the family courts and the professionals advising them, usually CAFCASS. They accuse them of:

- downplaying the father's mistreatment of the mother, describing it as allegations of violence "between the parties" rather than by the father against the mother;
- drawing adverse conclusions when the mother delayed reporting rape or domestic violence, or withdrew her report even though there were entirely valid reasons for her having done so. Figures showing that on average a woman is assaulted 35 times before she first reports to the police⁹⁹ are never brought to bear;
- separating the man's violent temper from the kind of father he is likely to be;
- ignoring that mothers do their best to protect their children and how difficult it is to function in a violent home;

⁹⁸ Fewer than 1% of contact applications are refused altogether – Nineteen Child Homicides, see footnote 9

⁹⁹ <http://www.refuge.org.uk/get-help-now/what-is-domestic-violence/domestic-violence-the-facts/>

- accusing the mother of “failing to protect” the children without considering her reasons for staying such as fear of reprisals, nowhere to go, no money, or that she may have sought help and been refused;
- accusing her of causing “emotional harm” to the children if she escapes with them and refuses to force them to see their father against their will;
- accusing her of “alienating” the children from their father whenever she raises his abusive or coercive behaviour;
- insisting that she must maintain/enable the father’s contact with the children regardless of his violent history.

Ms A was raped and violently attacked by the father of her two young children. During an attempted rape she stabbed him with a pen in self-defence. On another occasion she ran out of the house to call 999, leaving the children inside. She reported the rape to the police and took out a non-molestation order. During the rape investigation, she took the children abroad to keep them safe but had to return with them after social services pursued her via the high court. The children were then taken into care, and she was only allowed supervised visits. The father was convicted of rape and serious sexual assault and sentenced to five years. But the children were not returned to her or to her parents. Social services claimed that she was aggressive for stabbing her rapist with a pen, and that she had put the children at risk by leaving them in the house while calling 999. They were adopted by strangers.

Claire Throssell’s ex-husband killed their two sons (and himself) in 2014 during his weekly five hour contact with the children ordered by the family court. Ms Throssell had warned the court that he had threatened to kill them and himself; he had abused one of the boys and both were frightened of him; just two days before the murders he had barricaded a CAFCASS officer inside a room during an interview over his access, yet 48 hours later he was allowed to have the children in his house where he lured them into the loft and locked them in after setting a fire downstairs which killed them. A subsequent serious case review found that CAFCASS should have considered suspending the father’s contact with his children.

Ms Throssell has said that she won’t ever truly be able to move forward until family law courts change the way they operate.

I want to see the family courts take into account the wishes of the children . . . They didn’t take my concerns seriously, they just thought it was another custody battle. They have said they will implement changes, but that is too late for my boys. But that is why I am still fighting for change in the law, so that the voices of children, like my boys can be heard and put back at the centre of family courts.¹⁰⁰

CAFCASS’s lack of real concern about domestic violence is reflected in the fact that the 2005 and 2007 versions of its Domestic Violence Tool Kit were superseded in 2012 by a Child Protection Policy which makes only minimal reference to domestic violence.

¹⁰⁰ <http://www.yorkshirepost.co.uk/news/mother-s-love-for-those-who-helped-after-sons-were-killed-by-their-father-1-7905849#ixzz4E0U9ij7j>

The reality is that most violent men, including fathers, go unpunished, and domestic violence is now commonly used to take children away from their mothers. It is as though there has never been a women's movement. While police, statutory and voluntary agencies and judges claim to be concerned about this victimisation, they are the primary enablers of it. We are not aware of any of the judges whose rulings have resulted in the death or rape of children at the hands of violent fathers or institutions having been sacked.

7. Denying the needs of children and their mothers

Mothers used to have automatic parental responsibility for children. Fathers did too, if they were married to the mother. Since 2003 unmarried fathers have also had automatic parental responsibility, if they are named on the child's birth certificate. Only fathers not on the birth certificate have to apply for that right.

The presumption that both parents are equally involved with the child after separation is a basic factor in many residence disputes between mother and father. This change has taken place at the same time as more and more women have become the family wage earner, full or part-time.¹⁰¹ While women have fought for access to education and careers to be financially independent of men, mothers have also had to "go back to work" regardless of their wishes in order to keep their jobs and/or their benefits. The market has taken centre stage while children's need for their mother's care, protection and attention has been increasingly denied.¹⁰²

The strongest drive to get women into waged work has focused on single mothers, infamously described by Tony Blair as "workless". First, One Parent Benefit was abolished, then, little by little, the remaining benefits became contingent on getting or preparing for waged employment.

Until 2008 single mothers were entitled to Income Support (IS) until their children were 16, without having to be available for employment. IS was based on the tacit recognition that raising children was a contribution to society. This entitlement has been eroded by every successive government since.

After 2008 mothers could claim IS until their children turned 12; in 2009 until they were 10, by 2010 it had dropped to age seven and by 2012 to age five. In fact, the pressure is on from before the child is born as mothers not in waged work are considered scroungers who do not contribute to society. Mothers are called in to attend compulsory "Work-focussed Interviews", "Work Related Activities" and "Work Preparation". Those who do not comply or miss an appointment can be sanctioned and made destitute (as distinguished filmmaker Ken Loach

¹⁰¹ In June 2013 around 67% of women aged 16 to 64 were in [waged] work, an increase from 53% in 1971. <http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/womeninthelabourmarket/2013-09-25>

¹⁰² In 2013, almost 40% of single mothers with children under three were in waged work as were 65% of married mothers. Once the youngest child was at primary school (between ages four and eleven), employment rates were 74% among married mothers and 61% for single mothers. By the time the youngest dependent child was between eleven and eighteen, 80% of married mothers were in waged work as were 74% of single mothers. <http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/womeninthelabourmarket/2013-09-25>

brilliantly and accurately portrays in his award winning “I, Daniel Blake”). Once the child turns five, single mothers are moved onto Job Seekers Allowance or Universal Credit, and expected to get a job, any job.¹⁰³

When my son was five months old, I was forced to attend a “work focused interview” because I was on benefits. I tried to protest but was told that fully breastfeeding my son was not a good reason for not attending.

It takes love and commitment to pay full attention to a child of this age. I have the love and the commitment – why is that not recognised? Why is someone else’s care preferable to mine? Why this pressure to leave my son?

If the government is to truly encourage breastfeeding for the recommended time of up to two years, then mothers must be supported rather than harassed.

I thought maternity leave was now one year, but I find that mothers on the lowest income don’t even have a right to this.

What kind of message does this send out about how much the state values motherhood, children, breastfeeding and all our wellbeing?¹⁰⁴

This is taking us back to pre-women’s movement days, when a man could ask his wife “what did you do all day?” on the assumption that she was “just” a housewife who did “nothing” but raise the children and was a burden on him. Now both the state and even men expect a new mother to go out and contribute to the family income, dismissing the vital caring work she still tries to manage despite an increasingly packed working day. For the state a “good mother” is more concerned with earning than caring, since caring brings no cash and is thus intangible and “not work”.

While successive governments credit themselves with increasing the number of people in waged work, they hide the rise in poverty among families with at least one wage earner. Most of the jobs available are low-waged, including zero-hour contracts, and incur transport and childcare costs which take most of her wage. And, of course, with much less time and energy for caring – not only for children but for other vulnerable family members.

This separation of children from their mothers through mandatory waged work ignores the primary importance of the mother and child bond for the child’s development and well-being, which others have written about.¹⁰⁵ Defending the importance of this bond has faced opposition not only from the state, which wants to remove financial and other support from mothers, but from some feminists. Since motherhood has traditionally been used to keep

¹⁰³ By 2021 the government plans to completely phase out IS, the only benefit that gave recognition to full-time mothers, and move all claimants onto Universal Credit.

¹⁰⁴ Evidence from a single mother against the Welfare Reform Bill, June 2009. www.globalwomenstrike.net

¹⁰⁵ Over 70 years ago pioneering psychologist John Bowlby confirmed what every society has always known: “The infant and young child should experience a warm, intimate, and continuous relationship with his mother (or permanent mother substitute) in which both find satisfaction and enjoyment.” He warned that not to do so may have “significant and irreversible mental health consequences”. <http://www.simplypsychology.org/bowlby.html>. Many child psychologists have replicated his findings since. Much more recently, an analysis of neurochemistry, which has moved on greatly since Bowlby’s day, has revealed that the way babies’ brains develop physically is in direct response to the care they receive in the course of their daily interactions between themselves and their main carer. *Why Love Matters: How affection shapes a baby’s brain* Sue Gerhardt Routledge 2004

women financially dependent on men and to prevent them from exercising any other talents or interests, much of feminism has wanted to distance itself from mothering.

Erica Jong is a spokeswoman for this attack on mothering:

Attachment parenting, especially when combined with environmental correctness, has encouraged female victimisation. Women feel not only that they must be ever-present for their children but also that they must breast-feed, make their own baby food and eschew disposable diapers. It's a prison for mothers, and it represents as much of a backlash against women's freedom as the right-to-life movement.¹⁰⁶

Thus children are seen as the enslavers of their mothers from which mothers can be freed only by prioritising their own needs over the needs of the child.

Why are mothers being urged or even forced to choose between themselves and their children?

Selma James, co-author of the classic *The Power of Women and the Subversion of the Community and Sex, Race and Class – the Perspective of Winning*,¹⁰⁷ and co-ordinator of the Global Women's Strike says:

It is not at all inevitable that the needs of the mother are in conflict with the needs of the child, but for this society must acknowledge and meet the needs of the mother as both a carer and an individual. For both child and mother, and the bond between them to be socially and economically valued and supported, the market with its uncaring priorities must be prevented from dominating. Is this too much to ask when the reproduction of the human race is at stake?¹⁰⁸

Crucial to the earliest interaction between mother and child is breastfeeding, which is advocated by the World Health Organisation¹⁰⁹ (WHO) and many other national and international bodies focused on child health and welfare. They recommend:

exclusive breastfeeding for the first six months of life . . . followed by continued breastfeeding with appropriate complementary foods for up to two years or beyond . . .

Breastfeeding rates in the UK are among the lowest in the world, with only 1% of mothers meeting the WHO recommendation.¹¹⁰ Government policies prioritising getting mothers out to

¹⁰⁶ Mother Madness, Erica Jong, <http://www.wsj.com/articles/SB10001424052748704462704575590603553674296>

¹⁰⁷ PM Press, 2012

¹⁰⁸ Private correspondence, 2014

¹⁰⁹ World Health Organisation, 10 facts on breastfeeding, updated July 2015. <http://www.who.int/features/factfiles/breastfeeding/en/>

¹¹⁰ A study by The Lancet found that 34% of mothers were still breastfeeding at six months and just 0.5% at 12 months. http://i100.independent.co.uk/article/this-is-the-country-with-the-lowest-breastfeeding-rates-in-the-world--WJoas_MEae?utm_source=indy&utm_medium=top5&utm_campaign=i100

work have contributed to this low figure and are reflected in court decisions prioritising fathers' contact with children over breastfeeding.

When fathers press for contact with babies, the courts are more likely to consider breastfeeding a hindrance than a baby's human rights. Our survey has found several cases where fathers insisted on lengthy contact with babies, including overnight, even when they were still being breastfed. The mother's objections were treated as unreasonable, obstructive and even manipulative. In one shocking case, breastfeeding and co-sleeping were a major reason that a healthy and happy child was removed from her mother. (See Appendix 1)

Oliver James,¹¹¹ Sue Gerhardt¹¹² and others are unequivocal that babies need a responsive, loving, consistent one-to-one parent/carer. Children who are separated from their mothers (or other primary carer) during their crucial early years of growth and development, either through their mother spending long hours at waged work, group childcare, or by state or court intervention, can face life-long difficulties.

Speaking at the House of Commons last year, Richard Wexler expressed shock at the cavalier way children are removed from their main carer.

There is no understanding of the harm of removal. For a young child, it can be an experience akin to kidnapping.¹¹³

There is increasing concern about mental health among young people, but though this may be traced to the early years, it is rarely connected with the lack of support to mothers or other primary carers trying to raise their children. The Millennium Cohort Study found that in 2012, even before the worst of the austerity cuts started to bite, over 10% of 11 year old children in the UK experienced severe mental health problems, rising to 17% in the poorest families, compared with 4% in families in the top income bracket.¹¹⁴ In some parts of the country rates of childhood depression, anxiety, self-harm and eating disorders are up by 600%.¹¹⁵ How can this be approached without finding out about the relationship between mother and child and whether it has been protected and supported?

Studies show that over three quarters of mothers take the primary responsibility for children in the family, and that mothers are twice as involved in child care as fathers.¹¹⁶ But family courts ignore this. Increasingly judges give full-time residency or extended contact to fathers, regardless of their involvement (or lack of it) in the child's life when the parents were together, and without questioning what it is likely to be in future. The standard of a "good" father seems considerably lower than that of a "good" mother. The presumption of equality between mother

¹¹¹ *Affluenza*, Vermilion, 2007; *Love Bombing: Reset Your Child's Emotional Thermostat*, Oliver James, Karnac Books, 2012

¹¹² *Why Love Matters: How affection shapes a baby's brain*, Sue Gerhardt, Routledge, first edition, 2004

¹¹³ 7 June 2016

¹¹⁴ *Children of the new century: Mental health findings from the Millenium Cohort Study*, Leslie Morrison Gutman, Heather Joshi, Michael Parsonage & Ingrid Schoon published by Centre for Mental Health http://www.champspublichealth.com/sites/default/files/media_library/Children_of_the_new_century_0.pdf

¹¹⁵ Decca Aitkenhead interviews sacked children's mental health champion Natasha Devon <http://www.theguardian.com/society/2016/may/13/sacked-childrens-mental-health-tzar-natasha-devon-i-was-proper-angry>

¹¹⁶ *The Changing Face of Motherhood*, The Social Issues Research Centre, 2011

and father has benefitted the parent who contributes less, sometimes much less, at the expense of mothers who take overall responsibility for children. Children lose much from this sexism.

The raised profile of groups like Fathers4Justice and Families Need Fathers has given the false impression, encouraged by much of the media, that mothers get preferential treatment in the family courts while fathers are hard done by. The facts contradict this. Child contact with the non-resident parent is only refused in less than 1% of cases;¹¹⁷ the majority of non-resident parents, usually fathers, who take their cases to court were given the type and amount of contact they had asked for.¹¹⁸

It's worth noting that in 90% of cases, residence and contact are agreed between the separating parents.¹¹⁹ It is most likely to be fathers who have motives unrelated to the wellbeing of the child who pursue court cases. As others have pointed out:

The truth is most fathers do not apply for custody and mothers, who are normally primary carers, just retain it, while mainly abusers apply for it and in most cases get it.¹²⁰

Fathers' wishes are prioritised, and their power over women is re-affirmed long after separation. Social workers (most of them women) and judges (some of them women) have shown themselves time and time again to be sympathetic to fathers who put themselves forward for residency or contact. A father's demand is taken as "proof" of a history of caring without any evidence; whereas the mother who has actually done the work is challenged about the quality of her caring. In fact, if the father does get residence he is unlikely to be the primary carer; it is often another woman who then looks after the children – his new partner, mother, sister . . .

Social workers and judges rarely consider how often fathers who fight for residence or contact are using the children to impose their will over the mother's life. They are likely not to consider that in imposing contact they impose ongoing coercive and controlling male behaviour on mothers and children.¹²¹ This can have life-threatening consequences, especially where there has been a history of domestic violence. Recent tragic cases reviewed by Women's Aid involved 19 children killed by the father with contact, two seriously injured and two mothers killed.¹²² So far these well known horrific cases have not shifted day-to-day decisions in the family courts, where professionals and judges continue to over-ride mothers' efforts to keep

¹¹⁷ Aris, R. & Harrison, C (2007) Domestic Violence and the Supplemental Information Form C1A and Giovanni, E (2011) Outcomes of Family Justice Children's Proceedings – a Review of the Evidence

¹¹⁸ See footnote 61

¹¹⁹ Only about 10% of separating parents go to court about child arrangements
[http://www.nuffieldfoundation.org/sites/default/files/files/Would%20legislation%20for%20shared%20parenting%20time%20help%20children\)OXLAP%20FPB%207.pdf](http://www.nuffieldfoundation.org/sites/default/files/files/Would%20legislation%20for%20shared%20parenting%20time%20help%20children)OXLAP%20FPB%207.pdf)

¹²⁰ Letter to the Justice Minister, Minister for Women and Parliamentary Under Secretary of State at the Ministry of Justice, signed by 11 international academics and practitioners, June 2015
wewontbesilent@hotmail.com

¹²¹ Over 90% of women experience post separation abuse Finding the Costs of Freedom, Solace Women's Aid, 2014

¹²² See footnote 9

their children safe by limiting contact with their violent fathers. It is as though the father's power is prioritised.

Even when the results are not life threatening, contact is often an excuse to threaten the mother, come to her home, send her harassing or abusive texts, make denigratory or hostile comments about her to the children, etc. Several mothers in our survey were dealing with fathers who had refused to bring the children back after contact weekends, and because they had shared parental responsibility the authorities had refused to intervene. The fathers were barely admonished in court. In at least one case (Ms N) this led to the mother's breakdown and to the child having to live with his father.

When they have residence, fathers may not hesitate to make the mother's contact with the children as difficult as possible, refusing to pay for transport to bring the children for example, even when they have a much higher income than she does, consistently arriving late, being abusive to the mother in front of the children during hand-over, or shouting in the background during mother's phone calls with the children. The final injustice is that of mothers whose children have been taken against their will, having to pay child maintenance to fathers who are often on much higher incomes than theirs.

8. Neglect – or is it poverty?

Increasingly children are taken not because they suffer “harm” but because their birth family – usually a low income and/or teenage single mother, or a mother with learning difficulties – is accused of “neglect”.

- Nearly all the women in our Dossier were in low-waged work or on benefits.
- It is no accident that the increase in children being taken from their mothers has coincided with an increase in child poverty, coupled with massive “austerity” cuts which have significantly reduced the resources on which families, and single mothers in particular, depend.

Women have borne 85% of the cuts.¹²³ In 2013-14, there were 3.7 million children living in poverty in the UK: 28% of all children.¹²⁴ This number will undoubtedly rise as further cuts to welfare and other benefits are imposed. Over one million people already depend on food banks,¹²⁵ including many who are in employment but whose wages are so low that they can't afford to keep their homes and have enough to eat. In these brutal times for working class families, those of us who are already vulnerable because we are young or immigrant or have a disability, are even more likely to be targeted.

What is described as “neglect” is often a combination of poverty and overwork leaving too little time for caring. Yet in the light of “austerity” cuts such as the bedroom tax and the benefit cap, social workers have fewer resources – and nothing financial – to offer families struggling to survive.

¹²³ <http://www.fawcettsociety.org.uk/2015/03/women-could-miss-out-on-economic-comeback/>

¹²⁴ Child Poverty Action Group <http://www.cpag.org.uk/child-poverty-facts-and-figures>

¹²⁵ <http://www.theguardian.com/society/2015/apr/22/food-bank-users-uk-low-paid-workers-poverty>

With the benefit cap lowered, 116,000 families may no longer be able to pay their rent, and 500,000 children could be affected. No one knows how many will then be taken into care or adopted as parents are accused of “neglect” for no longer being able to keep a roof over their heads. This is social cleansing via austerity policies. It is a return to the Victorian values that led to the children of single mothers being removed by religious institutions and charities from the 50s to the 70s, policies which are condemned today yet are being re-enacted by legislation such as the benefit cap. Mothers who turn to sex work to make ends meet face not only criminalisation but having their children removed.¹²⁶

As Maggie Mellon, vice chair of the British Association of Social Workers (BASW) points out:

Austerity measures that punish the poor, such as the benefits cap, and arbitrary sanctions, coupled with the bedroom tax, are undoubtedly fuelling the rise in care numbers. Family support services have been decimated. So-called austerity measures including benefit sanctions that deprive children as well as their parents of food and warmth are driving parents to despair.

Media coverage of adoption focuses on the anguish delays cause prospective adoptive parents but not on the grief of biological parents, not to mention grandparents, siblings and the wider family. Children's best interests cannot be considered separately from the welfare and rights of their families of origin. Income, housing and other material factors cannot be used in a judgement about where a child's best interests lie; at least not in a civilised society.¹²⁷

Kim Sparrow from Single Mothers' Self-Defence highlights the dangers of provisions in the Children and Social Work Bill¹²⁸ which would authorise local authorities to “opt out” of statutory obligations on child protection:

We are worried that if local authorities are allowed to “opt out” of statutory child protection, private firms like Serco and G4S would be given incentives to take children away from their parents instead of the government assisting them with housing and financial support. This Bill is about privatisation and the incentive to make profits. These companies want the regulations – hard-won over decades – to be gone while the government wants to punish us for being working class and poor.¹²⁹

The government knows that privatisation puts children at risk.

Companies like G4S, Serco and others can take on contracts to undertake child protection assessments and investigations, manage child protection plans, decide whether to initiate care proceedings, and determine where and with whom children should live. All these companies need to do is set up a not-for-profit subsidiary. Then the parent company can charge its subsidiary

¹²⁶ The English Collective of Prostitutes reports that raids by police and social services have resulted in children being separated from their sex worker mothers.

¹²⁷ <https://www.basw.co.uk/news/article/?id=962>

¹²⁸ The Bill now in its final stages in Parliament is the latest official blow to the mother-child relationship.

¹²⁹ *Morning Star*, <https://www.morningstaronline.co.uk/a-e8e0-New-law-hands-poor-kids-over-to-privateers#.WHvBSRuLTIU>

whatever it likes for the services it provides to the subsidiary, which is how a profit is made.

Earlier this year [2015], G4S withdrew from the provision of children's services. This followed the cancellation of its contract for managing Rainsbrook Secure Training Centre in Northamptonshire in 2015, and an undercover BBC investigation into its management of Medway Secure Training Centre in Rochester which exposed the mistreatment and abuse of children.¹³⁰

Together with Black Women's Rape Action Project and Women Against Rape, we have documented sexual and racist violence by guards against vulnerable women at Yarl's Wood Detention and Removal Centre which is run by Serco.¹³¹

The state pays huge sums to keep children in care, but denies money to help mothers or kinship carers – despite all the evidence that children do much better within the family than in foster or residential care.¹³² For example, a foster carer in the London borough of Camden looking after one child up to the age of 10 gets a maintenance allowance of at least £217 plus a professional fee of £136.50 – that is £353.50 per week; specialist foster carers (including for children with disabilities) may get up to £800 per week. It costs around £54,000 per year for Essex county council to look after a child. Foster care is now a multi-million pound industry,¹³³ described by Richard Wexler as the “foster care industrial complex”.¹³⁴

Compare this to a mother or kinship carer who may get £20.70 in Child Benefit and £63.94 in Child Tax Credit – that is £84.64 per week for one child.¹³⁵

The terrible cost to children who are taken from their mothers and put into care is ignored. We know that half the children in youth custody come from foster or residential care, and that children in care are six times more likely to be cautioned by police or convicted of a crime than others of the same age.¹³⁶ This is not their fault but the fault of a system which claims to put child welfare first while doing the opposite.

Kim Sparrow of SMSD, told MPs on the Children and Social Work Bill Committee:

A young teenage boy along with his two younger siblings were taken into care following difficulties the mother was having with the younger brother. Instead of getting help with housing and positive involvement with other family members,

¹³⁰ <http://www.communitycare.co.uk/2016/03/02/private-firms-involvement-childrens-social-care-rethought-g4s-scandal/>

¹³¹ *A Bleak House in Our Times – an investigation into women's rights violations at Yarl's Wood Removal Centre*, LAW, Crossroads Books 2005; Dossier calling for Yarl's Wood closure chronicles decade of abuse complaints, *The Guardian*, 15 June 2015

¹³² For example, children in children's homes are less likely to achieve well at Key stage 4 than all children or other looked after children, are more likely to be absent or excluded from school and are more likely to have emotional and behavioural difficulties. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/388701/Childrens_Homes_data_pack_Dec_2014.pdf

¹³³ Corporate Watch <https://corporatewatch.org/news/2015/dec/15/foster-care-business>

¹³⁴ Speaking at the House of Commons, 7 June 2016

¹³⁵ CUTS the view from foster carers, The Fostering Network April 2016

¹³⁶ Prison Reform Trust May 2016

all three children were removed from their mother and this had a very detrimental effect on the oldest boy.

During the court hearing to decide on where the children were to live, the oldest boy wrote to the family court judge saying that he wanted to live with his mother and that if he was taken away from her he would turn to a life of crime. The court ordered he should go into care anyway.

The boy was very upset and angry, and repeatedly ran away from children's homes and foster carer after that. At the beginning he returned to his mother's home. But she was obliged to let the authorities know so he couldn't stay with her. Soon he went missing and no one knew where he was. Neither social services who had parental care nor the police. His mother was terrified not knowing if he was alive or dead.

He ended up staying with men who used him to carry drugs and travelling all over London with them. They were giving him more money than he had ever had. He was eventually arrested and taken to secure accommodation. This deteriorating situation was the direct result of this child being separated from his mother and siblings.

What happened to this child has stayed in my mind ever since and convince me even more of the importance of protecting family ties and the terrible effect of those close bonds being forcibly severed. (See Ms O)

The state pays out huge amounts to keep children away from their families: more than £200,000 per year to keep a young person in a secure children's home and £60,000 a year in a young offenders institution. Yet it is not prepared to pay to keep families together even though that is far cheaper. We must ask why.

If these are the finances of removing children from their families, then the purpose of the policy is to remove children rather than to help them.

And who knows or cares what happens to the thousands of children who go missing from care? The police estimate at least 10,000 children a year, yet official government data records less than 1,000. A joint All Party Parliamentary Inquiry noted:

Children are taken into care from their parents because we do not think they are safe or cared for well enough at home. But the evidence clearly shows that we fail to keep the most vulnerable children safe whilst they are in our care. In fact, children who go missing from care are being systematically failed – and placed in great danger – by the very systems and professionals who are there to protect them.¹³⁷

In 2016, a child protection social worker warned about the government's latest plans to "revolutionise" child protection:

¹³⁷ APPG for Runaway & Missing Children & Adults and the APPG for Looked After Children & Care Leavers *Report from the Joint Inquiry into Children who go missing from care* June 2012

No commentary on how much harder it is to raise children when you're living on the breadline or a nod to the fact that any parent, even the most skilled, would struggle when living in poverty.

The "undeserving poor" have lost their council homes; lost their benefits and lost their community services; why not make it easier to lose their children too?

So when Cameron sets out his grand plans to save children this coming week and tells us all that a social care revolution is needed, look at his past record and ask yourself what he has done to benefit needy children before.

You'll find that his legacy is made up of more children in poverty, families reliant upon food banks, the unchecked rise of payday loans, a scarcity of social housing and the death of early intervention services.¹³⁸

In the US, Professor Dorothy Roberts established that mothers accused of "neglect" are in fact being punished for being poor:

Poverty is key to explaining why almost any child gets in the system . . . Most children reported to the child welfare system are poor, and black children are more likely to live in poverty than children of other groups . . . Nationwide, there are twice as many neglected children as children who are physically abused. When child protection agencies find that children have been neglected it usually relates to poverty . . .

Parental conduct or home conditions that appear innocent when the parents are affluent are often considered to be neglectful when the parents are poor. Several studies have found that poor children are more likely to be labelled "abused" than children from more affluent homes with similar injuries . . .

Impoverished mothers in the UK also fear home inspections aimed at finding "neglect" rather than offering support.

The social worker . . . went round my home inspecting the toilet, bathroom, bedrooms, the children's toys and books, and the contents of the fridge . . . She commented that I did not have enough fruit for the children – without asking when they last had any.¹³⁹

9. Race and nationality

Over half of the mothers who have come to us are women of colour and/or immigrant women. 29% are women of colour who are also immigrant, including 7 who were seeking asylum; 9% were Black British women; 13% of others are immigrant.

The mothers we were in touch with obviously felt more comfortable coming to organisations with a long track record of anti-racism and anti-discrimination knowing that their case would

¹³⁸The author is a child protection social worker and tweets at "[@socialworktutor](https://twitter.com/socialworktutor) <http://www.communitycare.co.uk/2016/05/16/yes-prime-minister-children-let-long/>

¹³⁹ Kay Cherry, Crossroads Women's Centre, Professional Social Work, February 2009

be pursued as vigorously as that of a white British woman. But these strikingly high figures also reflect the prejudices and added vulnerabilities women are up against:

- Racism against women and families of colour results in their having the lowest incomes; they are therefore more likely to be accused of “neglect” and have fewer resources to defend themselves once this has happened.
- Mothers’ experience of prejudice and hostility is confirmed by the disproportionate number of children of colour in the care system.¹⁴⁰
- Different ways of parenting which professionals do not appreciate or approve of.
- Immigrant women who are also on low incomes and may not speak English, are even less likely to know how the system works or where to turn for help when they are challenged by social workers or other professionals;
- Women seeking refuge after fleeing war, rape and other torture in their home countries find that their trauma is used as an excuse to take their children.
- Uncertain immigration status (e.g. while an asylum claim is being considered or if it is rejected) makes women more likely to be homeless and destitute. If they go to social services for help their children may be taken into care. They are more vulnerable to domestic violence or exploitation and less able to report to the authorities for fear of being deported and/or losing their children.
- Women facing deportation are often detained and their children are taken into care or left with fathers who have status. Mothers claiming asylum who were forced to leave their children behind face years of delay before they can be reunited with their children, including because there is no legal aid to challenge the refusal of family visas and the prohibitive cost of visas. Once the children turn 18, they no longer have the right to join their mothers and are unlikely to get visas; some mothers have had to mount a public campaign for their children to be allowed to join them.
- In defending its decision to deport the mother of a seven year old, the Home Office said:

The Appellant can have contact with her daughter and this could be maintained from [Nigeria] by modern technology and visits . . .
- Talking over Skype was considered an appropriate way for a child to receive her mother’s love and care
- It is clear from our experience that the child protection system is institutionally racist.

Researchers say:

In contrast to the USA, ethnic inequities have had little attention in research or policy in the UK and across Europe. Children from ethnic minority categories were much more likely than “white” children to be living in disadvantaged areas and this has to be taken into account when examining intervention rates.

¹⁴⁰ Just over 20% of “looked after” children are from BME backgrounds
<https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>

Overall, two-thirds of all Asian children and more than three quarters of all Black children were living in the most disadvantaged 20 per cent of neighbourhoods in the country, but only a little over a quarter of White children were.

Overall, Black children are more likely than White to experience separation from their parents through state action, because so much larger a proportion of Black children compared to White live in very disadvantaged neighbourhoods. Overall, Black children of Caribbean heritage were more than twice as likely as White British children to find themselves looked after, in our sample, but not more likely to be on CPP [Child Protection Plan].¹⁴¹

Professor Dorothy Roberts has looked at racism in the US closely. It is worth considering how much of what she says may be applicable to the UK.

The racial disparity of children in protective custody mirrors the disparity among adults in our nation's prison system, a disparity which social critics are increasingly calling a civil rights violation.

Black children make up more than two-fifths of the foster care population, although they represent less than one-fifth of the nation's children. In Chicago, ninety-five percent of children in foster care are black. The racial imbalance in New York City's foster care population is truly mind-boggling: out of 42,000 children in the system at the end of 1997, only 1,300 were white.

Child protective agencies are far more likely to place black children in foster care instead of offering their families less traumatic assistance. According to federal statistics, fifty-six percent of black children in the child welfare system have been placed in foster care, twice the percentage for white children...¹⁴²

10. Disability

39% of mothers had mental health issues including post-traumatic stress disorder; anxiety, depression, agoraphobia, "personality disorder". 7% had learning disabilities; 7% had physical disabilities.

As with domestic violence, disability and/or mental health issues should entitle people to specific support from the authorities, but are actually much more likely to be used against mothers. In general, disabled people are entitled to provision to overcome disadvantage or meet needs (for example, a support worker and equipment in waged work to enable them to do their job effectively), and to adult social care services to enable them to live independently. But mothers are penalised if they ask for help, either for their own disability or their children's. This becomes the excuse for labelling mothers as "unable to cope" and can lead to children

¹⁴¹ Out of Sight, Out of Mind: Ethnic Inequalities in Child Protection and Out-of-Home Care Intervention Rates, Paul Bywaters, Josephine Kwhali, Geraldine Brady, Tim Sparks and Elizabeth Bos, *British Journal of Social Work* (2016) 0, 1–19

<file:///C:/Users/Acer/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/DW336D5N/black%20children%20looked%20after-research%20brief.pdf>

¹⁴² Professor Dorothy Roberts see footnote 4

being taken away, effectively punishing them and their mother for her or their disability – treatment which is discriminatory and surely must be illegal. The mother of an autistic teenager who asked for respite from 24/7 care, could not get her son back from the assessment centre where he was taken. She said: “The worst thing I ever did was ask for help.”

There are 3,000 people with learning disabilities in assessment and treatment units of whom 1,160 are on the autism spectrum: 43% have been there between 1 and 5 years; 17% more than 5 years and 13% more than 10 years. Some of these are teenagers/young people with autism who have been taken there for “assessment” or for “respite” when their parents were struggling to cope who then get stuck, often many miles away from home because there are no local facilities or because they are deemed not suitable for living at home, despite their parents desperately wanting to care for them. The profits made by private companies who run such institutions are scandalous: St Andrews Hospital £13m a year pre-tax profits; Cygnet one of the largest mental healthcare providers, £31m a year pre-tax profits. Even worse, the doctors who decide what should happen to patients (i.e. stay there or go somewhere else, or home) are employed by the same company which is profiting from the bed provided!¹⁴³

No account is taken of Rape Trauma Syndrome or other forms of Post-Traumatic Stress Disorder to explain a mother’s behaviour as a response to traumatic events she may have suffered, such as domestic violence, rape, war or the death of a loved one. Instead the mother’s behaviour is used against her (e.g. Ms J, Ms K). This is also particularly true if a mother has been in care herself as a child and/or is a young vulnerable person (e.g. Ms H, Ms Y). The mothers who came to us had received little or no support and the children were taken soon after social services became involved. Evidence compiled by the Elfrida Society Parents Project¹⁴⁴ shows that:

Parents with learning difficulties are amongst the most socially and economically disadvantaged groups.

Parents with learning disabilities are at a higher risk of becoming subject to child safeguarding procedures and are an overrepresented group in child protection conferences and court proceedings; it is estimated that 15 – 22% of parents involved in child protection conferences and care proceedings have a learning disability.

Many of the proceedings involving parents with learning difficulties lead to the child being removed. In the UK, the rate has been cited at 48% yet our experience advocating for parents with learning difficulties in Islington puts the local figure at about 70%. The reasons for this are complex, often associated with multiple oppression and discriminatory attitudes.

Where advocacy was provided to the parent before, during and after the time of birth, this improved the child’s chance to grow up in appropriately safe and

¹⁴³ Stuck in the System: Care in Crisis, Cody Godwin <https://www.youtube.com/watch?v=n3hqZ2jvkns>

¹⁴⁴ The Elfrida Society Parents Project, June 2016

healthy conditions with their biological parent. Improved outcomes for parents and children appeared to be linked to the wide range of additional support parents with learning disabilities were able to access and effectively engage with as a result of the involvement of advocacy services.

For mothers assessed with a “borderline” learning disability in particular, there is a further catch: social workers may say the disability is not “bad enough” to qualify for support, but it is bad enough to decide that the mother/parents won’t or can’t look after their children properly (see Ms D and Ms J who were both assessed as having a borderline learning disability). The fact is that social services don’t want to put resources into enabling people with learning or other disabilities to keep their children – they rather take children away and put them up for adoption as early as possible. This amounts to blatant institutional discrimination against mothers and fathers and their children, some of whom may also have a disability.

Recent research by Autism Women Matter¹⁴⁵ found that:

One in five mothers of a child with autism, regardless of maternal diagnosis, were assessed by social services; of those, one in six had their child compulsorily placed for adoption. Finally, rates of allegations and investigations of suspected fabricated illness amongst children with autism and their siblings were two orders of magnitude higher than the known incidence the UK.

As a result of such prejudices, many disabled mothers are too frightened of losing children to seek support from social services even in extreme situations, and the children too are frightened they will lose their mothers. Through a combination of lack of support services and a punitive approach to families, children who have a disabled parent often become that parent’s primary carers.¹⁴⁶ If disabled parents were getting adult social care and other resources, they would not have to rely so heavily on their child/ren. Children who are caring for a disabled parent fear they will lose their mothers so are likely to be reluctant to ask for help for.¹⁴⁷ Also, austerity imposed cuts in social care services are making it harder for mothers to manage. Since 2010, most councils have raised the threshold to qualify for care services and no longer meet “moderate needs”.¹⁴⁸ And it is hard to qualify for help with domestic tasks such as cleaning and laundry which are not hands-on personal care, instead people are expected to “self-manage” and “self-finance”.

When mothers do ask for help for themselves or for their disabled children (e.g. after a partner has left and they struggle to cope alone or with post-natal depression¹⁴⁹ or other ill-health, or with difficulties getting children to different schools on time as happened to Ms P) they are told there is no practical help available – they have to manage or the children will be taken away.

¹⁴⁵ Reported in The Guardian Hidden Pool of autism in women surfaces 26 December 2016 <http://www.autismwomenmatter.org.uk/research/positive-negative-experiences-of-325-autistic-mothers-vs-91-typical-mothers-online-survey-autism-and-motherhood/>

¹⁴⁶ Census figures released in 2013 show that 166,000 children, aged five to 17, are caring for their siblings, parents or others.

¹⁴⁷ Why do young carers fail to use services? Berni Graham on September 15, 2011 [Community Care](http://www.communitycare.co.uk/2010/09/14/councils-to-deny-social-care-support-to-all-but-most-needy/)

¹⁴⁸ <http://www.communitycare.co.uk/2010/09/14/councils-to-deny-social-care-support-to-all-but-most-needy/>

¹⁴⁹ Beware the baby-snatchers: how social services can ruin your family, Lara Prendergast, The Spectator 6 February 2016

In some cases, when a partner has just walked out, leaving the mother on her own, she is blamed for practical problems that arise through no fault of her own (see Ms W). It is significant that both Ms P and Ms W had children with disabilities as well as their own disability/mental health issues. In these situations the additional care and attention the children with disabilities needed was not recognised by social workers. Disabled children also fare worse than others once taken into care; disabled children are more likely to remain in institutional care and less likely to be chosen for fostering or adoption.¹⁵⁰

It costs up to three times as much to raise a disabled child as it does to raise a non-disabled child.

33% of families with disabled children are going without heating and 31% without food.¹⁵¹

Benefits for disabled children and families are being massively cut, for example, through the introduction of Universal Credit.¹⁵²

As the Elfrida Society says:

We find that, at the heart of this discrimination are the questions social workers are asking of parents with learning disabilities, and their continuing use of the medical model of disability long after society started accepting the social model in the 1980s.¹⁵³ The government white paper, Valuing People, signalled the formal adoption of the social model into local and national policy in 2001. Despite this, social work teams are still simply asking “can this person care for their child?” rather than asking “what support does this person need in order for them to be able to care for their child?” This approach from social services is comparable to general attitudes towards people with learning difficulties 40 years ago in that they are often automatically seen as inadequate [that is defined by their disability] rather than asking what support they need to be parents.

Psychiatrists or psychologists asked to give expert evidence in family court proceedings are quick to diagnose “borderline personality disorder” – a catch-all phrase that enables social services to move in on the mother. (See Ms A)

No account is taken of Rape Trauma Syndrome or other forms of Post Traumatic Stress Disorder to explain a family’s experiences – instead the mother’s expressions of distress are used against her. (See Ms V, Ms G, Ms J, Ms M). This is also particularly true if a mother has had a difficult childhood, been in care herself and/or is a young vulnerable person (e.g. Ms H and Ms Y).

¹⁵⁰ <https://www.iriss.org.uk/resources/insights/permanence-stability-disabled-looked-after-children>

¹⁵¹ Contact A Family <http://www.cafamily.org.uk/get-involved/campaigns-and-research/research/>

¹⁵² (see “Holes in the Safety Net”, Baroness Tanni Grey-Thompson.
http://www.childrensociety.org.uk/sites/default/files/tcs/disabled_children_chapter_final.pdf

¹⁵³ The “medical model” treats disability as an illness while the “social model” treats it as discrimination which society must tackle by enabling access.

For deaf parents whose first language is sign language rather than English speech, communication barriers add to the obstacles. Again, no support is offered but separation of mother and children often follows. Deaf Hope¹⁵⁴ reports that:

Established in 2010 we have to date seen approx 30 children removed permanently for long term foster care or adoption. This includes both Deaf and hearing children. We have a high percentage of Deaf domestic violence survivors fighting child custody battles and this number is likely to rise. We believe this is the tip of the iceberg as there are many other Deaf women around the UK fighting battles without the specialist support we offer. We have a constant battle to ensure the provision of Deaf Specialist Independent Support Workers to collate evidence for court hearings. These experts will have full understanding of Deaf culture and importantly Deaf parenting styles.

In 2008, one of our volunteers wrote about her experiences of the obstacles a disabled mother faced in getting help from social services, and how she was set up to fail so her children could be taken from her. Nothing has changed.

. . . a meeting was called of all the professionals involved in Ms A's case – a lengthy cast list to say the least, including the social worker, the headmistress of her children's school, a teacher, an Early Years officer, a Sure Start representative and a health worker! Ms A was again pressured to find friends to assist her with the children and the school was asked to help, despite having no resources for this work.

The meeting did not aim to provide the necessary care. Instead, it seemed merely to serve the function of saving money for social services, while also attempting to justify the involvement of eight 'experts' who were paid to attend. How much did these professionals cost? Why wasn't this money spent on funding Ms A's needs? Is this typical of how social services operates, as an industry for professionals to deny care to those in need? With our help Ms A made an official complaint.

. . . [Ms A said:] It feels like social services were waiting for me to fail so they could accuse me of being a bad mother. My fears were borne out when I heard that a new social worker wanted to investigate "how [my] condition affected [my] day-to-day ability to look after the children" and the Family Support Worker raised [the idea] that my children could be fostered.

Prioritising money-saving over the welfare of children and mothers is bad enough, but it doesn't explain why money was squandered on meetings aimed at obstructing Ms A's efforts to get help, or why fostering, which is much more expensive, would be proposed as an alternative. Was the aim to frighten Ms A into dropping her request? How common is it for children to be taken from parents who have asked for help? If social workers are increasingly expected to 'screen out' people in need, on budget and rationing criteria, individual

¹⁵⁴ Deaf Hope project is currently the only specialist domestic abuse service for Deaf women and children living in the U.K. <http://www.signhealth.org.uk/deafhope/>

prejudices are likely to have an influence. Most worryingly, what would have happened to Ms A and her children without the support of our Centre?¹⁵⁵

She asked the most crucial question: “If people’s welfare is not social services’ starting point, then what actually is the aim of social care?”

11. Conclusions and demands

- Through collective self-help we have been successful in preventing some tragedies and reuniting some families. Some mothers got their children back, some children who were loved and safe were taken off the child protection register, some adoptions were averted in favour of fostering within the family, violent ex-partners did not get the contact they were seeking, mothers who were detained and had their children removed got them back and were awarded compensation . . . In each case an enormous amount of work, much of it unwaged, was needed to overturn decisions and disprove unfair assumptions. (See Ms E, G, J, K, L, Q) In the US, the Every Mother Is a Working Mother Network¹⁵⁶ which works with the Global Women’s Strike in Los Angeles and Philadelphia, and other self-help groups of mothers and committed lawyers have also been able to reverse trends. The number of children taken into care has fallen in both places; unfortunately with mandatory reporting they are beginning to rise again.¹⁵⁷
- Children must be protected; they are our most precious asset. To do that, society’s first priority must be to protect mothers and other primary carers, value their caring work and support it in every way. Mothers have every right to expect help from the state when they ask for it.
- Money and other resources must be made available to support families, starting with primary carers, usually the mother. Only then will children be spared the lifelong trauma of separation from their birth families. There is no worthier expense. Institutional care and adoption must always be treated as a last resort.
- Financial resources must be made available to enable mothers and children to leave violent relationships and stay together.
- Legal aid must be reinstated so no mother has to represent herself in the family court.
- The courts have a duty to protect children. Fathers with a history of violence must not be allowed unsupervised contact with their children.

¹⁵⁵ Kay Cherry, Crossroads Women’s Centre, Professional Social Work, February 2009

¹⁵⁶ <http://www.everymothenetwork.net/>

¹⁵⁷ David Tobis founded the Child Welfare Fund in New York in the 1990s, and over the next 18 years it was instrumental in changing New York’s child welfare system. The number of children taken into care decreased from almost 50,000 in 1994 to 10,295 in 2015. He says:

“Hundreds of [these] parents in NYC – mostly women, mostly African-Americans and Latinos, almost all poor – have worked one-on-one to help other mothers and fathers transform their lives. Moreover, by working with social workers, charitable foundations, lawyers, and like-minded supporters in government and child welfare agencies, they created a paradigm shift in the child welfare system towards assisting families when they were having difficulties rather than removing their children as the first response. Parents’ rights were also protected through adequate legal representation, and parents and young people’s concerns were listened to.” How New York City’s parents took on the welfare system – and changed it David Tobis *The Guardian* 24 February 2016

<https://www.theguardian.com/society/2016/feb/24/new-york-parents-child-welfare-care>

- Family courts must open their doors to public scrutiny while protecting children's anonymity. Once the courts are open the standards are bound to rise.
- Discrimination on grounds of income, race, nationality, disability, religious affiliation . . . are so widespread that they must be assumed to be institutional and addressed.
- Sentencing for criminal offences must prioritise the welfare of children and avoid separation from their mothers.

12. Some of the mothers who came to us

A. Children adopted after mother defends herself from rapist father

Ms A has two young children. The father was violent, prone to drinking and angry outbursts. Once when he was attempting to rape her, she stabbed him with a pen in self defence. Another time she ran out of the house to call 999 and left the children inside.

The final straw came when he raped her. She reported the rape to the police and took out a non-molestation order which he contested. Despite the seriousness of the situation, the family court directed her to remain on good terms with the father to protect his contact with the children. Ms A tried to comply with the court.

During the rape investigation, she took the children abroad to keep them safe but returned with them after social services pursued her via the high court. The children were then taken into care, and she was allowed only supervised visits observed by social services. During the rape investigation, social services began proceedings to take the children away permanently, claiming that she was aggressive (because she had stabbed him with a pen), that she shouldn't have left the children in the house with him while she called the police, and that she was "emotionally unstable". She was accused her of being "un co-operative" because she disagreed with social services' reports, and "not the victim she claimed to be" because she was financially independent of the father.

Ms A testimony at the rape trial was backed by accidental audio recording on the father's mobile. He was convicted of rape and serious sexual assault in 2013 and sentenced to five years.

Ms A's mother and step-father trained to be the children's long-term foster carers and passed with flying colours. But a family court judge ruled in favour of adoption by strangers rather than the grandparents saying that "*wouldn't be strong enough to cope with A's demands*". The grounds for removing the children permanently from Ms A included: anger problems, mostly based on her behaviour as a teenager many years before; a personality disorder, misdiagnosed 17 years previously, again when she was a teenager; lies by social workers observing her visits and meetings, which she filmed; and failing to protect her children from witnessing violence.

When Ms A was notified of the final court hearing regarding the adoption, she found out at the last minute that her rapist had been released from jail and would be attending the hearing. She was so terrified of meeting her rapist in or outside the court, knowing that she was representing herself and that he was too, that she did not attend court to challenge the

order. The father appeared by video link and did challenge the adoption, but failed. Ms A was not informed about the possibility of appearing by video link and has now lost any chance of opposing the adoption.

Ms A was recently diagnosed on the autistic spectrum, but was unable to find a lawyer to put this to the family court as new evidence, along with evidence about how much her circumstances have changed as a result of being free from the violent relationship. She feels that being on the autistic spectrum left her at a significant disadvantage when dealing with social services and the family court system where her character and capabilities were completely misjudged and misunderstood.

B. Rape allegations dismissed as “objectionable” but “not forced”

Ms B was raped several times by her partner during their relationship; one rape resulted in the birth of her son. She was later raped twice in front of the child. She reported the rape at the time but it wasn't investigated properly by the police. She lived with her mother and son, and the child's father paid little attention to him until he was two years old, although he was sometimes abusive towards him.

The father re-married and started court proceedings for contact. When the child was four, he started having overnight contact; when he was six the father was given residence by the court on the grounds that Ms B had made allegations that he was sexually abusing the child, which they disbelieved. CAFCASS and social services said the hostility of Ms B and her mother towards the father *was causing “emotional harm”* to the child. The family court judge dismissed the rape allegations, saying: *“Some women have sex that’s objectionable but it’s not forced.”*

Ms B has continued to fight for residence of her child but has been refused. She has also had to fight for contact as the father makes it as hard as possible, refusing to pay his share of transport costs, despite having agreed to this in court. She had to get an enforcement order because the father refused to let the child come to his mother for half term as arranged. For some time Ms B was able to see her son on alternate weekends and for some holidays, but this was subsequently reduced to one 24-hour contact on alternate weekends and no holidays.

Until recently, Ms B had to represent herself in court, which was extremely difficult and traumatic. The father is intimidating and manipulative, and has legal representation. Both CAFCASS and the judge, who has “reserved” the case to himself, have been biased against her throughout. She now has a solicitor and is continuing to fight for her son to return to live with her or at least to have regular and meaningful contact with him.

C. Baby’s right to breastfeed vs controlling father and biased court

Ms C is the mother of a toddler. Her relationship with the father broke up before she gave birth because of his controlling and abusive behaviour. After the baby was born, the father saw him once and was out of touch for seven months. He then started to press to see the child and the court gave him contact for several hours at a time. When he asked for overnight

weekend contact, the mother objected as the child was still breastfeeding and co-sleeping. CAFCASS refused to be involved on grounds that the mother had said there was no physical violence; they never asked her whether there was emotional abuse.

The case kept coming in front of magistrates who refused to consider support letters for the baby's right to breastfeeding and a letter from Women Against Rape (WAR) to whom the mother had disclosed the ex-partner's abusive behaviour. In desperation the mother posted an online petition calling on the family courts to recognise children's right to breastfeeding. The court ordered her to take it down despite it being anonymous.

Her barrister eventually succeeded in moving the case from the magistrates to a district judge. He said that breastfeeding and co-sleeping are a baby's basic human right, and limited the father's contact to no more than five hours at a time. The father later made a claim for residence and she is still fighting it in court.

Ms C has not been entitled to legal aid and to date has paid over £11,000 in legal fees.

D. Violence allegations dismissed

Ms D was in an abusive relationship. When she became pregnant her partner wanted her to have an abortion. He was physically and emotionally violent to her during pregnancy and raped her on one occasion. She ended the relationship when the baby was about a year old and got a non-molestation order valid for a year. Once the order expired, the father went to court to get contact and there was a fact finding hearing about her eight allegations of violence. The judge dismissed them all, despite witnesses who could confirm some of the events. He said:

“albeit the thrust of her evidence is that she did not report Mr Y to the police because she loved him and that his behaviour towards her had abused her to such an extent that he controlled her, I do not find [her] credible . . . I found him to be honest and credible . . . I do not find that he was so controlling in his behaviour that this resulted in Ms D having no control over her own situation.”

The same judge agreed that the father could have four supervised contact visits, then some unsupervised, and now one overnight stay every fortnight. The child cries when she has to go with her father. Based on her own experience and on how badly he treats his younger brothers, Ms D worries about how he treats the child. She is also upset that he uses contact to abuse her in texts and phone calls.

E. Mother wins contact after children “disappear” for 18 months

Ms E came to the UK from Jamaica as a teenager. She married and had three children, but suffered years of domestic violence, some of which in front of the children. She reported to the police but no action was taken. Shortly after her third son was born in 2008, her husband left the family home. Social services were involved but once the father left they closed the case saying the children were now safe.

For some years Ms E was the children's primary carer, and the father saw very little of them. In 2013 she was accused of hitting her oldest son after an accident in the school playground which looked like a slap. Social services immediately stepped in, took the children and put them with a family friend. Less than a week later, they had a case conference to which she was not invited, and the children were given to the father. Ms E denied all charges against her but was prosecuted and convicted of common assault (for which she received a community sentence); a charge of child cruelty was dropped.

After a couple of supervised contact visits, all contact stopped and social services announced they had closed the case. Ms E was distraught: for the next 18 months she did not know where the children lived, where they were going to school, or how to contact the father. She was left without any news of her children. Social services refused to tell her where they were, saying their involvement was finished as this was a "private" matter. They told her MP the same. Several solicitors told her there was nothing they could do, and she was not entitled to legal aid. As a result of her common assault conviction, Ms E lost her job as a care assistant, and became homeless, spending almost 18 months sofa-surfing at friend's houses. With help from her church, she eventually found private rented accommodation.

In November 2014, Ms E was referred to Black Women's Rape Action Project (BWRAP) and Legal Action for Women (LAW) which together began court proceedings for residence and contact with the children. It took from a first court hearing in January 2015 to a final hearing in September 2016 for her case to be resolved. During this time there were three hearings all in front of different judges, one of which the father did not attend. Despite court orders for Ms E to have contact with the children, the father repeatedly stopped contact for long periods so Ms E had to keep applying to the court. Starting and stopping contact in this way was very unsettling for the children who did not see their mother at all for nearly two years.

There were two CAFCASS appointed officers involved in her case; both produced biased reports which downplayed the years of domestic violence Ms E had suffered. CAFCASS claimed that the children were angry with their mother and had mixed feelings about seeing her, without any recognition that they must have felt deserted by her since she the only explanation for her "disappearance" from their lives was whatever their father told them.

With the help of representation by a barrister from the Pro Bono Unit, a court order was made for contact visits supervised by CAFCASS, so the relationship between the children and their mother could be re-established. The local authority was ordered to release all documents relating to when they took the children away so she could get legal advice about whether they acted lawfully.

The supervised contact sessions with the children went extremely well (despite the father cancelling two of the planned six), and were followed by a further unsupervised session in the community. The CAFCASS officer, who was to present an updated report *after* the contact sessions, wrote it *before* so nothing about the children's contact with their mother was included. When Ms E raised this with the judge, the officer claimed she had done what the court ordered and objected to the mother's Mackenzie Friend (from LAW) who was in court. The judge recognised the injustice and ordered that Ms E should have 10 weeks of community contact on alternate weekends, followed by overnight contact. CAFCASS was

ordered to speak to the children after the contacts to find out their “wishes and feelings”, and report to the final hearing. Ms E made a formal complaint to CAFCASS.

At the final court hearing, Ms E was again represented by the Bar Pro Bono Unit. The CAFCASS report did acknowledge that the children’s wishes and feelings had changed as a result of regular contact with their mother (hardly surprising!), that the youngest child wanted to live with his mother, and the middle child wanted to spend more time with her. The judge decided that the children should remain with their father, but ordered that the youngest child should spend three out of four weekends with his mother, and half of school holidays. The middle child is to spend alternate weekends with his mother and holiday time. The older child has remained hostile to overnight contact with his mother; she blames this on the conflict he feels as a result of being abruptly and traumatically separated from her and on the influence of his father’s hostility towards her. Now that she is seeing her children regularly, she is concerned about the way they are being treated by their father and is planning to pursue this.

It took three years from the initial incident for mother and children to be reunited. Ms E had hoped that the children would return to live with her and was disappointed. But even getting this far took much work by LAW, which not only acted as a Mackenzie friend but compiled all the paper work necessary for the court hearings and provided moral support at every stage, encouraging Ms E when everything seemed hopeless.

F. Mother wins child back after father tries to take her

Ms F has a child who is nearly three. Since a baby she has spent weekdays with her and weekends with her father. After one weekend visit, the father refused to bring the child back, claiming her mother was neglecting her and insisting he would not return her until the matter went to court. Ms F was desperate as she didn’t know where the father lived – he had moved and hadn’t told her where he was. She reported to the police. They went to see the child, told her she was fine, and refused to act because she was with her father. Social services said that because the father had made allegations of neglect which they needed to investigate; this would take 45 days and meanwhile they would not bring the child back to her as the police had said she was OK.

The mother has since disclosed to her family that the father was abusive and violent to her during their relationship; she was still a teenager at the time and had not known what to do. The father also disclosed to the family that he hits the child with a belt when she’s “naughty”.

The mother went to the family court, without a lawyer but supported by relative, and asked for an emergency hearing on the same day. The judge ordered that the child be returned to her mother’s care, giving the father interim weekend contact. The father returned the child and did not come to collect her for several weeks. A further court hearing reinstated his weekend contact but refused his request for residence – he had moved to another town and wanted to take the child with him to be looked after by his new girlfriend!

G. Domestic violence concession ensures mother and child's safety

Ms G's marriage broke down because of her husband's controlling and abusive behaviour. She is an immigrant from China and he is a British citizen originally from Korea. His domestic violence worsened after their son was born. She left him when the child was two months old after he threatened to send the child away to be raised by his family. She went to court to get a prohibited steps order to stop the father taking the child out of country. He then asked for contact.

WAR did a full report which was submitted to the Home Office as part of Ms G's claim for the right to remain under the Domestic Violence Concession. When the father admitted he was depressed and even suicidal, CAFCASS recommended he go for a psychiatric assessment. He refused to do this and withdrew from the court process. He was given indirect contact (card or letter) twice a year, but has not been in touch.

H. Child of teenage mother targeted for adoption before birth

Ms H was a teenage mother with mild learning difficulties. While pregnant, her midwife reported to social services an incident of domestic violence (a fight with the baby's father who was also young) that occurred before she was pregnant and had not been repeated since. The incident was blown out of all proportion and used as an excuse to cut Ms U off from the baby's father and his family against her will. Social services wanted the baby adopted at birth and took the mother to court just days after giving birth via caesarean section. The judge ruled she could go to a Mum & Baby unit for several months. She was totally isolated there: not allowed to see her family or the baby's father, or to go out with the baby, and all her movements were monitored.

She found it hard to "manage" in that environment and after a few months the baby was taken away and fostered, while adoption proceedings got underway. The baby's grandparents asked to be considered, as were other relatives, but none were deemed suitable.

The foster carer was keen to adopt the child and keep her in contact with her biological family. But she was told that if she adopted she would have to stop fostering for a year and would lose her income. Social services refused to make any financial arrangement which would have enabled her to adopt. They lied to the court saying they had tried to contact her, so her point of view was not presented in court. The baby was moved away from a loving carer for the second time in her first 18 months of life, and adopted outside the family. The parents and grand-parents went through an excruciating process of saying "good-bye" to the baby at their last contact visit. Their distress and trauma was obvious, but who was monitoring the distress and trauma of the young child?

The paternal grandmother fought hard throughout the court proceedings to be involved in the baby's life. Despite advice and help from groups at the Crossroads Women's Centre which attended court hearings and wrote support letters, she was unable to stop the adoption. She did meet the adoptive parents, but is not allowed any contact or involvement in the baby's life. She and the parents can write and receive letters from the adoptive parents twice a year.

Both Ms U and the father have had other children whom they are raising successfully.

J. Mother wins child back after unfair assessment

Ms J fled her home country after being tortured. After a nine year battle she won leave to remain on compassionate grounds with recourse to public funds.

In 2009 she was detained while pregnant and released as she was too close to term to be deported. Once her child was born she was detained again. She would have been deported but for the intervention of Black Women's Rape Action Project (BWRAP) which got her released and helped her find a new solicitor. In October 2011, she had a breakdown and her GP referred her to hospital for six weeks with her child. She was promised that she could be in a mother and baby unit. Instead social workers came to take the child; when she refused to let him go, they called the police and he was put under police protection for three days.

Ms J's sympathetic GP was angry because he had promised they could go into a mother and baby unit; he sent a paediatrician to confirm that the child was well looked after despite the lack of secure accommodation. The Helen Bamber Foundation and others wrote to social services. They backed down and the child was given back to his mother in December 2011.

Ms J became pregnant again early in 2015 as a result of rape by the husband of one of the women she had been living with. She had no recourse to public funds while her fresh asylum claim was being prepared. The father and his wife tried to get custody of the baby after birth. Her maternity team intervened and put her into a mother and baby unit for her own protection. She was there for six weeks.

Within weeks of being housed she received a letter from social services saying that her children were being put under child protection – no reasons given. She attended a child protection meeting in 2016 with expert evidence from professionals confirming that her children were being excellently cared for despite the obstacles she faced and lack of vital resources. When the social service report was released, there was not a shred of evidence of her being an unfit mother, or of any neglect. It was social services which had been neglectful, not providing any of the support vital to the family's survival.

Shortly afterwards, Ms H's children were correctly assessed as children in need, and a new social worker appointed to address the whole family's needs.

K. Victim of trafficking wins compensation after violent separation of breastfeeding infant

Ms K is a rape survivor from the Caribbean. She was trafficked into the UK by a drugs gang which threatened to kill her and her children if she didn't carry drugs for them. On arrival in the UK she was arrested, tried and found guilty despite an expert report confirming that she and one of her daughters had been kidnapped, raped and beaten by the gang. She was sentenced to nine years and served five.

In prison she made an asylum claim but was refused and threatened with deportation. She appealed while in Yarl's Wood Removal Centre and won in December 2009, but was kept in detention because the Home Office appealed.

Together with over 70 women, she went on hunger strike in February 2010, to protest sexist and racist treatment by guards and terrible conditions. She was released in March 2010. In July 2010 the court turned down the Home Office appeal: she was given leave to remain under Article 3 of the Human Rights Act and an acknowledgement that the police in the country she fled could not protect her.

In the summer of 2010, Ms K was raped in a women-only hostel by a man posing as a legal case worker. The police lost vital evidence and witnesses from the hostel were too afraid to give evidence. When the rape went to trial, the judge allowed the defendant's only witness to sit in court during her testimony, despite BWRAP and WAR's objections. The woman's evidence was helped by what she was allowed to hear in court. The rapist got off.

In 2011, Ms K gave birth by caesarean section; on the same day she learned that one of her sons had been killed in the Caribbean by the same drugs gang which had tortured her. She was shocked and grief-stricken. Social services accused her of being an unfit mother and violently took her three-week old breastfeeding baby away. She was held to the ground by security guards and the police were called. She was taken to be sectioned and given a compulsory assessment under the Mental Health Act. Her baby was taken into care. They were separated for six days and only reunited after repeated interventions by BWRAP and other groups at the women's centre, and a psychiatrist who concluded: "*I cannot find symptoms of acute mental illness of any severity sufficient to justify detaining this woman currently.*"

She left hospital the next day and was reunited with her baby. A solicitor was found to pursue a case against the NHS; they advised that nothing could be done against social services, which they described as "*untouchables*". The court found hospital staff to have wrongly sectioned Ms K, and she and her daughter won £4,000 in compensation.

Social services have repeatedly refused to re-house Ms K despite her overcrowded conditions and medical evidence. Instead they have accused her of neglecting her children and tried to put them on the child protection register. At a recent child protection meeting, the council finally acknowledged that her children were "in need" and she was given permanent housing.

L. Victim of domestic violence gets children back after breakdown

Ms L suffered domestic violence from her ex-partner. When he made racially aggravated threats to kill her and her children, she reported him to the police. They did not listen to the recordings she made of the threats. WAR intervened with the police and the Crown Prosecution Service (CPS) and the man was convicted of racially aggravated harassment.

Before he was convicted, Ms L was terrified of him and the police had referred her to social services claiming she had mental health problems. Social services did not take into account the history of domestic violence, including that her partner had threatened to set fire to her home. Under pressure to prove she could cope, she had a breakdown and was sectioned. The children were taken temporarily to live with her mother and step-father.

Ms L was eventually able to get her children back, with a 12 month supervision order that she had to attend parenting classes and take a drugs awareness course.

M. Mother with learning disabilities not allowed to keep her baby

Ms M was involved with social services following a rape as a young woman. She was diagnosed as having learning difficulties but given no support. The rapist was not pursued. She got pregnant and the day after the baby was born in 2011, social services applied for a Care Order claiming the "*child [was] not receiving care that would be reasonably expected from a parent*", citing "*unidentified mental health*" and "*minor learning difficulties*". They used a diagnosis of "global learning difficulties" to put the child up for adoption. Three independent reports contradicted this diagnosis. They were dismissed by a woman judge as was all evidence showing that Ms M had successfully completed two parenting courses and was about to attend another two, including one on child protection awareness.

BWRAP became involved at the end of the adoption process and found her a new solicitor. But social services had built an overwhelming case against her based on hostile report from a psychiatrist and the child's Guardian. Her ex-partner said there was evidence that the judge was biased and had not considered an earlier fostering request. The judge ruled against Ms M on the basis of her "poor parenting skills", predicting she would not be able to overcome them. She was allowed an appeal, but it was unsuccessful.

Ms M has never had the opportunity of looking after her child who was fostered until the adoption. She became severely depressed and was unable to fight further. She lost her housing and became homeless, and is currently living with her family.

N. Unable to get legal aid mother attempts suicide

Ms N is a single mother who separated from the father of her son when the child was six. Her son lived with her; the father had overnight contact twice a week and every other weekend at the paternal grandparents' home. After a contact visit, the father refused to return the child. A solicitor and the police told the mother that since the father was on the birth certificate nothing could be done. She was unable to get legal aid as it is not available for private family disputes.

She reported to social services but they never got back to her. She felt helpless and broken-hearted, and six months later took a major overdose. She was put under the care of a psychiatrist and on anti-depressants with intensive therapy for six months. During this time the father would text, call and visit her home on his own late at night (sometimes drunk), tormenting her and saying that the child didn't need her.

After reporting this harassment to the police, Ms N got legal aid for a non molestation order. She used the legal aid to start court proceedings for contact. This was delayed for six months, due to lack of court availability and the father taking a holiday. By this time Ms N had not seen her son for over two years.

The court eventually agreed that she should see her child for four, two hour sessions. They insisted that the sessions should be supervised because of "parental alienation". She had to pay the full £45 per hour supervision fee despite living on benefits of £145 a fortnight. She asked the judge to order that the father pay half but he refused saying she should continue to

borrow the supervision money from her own father because she was not paying maintenance. In fact she was paying £10 a week which her solicitor did not raise.

After paying at total of £1,100 for contact with her own child, Ms N ended up in debt and depending on food bank vouchers. Eventually, she told the court that she could no longer pay, despite desperately wanting to see her child. She was finally referred to a free contact centre. After administrative delays, Single Mothers' Self Defence (SMSD) helped her write to ask her MP to intervene to speed up the process.

O. Refugee mother denied support loses three children

Ms O came to the UK as a refugee from Sierra Leone. Her three children were born in the UK and were aged nine, six and one when SMSD first met her. A 14 year-old niece who joined her in 2009, also lived with her. Ms O struggled as a single mother on a very low income in overcrowded accommodation; she suffered from depression and undiagnosed post traumatic stress resulting from the civil war she left years before. Despite her trauma and difficult circumstances, she was a devoted mother who worked hard to support her children.

Social services had been unhelpful, and in the view of Single Mothers' Self Defence (SMSD), racist. They falsely accused Ms O of "trafficking" her niece and of exploiting her by making her do too much housework. They insisted on a DNA test to prove the niece was a relative (she was), and frightened the teenage with threats that she may be deported away from the aunty and siblings who were her family.

When Ms O's middle child behaviour became challenging, she tried to get a diagnosis and help. But after intervention by social services and the police, all three children were fostered into different homes. Social services then pressed for the youngest child – a four-year-old girl who had been doing fine with her mother until then – to be adopted. The oldest child was so furious that he wrote to the family judge saying he would "turn to a life of crime" if he and his siblings were not allowed to live with their mother. At 14 he was out of social services control and continuously ran away from foster care. He was eventually arrested, detained for serious offenses, and is now serving 18 months in a young offenders' institution.

SMSD attended all hearings with social services and with Ms O's legal team, and succeeded in stopping the adoption of the youngest child. The court paid for fresh independent assessments of family members and she was placed with a maternal aunt abroad under a special guardianship order.

Problems with social services continue: they have delayed payment of the special guardianship allowance and the family have to regularly write to them even after the MP was informed.

Ms O's niece was allowed to stay with her.

P. Disabled mother represents herself and wins back disabled son

Ms P is originally from the Caribbean, grew up in the US and came to England to marry an Englishman she had met as a student. She was a full-time housewife and mother, looking

after their six children and supporting her husband's successful business career. After many years of marriage he left her with the children aged two to 11. She began proceedings for divorce, which 10 years later is still unresolved. At first the father paid child maintenance. When this became erratic and she could no longer count on the money she'd had to pay for help with the children, she had trouble coping on her own, especially as one of her children is autistic and another has learning difficulties. She struggled to get all the children to their schools in different locations on time, and social services became involved.

Rather than offering her practical help to get the children to and from school, and to ensure the maintenance payments were regular and consistent in amount, social services took the children to live with their father. He lives outside London and Ms P, who suffers from agoraphobia, can only travel limited distances. As a result, she was unable to attend the court hearing where her ex-husband was given residence of the children. For the next four years Ms P hardly saw the children – the father claimed he could not afford the petrol to bring them to London and would not pay their fares on public transport. Ms P, who was by this time on disability benefits, had no means of transport and no money.

In 2014, her oldest son decided to leave his father's home to live with a school friend's family and then went back to live with his mother. Her ex-husband claimed that another son who is autistic (by now a teenager) was too "difficult" and disruptive, and planned to put him in residential care. Ms P was horrified. With no legal aid, she represented herself with help from LAW and the judge ruled that the child should be returned to her. This began family court proceedings which LAW has been helping with and are continuing. Ms P wants all her children to come back to live with her – her three oldest now do. Divorce proceedings are continuing, with Ms N living from hand to mouth, while her husband continues at the significantly higher standard of living they once both enjoyed.

Q. Refugee mother gets her children after six-year discrimination struggle

Ms Q came to the UK as a refugee from the Middle East in 2007. She had two young teenage children and was heavily pregnant. Her husband remained in their home country, only rejoining the family in 2013. She was granted asylum on the basis of a fatwa issued against her for adultery. The documents relating to her asylum claim had serious translation errors, mistakenly stating that she had suffered domestic violence from her husband and that he had thrown boiling water over their eldest son. None of this was true.

Ms Q spoke little English, was isolated and struggled to cope on her own with the three children. Following a back injury, social services took them into care. After a couple of months, her youngest son and her daughter were returned to live with her, but her oldest son who is disabled and has learning difficulties, was not. Ms Q went to court to try to get him back, but lost. Her concerns about the way he was being treated in foster care were ignored.

At a court hearing in 2010 social services challenged her capacity to look after all the children and they were taken into care again. Her daughter returned home after a few weeks. Ms Q began legal action in relation to her disabled son and her younger son. Social services were determined to put the youngest up for adoption and both children remained in foster care.

In 2012 her disabled son was returned to her care, a couple of months after he turned 18, having been away from his mother for four years. Social services tried to discredit Ms Q, accusing her of lying in her original asylum claim, of denying the domestic violence on which they falsely said her asylum claim was based. When a proposed adoption placement for the younger child failed, CAF/CASS and an independent social worker assigned by the court said he should remain in foster care. Ms Q had not seen her son for over three years. Contact sessions were reinstated after an independent social worker wrote a positive report of her first contact visit.

Early in 2014 the child was returned to live with his mother after another set of potential adopters pulled out once they knew he had a family who desperately wanted him to come home. Having been separated from his mother and siblings for nearly four years, he was unable to speak his mother's first language and it took over a year before he began to settle down and to re-build his relationships with his family.

Ms Q was badly represented for most of the time and wrongly advised by a women's group she turned to for help. She faced discrimination and prejudice as a refugee who didn't speak English and was dealing with a legal system completely unknown to her.

Ms Q first came to the self-help sessions of the All African Women's Group (AAWG), which BWRAP helps to coordinate, in 2012. The support she got from both organisations throughout these six years was crucial to her survival and to her winning the children back. But she has been left emotionally and physically exhausted by the whole process. No explanation has been given for why the children were kept from their family for all these years. The two eldest children are pursuing a claim against the council for the damage caused by the prolonged and unnecessary separation.

R. Breastfeeding mother and children win substantial damages

Ms R came to the UK from Uganda at 14 after being raped by armed rebels. She was allowed to stay as an unaccompanied minor. At 16, while studying, she became pregnant; one week after giving birth she was made homeless. After having a second child she was again made homeless in outer London. She was found by a passer-by sheltering under a bush with a one year old daughter and four week old son. She had been thrown off a train as she had no ticket and was trying to reach a friend in Brighton. She was held in a police cell for four days, and her children were put in foster care even though her son was breastfeeding.

Her age was contested and she was taken to Yarl's Wood Removal Centre without her children. There she met a detainee who was a "jailhouse lawyer" and alerted BWRAP. An Action Alert gathered widespread public support from breastfeeding networks, politicians and others, insisting that breastfeeding is an inalienable right under the Human Rights Act. Natural childbirth author and advocate Shelia Kitzinger found her a solicitor and the children were taken to Yarl's Wood to be with their mother, who made a fresh claim for asylum. After five weeks, Ms R was released from detention and her threatened deportation was revoked. She went on to win asylum.

Her lawyers made a civil claim for compensation for unlawful detention and on the grounds that she should never have been detained as a minor. Her age should not have been in doubt

as both social services and the Home Office had seen her passport. Mother and both children were awarded substantial damages.

S. Mother worries about child's safety after violent father gets contact

Ms S came to the UK from the Caribbean. Her relationship with her husband broke down while she was pregnant. She had suffered a violent assault by him which she did not report at the time because she did not think the police would take it seriously. Shortly after her daughter was born, her ex-husband got in touch wanting contact with the baby. In 2014 she made an application to the family court for a non molestation order because he was stalking and harassing her. The hearing was held in January 2015. Her ex-husband accused her of lying about rape in the Caribbean in order to get her stay in the UK. Her lawyer advised her to withdraw the non molestation application saying that the evidence against him was not strong enough. She felt she had no choice but to agree, but changed solicitor immediately after the hearing. The court agreed to her former husband having contact with the child once a week. Ms S is concerned that since he was violent to her, he may be violent to their daughter. She is asking for the father's contact to be reduced to once a fortnight and to be supervised. She is certain that he is using contact with the child to continue to harass her as he has shown no real interest in the child.

T. Mother can't afford to pay for supervised contact visits

Ms T came to the UK from Kenya as a student and later married a white British man with whom she had two children. He became violent towards her and after one incident she left the family home without the children. The father then accused her of hitting two of the step-children whom she had helped to raise. Social services, CAFCASS and the family court judge sided with him. She was allowed supervised contact but she had no money to pay the contact centre and the father wouldn't pay, so she couldn't see her children for two years.

Her immigration status was also used to deny her more contact with the children, on the grounds that she was supposed to go back to Kenya and apply to come back from there. She received bad immigration advice until WAR referred her to a good lawyer. Finding a good family lawyer to re-open her case was even harder – two did nothing and a third finally acted on her instructions (this was at a time when legal aid was still available for private family cases).

Eventually the family case was re-opened and the court agreed she should have supervised contact but would have to pay for it. WAR made an appeal to find an independent social worker who would supervise for free so contact started once a month. After about six months the social worker refused to carry on for free; no replacement could be found so Ms T started to pay. She finally won unsupervised contact and the children can stay with her at weekends.

U. Baby forcibly adopted

Ms U was an asylum seeker who fled from Uganda after being raped. She was made homeless when her claim was refused, despite the fact that she was pregnant and ended up sleeping rough. She attempted suicide, was sectioned and spent the rest of her pregnancy in

psychiatric hospital. After the baby was born she was not discharged from hospital and her son was adopted against her wishes. She was devastated. She only has letterbox contact with her child (a letter once a year), but keeps writing, hoping that when her son is old enough he will know that she did not abandon him and will come to find her.

V. A 12-year separation

Ms V sought asylum after being detained and raped by police for her political activities in the Democratic Republic of Congo. She escaped after her family paid a bribe, but had to leave five children with her sister as it was unsafe for them to travel with her. Her initial asylum claim was refused and closed in 2005. She lost touch with her children when her sister disappeared. In 2012 she was given indefinite leave to remain under the “legacy” programme (used to clear the backlog of outstanding fresh asylum claims which had not been considered.) By this time she did not know whether her children were alive or dead.

With the help of a friend, she eventually found her youngest child and her sister’s two young daughters; the others had left when they were old enough to live independently. The children were living in terrible poverty, often starving, without clothes and shoes, and unable to go to school; both girls had been forced into domestic servitude. Following a military raid on their home, the youngest had lost her sight in one eye. When Ms V's sister disappeared, they were left without any support. They have been traumatised by both mothers’ disappearance, assuming they was dead as they could not believe they would have abandoned them.

Ms V was devastated at their plight and lives in constant fear of something terrible happening to them, as she cannot protect them while they are not with her. She was unable to find a legal aid lawyer to pursue a family reunion claim, and had no money to pay for legal fees and visa applications. BWRAP pursued pro bono representation and in 2015 lawyers agreed to take on the case. The girls are waiting to be interviewed by visa entry clearance officers. This tragic separation has gone on for nearly 12 years.

W. Disabled mother refused help is threatened with separation

Ms W is a disabled mother with three dependent children aged 14, seven and three years, two of whom are also disabled. She was on morphine for a degenerative condition of her joints and had some mental health issues. When she contacted us, her partner and father of the two youngest children had just left her; he had been her full time carer on top of working full time. She was in too much pain to do the school run as each child went to a different school or nursery.

Social services held a case conference and the children were put on the “at risk register”. The school and health visitor said they were not being abused. Social services helped to get the children to school for two weeks but then refused to help any further. They said that providing support for a disabled mother was not their responsibility, but the children would be removed if she couldn’t get them to school. They told the mother to make another arrangement or they would place the children with the father’s family who did not want them. They did not help to maximise her benefit entitlements, which may have helped her to afford to pay for help.

Frustrated with the lack of support and threats, Ms V was accused of having an emotional outburst against the social worker in front of children. The social worker said this had an impact on the children and that they were therefore “emotionally abused”. With support from a local disability organisation and friends, she stopped asking social services for help and the children stayed with her.

X. Mother diagnosed disabled has child taken away

Ms X was diagnosed as a child as having a learning disability although a recent assessment found this not to be accurate. Growing up she experienced abuse in the family and bullying at school and was unable to concentrate. Instead of getting help, she was labelled as having a disability. She married and got pregnant. When she gave birth to the child she was immediately placed in a mother and baby unit where she remained for three months. The baby suffered from physical disabilities and delayed development, and the family court judge agreed with “expert advice” that the mother would not be able to meet the baby’s needs. The child was initially placed with a cousin of Ms X’s ex-husband; when that placement broke down, he was placed with family friends under a special guardianship order. Ms W can only see her child four times a year for one and a half hours, under supervision.

She is desperate to have more contact with her son and wants to him to be returned to her care. So far she has been unable to get legal aid and is unable to represent herself because of the stress involved. The ongoing separation from her son and the infrequent contact with him has contributed to the depression and anxiety she suffers.

Y. Young loving couple loses children after long battle

Ms Y and her partner were 17 and 21 when they had their first child; a second child was born a year later. Ms Y wanted to stay in the family home with her mother so she could have some support, even though they would be overcrowded. Social services were concerned about how they would cope, especially when the second child was born. The children were designated as “in need” but no practical help or housing was offered.

When the older child was two years old he parents noticed an unusual mark on his cheek and reported it to their health visitor. The children were taken away for medical examination but then returned home. Social services made repeated attempts to put the children into foster care. The court Guardian initially refused but eventually agreed that the family should go into a family assessment centre where they lived in one small room for three months. At the end of the assessment, the parents were considered not to be capable of meeting the children’s emotional needs. They said they felt unsupported and under pressure.

After a six day final hearing, the judge (a woman) ruled that the children should be placed for adoption. The mark on the child’s face was deemed by an “expert” – on the basis of a photograph – to be a bite mark caused by an adult, and the judge decided that one of the parents was responsible, although the parents strongly dispute this. The court told Ms Y and her partner that while they clearly loved their children, they had been “neglected” in their care and this had delayed their development, so they had suffered harm because their parents did

not meet their emotional needs. The fact that both parents had had difficult childhoods and were assessed as having “some cognitive impairment” was used against them.

The devastated parents were told by their lawyers that there were no grounds for appeal so they made an application themselves for permission to appeal. They applied to the Bar Pro Bono Unit for representation at the permission hearing but were refused, and had to represent themselves with the help of a Mackenzie friend from LAW. Their application was refused and the children who are now three and four are due to be adopted. The mother is white and the father is mixed race; figures show that white and mixed race children are more likely to be put up for adoption. They will be separated until adulthood from the parents and extended family who love and wanted to care for them.

Z. Set up to fail mother-to-be wins housing and keeps her baby

Ms Z was traumatised after being raped as a child and in her early twenties had a relationship with a violent man who beat her up in early pregnancy. With the support of her mother, an experienced Women Against Rape volunteer, she reported the violence to the police and social services became involved. As the family were getting threats from the man, social services removed Ms Z from the family home and placed her in temporary bed and breakfast, for her and her unborn baby's safety. Half way through the pregnancy, social services said they wanted her to have the baby in more permanent accommodation and offered her a hostel. Ms Z's mother found out that the hostel had been under investigation for housing people who were addicted to drugs. As Ms Z had had drug problems following the rape, she would have been very vulnerable there, likely to go back on drugs and to have her child removed – set up to fail.

With support from her mother, Ms Z pressured the manager of social services to offer appropriate accommodation, and this was finally found. Ms Z went on to have a safe birth and, with the love and support of her mother and wider family, she has kept the baby.

AA. Father given residency of daughter after sexual abuse allegations are dismissed

When Ms AA's marriage broke down, her daughter stayed with her. She disclosed escalating sexual assaults by her father during visits with him. Social services organised for the child to be interviewed by the police. Following this, the father made applications for contact and residence in the family court. Ms AA was very worried that he was privy to all of the daughter's disclosures and was still having unsupervised contact. He was then restricted to supervised contact.

The father intimidated and frightened the daughter by telling her she would have to live with him and would never see her mummy again. The police refused to charge or to pass the information on to the CPS and the abuse case was closed.

The family court ruled Ms AA had been “coaching” her daughter and emotionally abusing her by supporting her reports of sexual abuse.

Ms AA remained convinced her daughter was being abused. On one occasion they went to accident and emergency at night, when the child complained of severe stomach pain after returning from a contact visit. She could not even sit in a bath after another visit as her genital area was too sore. Despite this, the family court awarded the father residence of the child.

Ms AA was refused all contact with her and was gagged when she tried to protest. She broke a non-molestation order by talking to her daughter, and was given a three year prison sentence; she served 11 months and was out on tag for four and a half months.

Ms AA's separation from her daughter has gone on for over six years, enforced by "no contact" orders. She believes her daughter has Stockholm Syndrome¹⁵⁸ and has been alienated from her. Ms AA went to live in another country with her youngest child (from a different father), who is thriving. But Ms AA lives with memories of her older daughter pleading to be taken home, and thoughts of her having to live with a sexually abusive father.

BB. Mother in prison gets in Mother and Baby Unit after delays

Ms BB had a fully breastfeeding three-month old infant when she was sentenced to four years in prison for a non-violent fraud. (She pleaded not guilty but was found guilty by association.)

Sentencing was based on her getting a place in the prison Mother and Baby Unit (MBU), but she was then told that her sentence was too long. (Under current rules, children cannot stay with their mothers for more than 18 months.) After discussions with the court and meetings with the MBU administrators, she was allocated a space but not informed until right before it happened. She was kept on tenterhooks as was her family outside, not knowing what would happen to the baby. The meetings took a long time to happen, despite being designated as an emergency. It was six weeks before the baby was allowed to join the mother in the MBU.

Throughout this time, LAW provided encouragement and information on keeping up the breast milk supply and referred her to Birth Companions for in-prison support. She took a manual breast pump into prison with her but was not allowed to keep it. She had to express into the sink in her cell to maintain her milk supply until eventually the prison gave her a second hand pump (same model). Her determination paid off and she was able to breastfeed.

She is appealing her sentence and the outcome of the appeal will be crucial to whether she can keep the baby with her.

CC. Social services back violent father despite child's self-harming

Ms CC and her partner split up and shared childcare of their daughter. But when he pushed her a couple of times she reported him to the police. The police notified social services, as they had a child. The child was upset by the relationship breaking down and was referred to a school counsellor and local authority mental health services provided a psychologist to work with her. She blamed her mother for the break down and was aggressive towards her. The social worker interpreted the child's anger as Ms CC "emotionally damaging" her daughter.

¹⁵⁸ The psychological response of victims in hostage situations who identify with their captor out of desperation to survive.

The child started to self-harm and made suicidal threats but the father was dismissive and blamed the mother.

Social work reports were biased against Ms CC and inaccurate. The father was given residence of the child; Ms CC was only allowed three one-hour supervised contact sessions per week. The daughter was devastated.

Ms CC saw among some papers for a meeting with social workers that the father had hit the child soon after she was placed with him – he had laughed and taunted her when she threatened to throw herself out of a window. Ms CC tried to get phone contact with her daughter as had been agreed in court, but the father hung up. The psychologist decided the child was manipulative and controlling. No one other than Ms CC took the daughter's self-harm seriously.

Some months later, the child was allowed to stay with Ms CC for three nights per week unsupervised, and to go away on holiday with her.

But the father went back on this arrangement saying that he'd been pressured into agreeing, and social services agreed to a reduction to two nights. Then he applied to court for no overnight stays, but the court did not agree.

Before long, police were called to his house and he admitted slapping the child's face. He was not arrested, as the police said there was no injury. A few weeks later he hit her again. But Social services refused to give Ms CC more information about the father's assaults on the child. One social worker sneered and laughed as she leant across the table said to Ms CC that even if the child was taken from her father, she would not get her.

They insisted that Ms CC's contact should again be reduced to supervised sessions three times a week, and helped the father to go back to court. Following another row when the father hit the daughter, now in her teens, and kicked her out, she ran away to her mother. After a week, she was calm and returned to her dad's, agreed by both parents. But she soon decided she did not want to stay with him and moved in with her mother. Ms CC is now taking court action for residence.

DD. Disabled mother who asked for help is offered fostering

Ms DD is a wheelchair user who has sickle cell and other health problems. When she became pregnant with a much wanted child, she tried to find out what practical help would be available to her. After asking some disability organisations, she was advised to go to social services. A social worker came to her house almost immediately, took her details and suggested the baby should be looked after by someone else – not Ms DD or her husband. Ms DD was shocked to find out that the social worker was from child protection and told her she did not need her "help".

Ms DD's daughter was born four weeks early and shortly afterwards Ms DD fell into a coma. Social services convened a family case conference to discuss the baby's discharge from hospital. Ms DD's husband, mother (herself a former social worker) and sister (who worked in early intervention for the same council) were present, and were horrified that social services

were considering putting the baby into foster care. The family insisted that all Ms DD needed was support whilst recovering from her illness. Only after a huge row did they back down, and the baby went to stay with her father at Ms DD's mother's home. Ms DD got some support from the early discharge team at the hospital and from Surestart, but social services provided no help at all.

She went to stay with her mother, was later placed in temporary accommodation where she had no cooking facilities and then moved to an accessible but mouldy flat. For the past five years she has been fighting for accessible adequate accommodation.

EE. Separated by prison, a violent father and a spiteful Home Office

Ms EE was brought to the UK as a victim of trafficking when she was a teenager, after being raped in her home country in Eastern Europe. She ended up in a violent relationship with a man with whom she has two children. She tried to leave him several times but had no money and nowhere to go with the children. Under duress from him, she committed fraud and was sent to prison for four years. He was never charged. He was given residence of the children despite his history of violence, not only against her. He refused to bring the children to see her in prison so she had contact with them for two years.

She started legal proceedings with help from Women Against Rape. The court ordered that as soon as she was released from prison she should have a series of supervised contact sessions to re-establish her relationship with her daughters. Three months after being released she still has not seen them because the father refuses to comply. She is pressing her lawyer to go back to court as a matter of urgency.

Meanwhile, the Home Office is appealing against an immigration judge who ruled that she had the right to remain in the UK.

13. Appendices

APPENDIX 1

Letter by experts objecting to the downgrading of breastfeeding by the family courts.

The Rt. Hon Sir James Lawrence Munby
President, Family Division of the High Court of England and Wales
Royal Courts of Justice
Strand,
London, WC2A 2LL

15 January 2016

Dear President,

Re: Dismissal of breastfeeding and associated practices in Ms Justice Russell's [judgement](#)¹⁵⁹ in the matter of child M born 27 January 2014 Case No: FD14P00262, 30/04/2015

¹⁵⁹ See <http://www.bailii.org>. Neutral Citation Number: [2015] EWFC36

We are mothers, health professionals, academics, teachers and members of women's organisations dedicated to protecting the health and welfare of children with particular reference to breastfeeding. We respectfully write to put our concerns regarding the dismissal of breastfeeding and associated practices in the above case, based on the published judgement and the publicity it has received. We note that at the time of the judgement the child was a healthy and thriving 15 months old and breastfeeding on demand; she was abruptly separated from her mother who had been her primary carer; she now sees her mother only once every fortnight for one hour and half. Breastfeeding was an important element in this case.

We hope to show that:

- Ms Justice Russell was at best unaware of the wide implications of breastfeeding for the wellbeing and long-term health – physical, emotional and mental – of the child in this case.
- No judgement can be sound if it dismisses breastfeeding as unimportant or even an impediment to the child's welfare.
- The relationship between mother and child promoted through breastfeeding is vital to the healthy social development of children, providing a foundation for mental and emotional stability.
- Other caring practices associated with breastfeeding, such as co-sleeping and carrying the child in a sling, are standard and their use by mothers in the UK and around the world is common.
- International recommendations on breastfeeding

The importance of breastfeeding and associated physical closeness to healthy child development from birth is robustly established by medical and social science, including biologists, child psychologists and anthropologists, through decades of international research. This is being continually reaffirmed and further health advantages uncovered by new research.

The gold standard recommendation issued by the [World Health Organisation](#)¹⁶⁰ (WHO) and UNICEF, and adopted by the UK Department of Health/National Health Service, associations of paediatricians and other health professionals worldwide, including the Royal College of Paediatrics and Child Health in the UK and the American Academy of Paediatrics, The National Institute for Health and Care Excellence (NICE), and indeed many other bodies focused on child welfare, is:

... exclusive breastfeeding for the first six months of life ... followed by continued breastfeeding with appropriate complementary foods for up to two years or beyond ... In addition: breastfeeding should begin within one hour of birth; breastfeeding should be 'on demand', as often as the child wants day and night; and bottles or pacifiers should be avoided.

¹⁶⁰ World Health Organisation, *10 facts on breastfeeding*, updated July 2015.
<http://www.who.int/features/factfiles/breastfeeding/en/>

WHO also says:

... breastfeeding reduces child mortality and has health benefits that extend into adulthood ... Breast milk is the natural first food for babies, it provides all the energy and nutrients that the infant needs for the first months of life, and it continues to provide up to half or more of a child's nutritional needs during the second half of the first year, and up to one-third during the second year of life.

Breast milk promotes sensory and cognitive development, and protects the infant against infectious and chronic diseases. Exclusive breastfeeding reduces infant mortality due to common childhood illnesses such as diarrhea or pneumonia, and helps for a quicker recovery during illness.

Breastfeeding children over one year

The benefits of breastfeeding for up to two years and beyond are promoted in WHO's and UNICEF's joint [training programme](#)¹⁶¹ for health professionals (page 205).

There is no specific age at which breastfeeding is no longer important. Breastfeeding continues to provide closeness to the mother, protection from illness and good nutrition. Breastfeeding an older baby/young child can be valuable if the child becomes ill. Often the child will be able to breastfeed when they are not interested in eating other foods. This helps the child to get fluids as well as helping to avoid weight loss during the illness. Breastfeeding can be soothing to a child who is in pain or upset.

Longer breastfeeding in line with the guidelines is baby-led. It is the baby who suckles at the breast, and whose motivation drives the continuance of breastfeeding. This recognition of what is the child's need informs the recommendation to let a child self wean. The [natural duration](#)¹⁶² of breastfeeding for humans is between 2.5 and 7 years.

Co-sleeping

Co-sleeping is associated with breastfeeding and recognised as enhancing it. La Leche League, the widely respected and oldest breastfeeding support organisation in the world to which mothers and professionals turn for practical advice, [reports](#) research as follows:

Studies have shown that co-sleeping with a breastfeeding infant promotes bonding, regulates the mother and baby's sleep patterns, plays a role in helping the mother to become more responsive to her baby's cues, and gives both the mother and baby needed rest. The co-sleeping environment also assists mothers in the continuation of breastfeeding on demand, an important step in maintaining the mother's milk supply.

¹⁶¹ *Baby-Friendly Hospital Initiative 2009*
http://apps.who.int/iris/bitstream/10665/43593/5/9789241594981_eng.pdf?ua=1

¹⁶² La Leche League International, *Extended Breastfeeding and the law*, Elizabeth Baldwin
<http://www.llli.org/ba/feb01.html>

Contrary to popular opinion, co-sleeping actually helps babies become independent.

Meredith Small, anthropologist and author of *Our Babies Ourselves*, says:

For millions of years, the normal sleeping position of human infants has been on their backs nestled next to mother. Only in western cultures do we force babies to sleep alone, thinking they are more safe and independent placed in a crib with no contact. But history, and how most babies sleep in other cultures, suggests that the West is out of step with what is best physically and emotionally for our children.

They believe that solitary sleeping from an early age is the cause of the prevalence of sleep disorders in older children.

Breastfeeding in the UK

The UK badly lags behind the WHO/UNICEF standard. Only 1%¹⁶³ of UK babies are exclusively breastfed for six months, and very few continue to receive breast milk (combined with solid foods) after that.

UNICEF UK has calculated that even modest increases in breastfeeding would save the NHS £40m a year¹⁶⁴ by reducing the incidence of just four common illnesses in small children. This excludes savings derived, for example, because breastfeeding is a significant protective factor¹⁶⁵ against obesity in children and in later life.

WHO and UNICEF have developed a programme¹⁶⁶ to support optimal breastfeeding through national health systems, and this is leading to some improvements in the UK where it is in place. The need to support and inform other family members, and to create “baby-friendly communities” that embrace health institutions, local authorities, mother to mother support, shops and services, community organisations, is also recognised.

That some Members of Parliament are urging the House of Commons to re-establish the right to breastfeed in the House, and the recent formation of the All Party Parliamentary Group on Infant Feeding, are encouraging signs that the contribution breastfeeding makes to a healthy society is becoming better understood once again in the UK.

Ms Justice Russell’s statements on breastfeeding and associated practices

Ms Justice Russell cannot be aware of the extensive benefits of breastfeeding and associated practices, and the harm done to the child if breastfeeding was abruptly interrupted, as in her final judgement she made several statements dismissive of breastfeeding, implying that it was

¹⁶³ UNICEF UK, *UK Breastfeeding Rates*, <http://www.unicef.org.uk/BabyFriendly/About-Baby-Friendly/Breastfeeding-in-the-UK/UK-Breastfeeding-rates/>

¹⁶⁴ UNICEF UK, Breastfeeding could save the NHS millions says new report see link above

¹⁶⁵ UNICEF UK, Obesity see link above

¹⁶⁶ UNICEF Breastfeeding Initiatives Exchange, <http://www.unicef.org/programme/breastfeeding/>

done by the mother only for her own benefit and that the child will suffer no long-term consequences.

[The case] was further complicated by the choice S [the mother] has made ... regarding the way she parents and cares for M [the baby]. In particular, S decided to breastfeed on demand and to 'co-sleep' with M ...

[S] has made a great deal of her status as a breastfeeding mother and the disruption to M's routine of staying with her father overnight, not least because M co-slept with S and was breast-fed during the night ...

... there was no suggested date or time when breastfeeding would come to an end ... [It was] indicated that it would be as long as M wanted it which could be as much as several years into the future.

The practice [of co-sleeping] is not recommended for babies and small infants as there is a danger of over-lay...

At present [the mother] is able to care for [the child] well physically but there are already grounds for concerns about her mother's over emotional and highly involved role in this infant's life. Ultimately the role of a parent is to help the child to become independent. This is a child who at 15 months old is still carried by her mother in a sling on her body. [The child] spends most of her time with her mother who does not set out any timetable for returning to work ... There is a potential for enmeshment and stifling attachment rather than a healthy outward looking approach to the child's life. The question is who benefits most from this chosen regime which points towards an inability to put the child's needs before her mother's need or desire for closeness.

The attachment which will develop in an infant who sleeps with her mother, spends all day being carried by her mother and is breastfed on demand throughout the day raises questions about the long term effect on [the baby].

Any decision that [the child] ... spends much less time with [her mother] is bound to affect her, likely to upset and distress her in the short term at least and necessarily amounts to a change in her circumstances ... she would miss her mother with whom she has spent most of her time.

[The child] is not yet able to say as she is just learning to talk so I do not know her expressed wishes and feelings but I assume it that for the immediate future she would want to continue to remain with [her mother].

Expert testimony

Lactation consultants (www.lcgb.org) are professionals working to implement the international recommendations and baby-friendly practices referred to above as employees in the NHS and private practice, and as volunteers.

Yet, the expert testimony of a midwife lactation consultant was only briefly referred to in the judgement without any details and given no weight:

On the 23rd May 2014 the midwife lactation consultant recommended that M's breastfeeding continues.

Ms Justice Russell refused to appoint an attachment expert, which was requested.

Instead, she seems to have regarded as sufficient the views of the court appointed child's guardian, commending her "*experience and expertise [as] a social worker of many years ...*" But the qualifications of the child guardian with regard to breastfeeding and co-sleeping are not disclosed. However we learn from the judgement that at one stage "*the guardian recommended that once M was being bottle-fed, contact could be increased ... leading to overnight*". This raises the question of whether the guardian lacked the necessary knowledge of best practice and recommendations.

Sudden cessation of breastfeeding and with it separation from the primary carer as was imposed in this case is very traumatic for the baby, who is suddenly deprived of her regular source of comfort and stability, and cannot understand it. Ms Justice Russell acknowledged the distress the separation would cause the baby but dismissed this consideration, basically deciding that the baby "*is very young and will settle quickly ...*"

Conclusion

In the light of the highest level expert evidence on breastfeeding here presented, Ms Justice Russell's judgement cannot be right. It was based either on ignorance about breastfeeding, bias against the breastfeeding mother, or both. Separating a breastfeeding child from her mother cannot be in the best interest of the child, which it was the duty of the judge to uphold.

It is very disturbing that such inaccurate statements are issued and judgements made on that basis. Worse, we understand that the mother's appeal was rejected without even a hearing and that she has been refused the right to appeal to the Supreme Court.

Breastfeeding mothers have the right not to be undermined when they strive to implement the best recommendations and reject a lower health standard for their child, based on uninformed views.

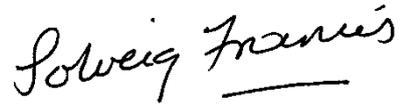
We understand that this is not the first time that a judge has forced a child to stop breastfeeding in order to take the child from her or his mother, and that mothers are [petitioning](#)¹⁶⁷ the court in support of children's right to self-wean:

Should courts be able to decide when mothers stop breast feeding? It's happened to so many. Where there is a disagreement over a child between estranged parents, then the interests of the child should ALWAYS be put first. Children need their mothers and to be breastfed until they self-wean and the courts should not be enforcing a date when this should happen so that a child can stay for extended periods and overnight with a father.

¹⁶⁷ Courts forcing mothers to stop breastfeeding <https://www.change.org/p/family-court-uk-court-forcing-mothers-to-stop-breastfeeding>

We put this before you out of concern for the implications for the health of this child and of other children, especially given the fragile state of breastfeeding in the UK. The way breastfeeding and associated practices were dealt with in this case should be re-examined and the right to appeal allowed.

Respectfully yours,



Solveig Francis, co-author, *The Milk of Human Kindness*

C/o Crossroads Women's Centre,

25 Wolsey Mews, London NW5 2DX Tel: 020 7482 2496

Cc: The Rt Hon The Lord Thomas, Lord Chief Justice of England and Wales

The Rt Hon The Lord Falconer, Shadow Secretary of State for Justice

Also signed by:

Cristel Amiss, Black Women's Rape Action Project

Ruth Anscombe, breastfeeding counsellor (10 years)

Caroline Barker, Senior Registered Nurse (ret'd)

Katie Barron, teacher

Patricia Bennett, breastfeeding counsellor (30 years)

Anna Burbidge, breastfeeding counsellor (30 years)

Helen Butler, breastfeeding counsellor (25 years)

Victoria Childs, psychoanalytic psychotherapist and film maker

Suzanne Cohen, breastfeeding counsellor BSc. M.S.W., MSc.

Michael Coleman, social worker (ret'd)

Clare Davidson, breastfeeding counsellor (4 years)

Sushila Dhall, psychotherapist

Nick Duffell, author of *Wounded Leaders: British Elitism and the Entitlement Illusion*

Helen Fallows, breastfeeding counsellor (5 years)

Natalie Foster, cranio-sacral therapist

Diane Frazer, psychotherapist, B.A.(Hons), M.Phil.

Annie Friedmann, homeopath, LCH MCH RSHom

Anna Gladstone-Buchanan, breastfeeding counselor (four years), International Board
Certified Lactation Consultant (one year)

Claire Glasman, WinVisible: women with visible & invisible disabilities

Anne Hall, senior lecturer and occupational therapist, (ret'd)

Jennifer Hautman, homeopath (mothers & children), BSc (Hons), RSHom

Selma James, author, co-author *The Milk of Human Kindness*

Jean Johnson, Women's Institute (Hampshire)*

John Knight CBE, JP, former Director of Policy at international disability charity

Annie Lamming, Queer Strike

Sheherazade Lana, midwife

Ivanka Lennon, breastfeeding counsellor (22 years)

Ruth Lewis, breastfeeding counsellor (10 years)

Nina Lopez, Legal Action for Women; co-author *The Milk of Human Kindness*
Ilana Machover, antenatal teacher
Clare MacIver, breastfeeding counsellor (2 years)
Stephanie Mathivet, early years specialist
Beatrice Millar, counsellor MBACP senior accredited
Emily O'Dea, breastfeeding counsellor and MBBS
Dr Michel Odent, member of Professional Advisory Board of La Leche League International;
editor, Primal Health Research Database
Vanessa Olorenshaw, author *The Politics of Mothering*, former barrister
Prof Mary Renfrew FRSE, School of Nursing and Health Sciences, University of Dundee,
health researcher and midwife; academic in the field of infant feeding (over 35 years)
Jean Robinson, AIMS (Association for Improvement in Maternity Services)
Veronika Robinson, founding editor *The Mother* magazine, lactation consultant
Jo Ronayne, teacher, primary school
Maggie Ronayne, lecturer, National University of Ireland Galway
Ellis Suzanna Slack, nanny, natural birth assistant, former independent breastfeeding
counsellor
Clare Smee, teacher, Children's Support Services (ret'd)
Gillian Smith, breastfeeding counsellor (36 years)
Kim Sparrow, Single Mothers' Self-Defence
Naomi Stadlen, author *What Mothers Do* and *How Mothers Love*, psychotherapist,
breastfeeding counsellor
Judit Weegmann, homeopath and craniosacral therapist
The letter was also signed by a number of mothers and grandmothers who have breastfed
their children.
*For id purposes only

APPENDIX 2

How the children of imprisoned mothers are treated by the state.

By Dr Lorna Brookes, lecturer, researcher and specialist practitioner on prisoners' children

For the last nine years I have developed and managed a project to support families affected by parental imprisonment. I work directly with prisoners children in the Liverpool community, providing emotional well-being support sessions on an individual and peer group basis.

Many children accessing the service are affected by maternal imprisonment. Whilst I accept that the imprisonment of their mothers was in some cases unavoidable, in most, I believe their imprisonment was unnecessary and has caused more harm to society than good. Sadly the greatest losers are their children. The mothers I have worked with have not only tended to be imprisoned for non-violent and relatively minor offences, but have also been victims as well as offenders. Indeed, more than half the women in custody report having experienced emotional, physical or sexual abuse as a child, and a hugely disproportionate number of women in prison

have grown up in children's homes, in care and/or under the responsibility of the local authority.

Furthermore, most of the children I support with mothers in prison suffer an unimaginable loss; their mothers were their primary caregiver and more often than not, a single parent. According to attachment theory, separation from a parent during childhood can negatively affect children's sense of security, and can cause severe emotional problems in the short and long term (Bowlby, 1980). This issue, however, is one which prison sentencing often fails to take into account. I would struggle to think of a single time when any of these children felt relief when their mother went to prison. Regardless of the crime, regardless of how they might have been parented, all the children I meet with a mother in prison come to me with the same key issues: high levels of separation anxiety, extreme grief, symptoms of trauma, and a desperate need for contact with their mothers. The imprisonment of mothers wreaks havoc on family stability and children's well-being (Convery and Moore, 2001).

Sadly, many of these children then go on to endure further suffering at the hands of uninformed social workers, and a bureaucratic system which ignores their human rights. Article 9 of the UNCRC commits to "ensure that a child shall not be separated from his or her parents against their will", and according to Article 12, children should be free to express their views in all matters affecting them. Sadly, the needs of prisoners' children are generally not considered by statutory providers when a parent is sent to prison.

When children come to my service and I ask them about their feelings and wishes in regard to contact, this question is often met with surprise. Many tell me this is the first time anyone has asked them their views. Whilst I witness immediate therapeutic benefits as these children experience finally being heard, I then face a common and arduous battle with some social workers who have often already made their decision, that the relationship between them and their mother is 'not in the child's best interest'.

Findings from the pan-European COPING research (2010-2013) show that the children of prisoners who have regular contact with their prisoner parent tend to cope better than children who do not. In addition, the Ministry of Justice suggests that family ties can reduce the likelihood of reoffending by 39% and working with families of prisoners could represent significant savings for society as a result of the costs of reoffending and other outcomes, including health, family breakdown, poor child outcomes and inter-generational offending (MoJ, 2009).

Thankfully, I have witnessed the reunification of some children to their mothers post release. Many of these mothers do need and do want help to become better parents, and many need counselling to overcome the suffering they themselves endured as a child. Their children too need help to overcome the trauma of the time they were without their mother. However, with support it is more than possible to enable the re-building of positive relationships post-release.

Taking children from their mothers and placing them into care, just as their own mothers were, is simply setting these children on a path to custody themselves. Instead, the government's inability to provide adequate resources to offer valuable attachment and reattachment provision for this cohort is, I believe, to be one of Britain's most acute social injustices.

APPENDIX 3

<http://www.theguardian.com/society/2015/jun/17/case-rebecca-minnock-shines-light-family-courts>

Case of Rebecca Minnock shines a light on family courts



‘The secrecy the Children Act imposes on family courts, the adoption drive, and the cuts to benefits and legal aid, have silenced mothers,’ write Cristel Amiss and others.

Photograph: Tatjana Alvegard/Getty Images

Guardian Letters Wednesday 17 June 2015 19.59 BST Last modified on Thursday 18 June 2015 00.00 BST

Judge Stephen Wildblood QC disapproves of Rebecca Minnock going into hiding with her child and speaking to the media ([Mother who hid with son slated by judge for her publicity stunt](#), 16 June). But she has opened the doors of the family courts; many mothers who come to us for help will be grateful for this.

The secrecy the Children Act imposes on family courts, the adoption drive, and the cuts to benefits and legal aid, [have silenced mothers](#). There were [2,400 forced adoptions in 2014](#); and 12% more children in care since 2009.

A young mother was denied support for a mild learning disability – social services favoured adoption even before the child was born. Victims of domestic violence or rape are targeted. A mother whose ex-partner was jailed for raping her lost both children – guilty of “failing to protect them”. Another, pregnant after being raped by her ex-partner, tried to kill herself when he got custody of the child. Another who said the father abused the child was accused of a “false allegation” – he got the child. Having lost their children, mothers are charged to see them – £45 an hour for supervised contact.

Mothering is so devalued that low-income women can be treated as surrogates for wealthier couples. A mother recently lost her 15-month-old daughter – breastfeeding on demand was judged “stifling”; and the child’s relationship with the father and his same-sex partner more important to her “identity” than her relationship with her mother.

Court-appointed child guardians are often more concerned with playing god than with the child’s interest. So [*despite widespread child rape – from Oxford to Rotherham to Westminster –**] children are increasingly taken into care. Mothers are denied benefits and legal aid, but care homes get over £2,200 a week per child.

Now Cameron is raising the adoptions budget and wants child proceedings to be fast-tracked. Cry the little children and their mothers.

Cristel Amiss Black Women’s Rape Action Project,

Selma James Global Women’s Strike,

Nicola Mann Women Against Rape,

Nina Lopez Legal Action for Women,

Kim Sparrow Single Mothers Self-Defence

* [*The words in italics were edited out.*]

Family support at risk from children's bill



'We seem to be alone in objecting to the bill promoting adoption as the "gold standard", and to resources going to "corporate parenting" while impoverished families get nothing,' write a group of women activists.

Photograph: Niall Carson/PA Wire

The national child abuse inquiry was set up in response to a massive survivors' movement to examine how and why local authorities and others failed to protect children.

Even before it started, the government wanted to exempt these institutions from public scrutiny. The children and social work bill would enable local authorities to remove statutory protections from the most vulnerable – children in custody and in care ([Social workers row over children's bill](#), 19 October). Given the history, this amounts to a rapists' charter.

Privatisation passes for innovation. Isabelle Trowler, chief social worker for children and families and chief promoter of the bill, co-founded Morning Lane, a private company working with 25 local authorities. KPMG, which partners Morning Lane, has been awarded a £2m government contract. When questioned, Trowler dismissed it as "peanuts". But the children's social work budget is estimated at £6.5bn, and Credit Suisse and others are behind private companies like Frontline, which are already training social workers.

We share the horror of whistleblowers and Together for [Children](#) that child protection services may be privatised. But we seem to be alone in objecting to the bill promoting adoption as the "gold standard" and to resources going to "corporate parenting" while impoverished families get nothing.

There isn't even a duty to consult children and their mothers about their feelings and wishes. The life-long trauma of separation, however hidden, to children and biological families, is hardly mentioned. Britain already has the highest adoption rate in Europe – 90% without the consent of the birth families.

We hold monthly self-help meetings with mothers struggling to keep their children from social workers instructed to prioritise adoption and foster care. Some mothers lose their children after reporting domestic violence – penalised for "failing to protect" them.

Others are young, scared and inexperienced – penalised for "failing to convince" that they could be "capable" parents while a wealthier family waits to take their child. All are low-income families, many with precarious housing, learning difficulties or a disability, many black or immigrant. The incentives to discriminate will vastly increase with privatisation.

Cristel Amiss *Black Women's Rape Action Project*

Anne Neale *Legal Action for Women*

Lisa Longstaff *Women Against Rape*

Nina Lopez *Global Women's Strike*

Kim Sparrow *Single Mothers' Self-Defence*

APPENDIX 5

This petition on facebook gathered 13,000 signatures before a judge in the family court ordered Ms C to take it down, which she did.

Should the state be able to decide when I stop breastfeeding?

I've been in the family court system and I've tried to keep that side of motherhood away from Facebook and my friends and family and focus on how amazing my daughter is and how much I love being a mum. However now I must speak up.

The ins and outs of court are ones which are not for everyone to hear and naturally all stories have two sides but in short my daughter didn't see her dad until she was 7 months and since then visits have not allowed her to bond with him leaving her in distress and causing her to constantly scream for me and milk for comfort.

We were in court this week and my pleas to move contact at a pace which suits my daughter were once again ignored and over looked in order to suit an imminent goal of her staying overnight with her father and going on a holiday in the Caribbean next year when she will only be two years old.

One of my main concerns is that she is Breastfed still, which makes her very attached to me. She has lots of allergies which have meant alternatives were not an option and after researching its importance and listening to health visitors I realised that, in our case, Breast is best.

My daughter has never had to drink from a bottle, I've always been unable to express, and as a single mother whose baby wakes up every hour and a half all night, every night with tummy ache, breast was and is still so much easier for us. She breast feeds on demand so I can't predict when she'll want it or how much. But what I do know is that when she wants it, she won't settle until she has it.

I have grown to love breastfeeding. I love the bond we have and how it can soothe her and relax her so well. My previous attempts to wean her off the breast have left her hysterical. And so I decided to allow her to self wean, no matter how long that will take. However now it is likely I will be robbed by the courts of that choice.

She is 15 months old now. And I know that people will think that she's too old for breast milk. People have winced and shuddered and laughed when I've told them I still breastfeed. Even a medically trained dietician has gasped in horror when I told her I want her to self wean. She told me that by this age she gets little medical value from breast milk, which I disagree with, but that's not what breastfeeding is about anyway.

I try not to feed her in public now she's older but her allergies leave her with tummy ache that only breastfeeding seems to soothe and we have a very strong bond and attachment to each other. Before I was a mother I also would have said she's too old but I don't care what people think about breast feeding at this age because I now know it's best for my daughter. She's hooked on it. It's her 'dummy'. It's her way of being close to me and getting to sleep and staying hydrated. Yes she's on solids all day too. Yes I know she doesn't 'need' milk medically

anymore. Yes I know it's not 'the norm'. These are all things that have been said or implied in court. Let's not forget that many babies her age have bottles throughout the day and night too.

I've been questioned if I'm telling the truth that she'll have breast milk about every 4 hours each day. I've been questioned why she's still breastfed or why she doesn't have a dummy instead or if I can express for her to be bottle fed.

Surely in 2015 we now know that breastfeeding isn't just about breast milk.

It's about being fed from the breast by your mother whenever you want it.

It seems to be that the government encourage us to breast feed. UNICEF and the world health organisation suggest breastfeeding until at least 2 and preferably beyond; we're told how important it is as new mothers but then the same government, through another government run organisation, are now telling me I have a deadline to meet as to when she must be off milk or I must tell them a date myself. I refuse to do this and so they call me obstructive, a liar and an awkward mother. My daughter has been failed many times during these court proceedings for many other reasons and I've been forced by threat of prison, fines and my daughter's removal to go along with what they see fit for my daughter, against her best interests, but being forced to stop breastfeeding, or even being threatened with it, is where I draw the line. I believe it is breaking her basic rights.

Judging from what I've been criticised for in court before, I'm sure they will try to use this post against me and throw more labels at me: the courts seem to have a real issue with mothers at the moment and are making examples out of us, at the sacrifice of what is best for the child. My case has been completely blanket coated and not looked at individually.

I'm sharing this in the hope that someone can help me, people can tell me their story if it is similar to mine and I can try to work towards justice for my choices and my daughter's right to breast milk. I want her story heard so that during the next court hearing, where they'll supposedly be telling me the date I must stop feeding, or dictating how long she must go without milk, they'll realise it's immoral and not in my daughter's best interests. I hope this reaches the news and anyone who can help me to protect my daughter's basic human rights.

Thank you for reading.

APPENDIX 6

Never give up. Your day will come.

Micheleine Kane, Scottish Kinship Care Alliance,¹⁶⁸ speaking at the House of Commons, Suffer the Little Children, 7 June 2016 (Excerpt)

On 13th of May 2014, I found myself on the steps to a hospital. Not only was my daughter fighting for her life, but two social workers were taking her baby away.

My daughter hadn't even opened her eyes. She's got learning difficulties. And their plan was to put the baby into foster care, and try and rehabilitate back to mum and dad.

So I sat there, and my daughter opened her eyes. I got injunction, injunction, injunction. I wanted my daughter to see her baby. She nearly died having her! I wanted her to see my wee granddaughter. And four times I got an injunction.

I went to pick the wee fellow up from school. I came back and there was an empty bed. It was the most heart-breaking day in my entire life on this planet.

The fight went on, the rehabilitation broke down. I got a letter – a letter of hope as I thought – that they were going for permanence, that is to move the child away from the mother and the father. They said “could you give Jolene a loving and a stable home” and I said “Of course I can. She is my granddaughter. I told you this since day one. Let me take her home and be with her brother.”

January came. Nothing. February came. Nothing. March came. Nothing. I thought where's this baby whom we love? I wanted to scream, I wanted to go in the media, I wanted to tell everybody how wrong you are. You are that callous that you take that baby before that mom even *seen* her, while she's on a life support machine!

Well, I wrote a letter and the next time I get a phone call. On the 10th of July, I got my wee granddaughter back. And she is home, and she is thriving, and in my family tree.

And I say to you: never, don't ever, give up. Because your day will come, your day *will* come, believe me. Because that is the only thing you've got to think every day. [Looking at mum who lost her child] I don't have words. My heart breaks for you because I've been there and it is the most horrible thing.

¹⁶⁸ <https://scottishkinshipalliance.wordpress.com/>