"Welfare and Control: The paternalism of support"

Submission from ATD Fourth World UK

We consent for our submission to be published on the website of the Special Rapporteur.

Conditionalities associated with cash transfers

1. The UK government is currently considering requiring banks "to sift through the public's bank accounts, using secret algorithmic criteria to search for 'indicators' of welfare fraud and error [...in] a financial snoopers' charter – one that would have come at the expense of the privacy and dignity of millions of people relying on the social security system".[1]

Child protection services

2. The approach of UK child protection systems is particularly authoritarian when interacting with families in poverty.[2] The risk-averse nature of UK child protection systems leads to failures to meet families' needs, and to recognise and respond to the evident relationships between deeply unequal societies, deprived communities, and children's needs.[3] Rather, they individualise the causes of child neglect and abuse to the family home and position neglect of children in particular as an affliction of the poor.[4]
3. These failures have been amplified by significant reductions in spending on early interventions and family support and increases in spending on child protection and care proceedings. Recent data show that this is worsening: "Declining spending on early intervention services means many families are not receiving support before they reach crisis point. For the first time, more money is being spent on children's residential care than on early intervention services to prevent children needing to go into care."[5]
4. For an increasing number of families in poverty, the right to protection and assistance to the family is further endangered by the risk-averse nature of UK child protection systems, and their failure to respond to the impact of poverty on parenting and family functioning. It can therefore be argued that families in poverty suffer a twofold assault on their right to protection and assistance to the family. Firstly, they are neglected by society and provided with insufficient resources to effectively meet children's needs.[6] Secondly, the State, through risk-averse child protection social work, sanctions them, restricts their autonomy to function as families, and removes their children into care or contested closed adoptions. [7]

5. Currently, parents in poverty and young people who have experienced social service interventions both feel enormous fear about seeking the support of social services, because family separations seem to be their main course of action.[8]

6. Despite the UK's Human Rights Act 1998[9] guaranteeing the right to respect for private and family life, this is routinely infringed upon by children's social care. Private agencies are asked by family courts to carry out 24/7 in-home safeguarding or residential assessments of parenting capacity.

7. One family support worker described to ATD Fourth World how this plays out:

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

9. In another situation, a parent described to ATD how she experienced a residential assessment:

10. *"Just after my child was born, I had to leave her in hospital while I went to family court. It was deemed that we had to go to a residential mother-and-baby assessment centre 150 miles away. It was run by a private company that got paid £45,000 a month for each family—but the whole staff were social services. You never knew when they were listening in because they had surveillance in the flat. I spent ten weeks there with my newborn and my 2-year-old. Every time you need to feed, change or bathe your child, you have to press a buzzer and wait for a member of staff to come. They would take us to the supermarket to watch how you budget, what food you get and what meals you're planning. Before you start cooking, you have to ring the buzzer so someone watches how you're preparing food and also how you're looking after the children at the same time. To do your washing, you go to the office for a token and they record what day you used the washing machine. At one point my baby was crying for milk but it was a half hour before staff showed up. I got told off for not feeding her—but I wasn't allowed to! For sterilising bottles, when a member of staff was there I did it exactly how I've always done it [with my older children]. She said, 'You're doing it perfectly'. Next day when a different staff*

member came, I sterilised the bottles the exact same way—but she said 'You've done it all wrong'. The third day, the first lady came back. Seeing me sterilise the bottles the way the second lady told me to, she told me to go back to how I had been doing it before. But then in the group meeting with all the team members and the solicitor, the second lady told them I didn't know what I was doing and was doing it all wrong."

Our recommendations for good practices

11. **Families deserve support**: In its Concluding observations of the 6th periodic report, CESCR recommended that the United Kingdom "introduce measures to guarantee targeted support to all those living in poverty or at risk of poverty, in particular [...] families with children".[10] This bears reiterating; but in addition we are asking CESCR to go further. Policies such as the Children and Social Work Act 2017, the Statutory guidance on Working together to safeguard children 2015, and the Children's Well-being and Schools Bill currently before Parliament should be amended in order to:

    a) Move away from the current aim of negating risk to children, and viewing this aim as separate to family support. Instead, policies should refocus on **meeting the needs of families** so that parents can provide for their own children. This means offering access to the material and social resources needed to function and thrive, rather than breaking families apart. Specifically, a legal duty should be placed on local authorities to provide timely and accurate needs-based assessments and support within a human rights framework when families reach out for help. Shifting child welfare policy and practice towards working with families to identify and meet their needs is crucial in improving outcomes.

    b) Ensure that social care professionals stop discounting families in poverty in order to support these families' own aspirations and to have greater aspirations for them. Child protection social work should be reformed through **the development of a 'community workers' profession focussed on family life** within its wider settings, including the community. This would support both families' and communities' agency and resources and would recognise children as members of extended families and communities.

12. The UK Government should **link anti-poverty policies with child welfare policies** because child poverty is never "fixed" by plucking children out of their homes. This should begin with the statutory guidance for the socio-economic duty to be commenced by the Government. (In its 2024 Manifesto, the Labour Party—which has now formed a government—committed to enacting the socio-economic duty in the Equality Act 2010. This was in part thanks to campaigning by people with lived experience of poverty.[11]) Its adoption will

require that, “when making decisions of a strategic nature about how to exercise [their] functions”, public bodies seek to exercise them in such a way as “to reduce the inequalities of outcome which result from socio-economic disadvantage” (Equality Act 2010 c.1) In addition, however, to eliminate povertyism in children’s social care, the statutory guidance ought to require public bodies to consult meaningfully with families who have lived experience of both poverty and child protection interventions. The guidance should prescribe anti-poverty practice training to be delivered by people with lived experience of poverty for children’s hearing panels, police, the National Health Service, school/education staff, social work staff, and all supporting services that make referrals to social work.

13. To prevent and eradicate cultures of risk-aversion, the UK Government should reform the legislation of its child protection system to ensure that:

- **Kinship care**, unless contrary to the best interests of the child, is pursued at all available opportunities and those wishing to undertake this model of care are adequately supported.

- Adoptions should no longer be forced when parents contest them, and in all cases, **closed adoptions should be ended**, as recommended by the President of the Family Division of the Courts and Tribunals Judiciary, Sir Andrew McFarlane.[12] Legislation must be amended to make open and voluntary adoption a legal presumption unless there is clear evidence that it would be an unsafe option.

14. Government services like children’s social care must be directly accountable to families themselves. This means restructuring support for families towards community-based solutions such as **Family Group Conferences,** which have shown very positive results: “Over 2000 children per year could avoid going into care and instead safely remain with their families if FGCs are rolled out across England.”[13]

15. **Financial reform** is crucial: Currently, large for-profit organisations are being commissioned within children’s social care for a range of services. Tens of thousands of pounds are seeping out of the system to these for-profit providers while economically disadvantaged families are not being supported with basics and told by children’s social care that they can’t be provided with something as basic as a fridge, a decent mattress, or other white goods. While it might not work for all families’ problems, simple solutions costing only a few hundred pounds a month have been shown to have a huge and positive impact. The NSPCC cites the positive financial impact in its call for the UK government to invest in improved longer-term support services to help families reunite and stay together when it is safe to do so.[14] The government should mandate that local authorities must divert funds away from late interventions (such as court applications, foster care, and residential care) to instead invest a

significant proportion of their budget towards collaborative early support for families of children in need before crises arise.

16. Local authorities should ensure that **parent-to-parent advocacy schemes** provided by people with lived experience of children's social care and of poverty—currently made available only in a small number of local authorities across the country—are in place in all social work departments to deter cultures of risk-aversion and povertyism. The UK Government should promote these schemes locally and monitor local authorities to ensure that such schemes are in place from the first point of contact with families right through to closure of their case.[15] See annex for a detailed example of how this can work.

17. This bespoke support includes:

- **case advocacy**: increasing parent participation in decisions regarding their own involvement with child protection systems when a decision is considered about whether to remove a child from a parent's custody and during development of the family support plan;
- and **programme advocacy**, where parents work as trained advocates in social service agencies (such as prevention, family support, out-of-home placement and legal assistance) to assist parents who are struggling to raise their children safely or to be reunited with them.[16]

Not only do parents with lived experience bring unique expertise to offering advocacy, but it is empowering to be able to play a constructive role to ensure better outcomes for others. One parent-to-parent advocate said: "You're trying to inspire people with compassion to help them stand up and fly again. I want to let other parents know there is hope."[17]

Annex: Parent-to-parent advocacy in action

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

'Olivia'[18] has a disability and is the sole carer for her 8-year-old son. Social workers were very concerned about her ability to meet his needs, because of their poor housing conditions in an insalubrious council flat. A family court judge was asked by social services to make an order for the boy to be taken into care. In court, an ATD activist with lived experience of poverty accompanied this mother as her parent-to-parent advocate. This woman, 'Amy', was allowed to address the judge. She recalls: "The mum felt very, very fragile. And so I'm up in front of this judge, and I'm telling him that there's been no care order made yet. And we actually do want him to make an order. We all agree on that; but what should go into that order? So I told the judge:

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

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

The judge's order lifted this family out of the vortex. With one order, he completely redesigned their relationship with the local authority so that it would work better for all of them. As a parent-to-parent advocate, Amy has now met the same judge on several other occasions. She says: "Every time I've come in front of that judge he says, 'You think I'm magic!' and he winks at me. Every case I've had in front of him has been treated much better because this changed his perspective."[19]

[1] Copson, S., "DWP's bank account spying plan is an attack on the poor. It must be scrapped in 2025", The Big Issue, 1 January 2025.

[2] Featherstone, B., Gupta, A., Morris, K., White, S. (2018) Protecting children: a social model. Bristol, Policy Press.

[3] Haworth, S. et al., 'Everything felt wrong': Ethical challenges related to the impact of poverty on the right to family life in the UK, International Journal of Social Work Values and Ethics, publication pending.

[4] Bywaters, P., Skinner, G., Cooper, A., Kennedy, E. & Malik, A. (2022) "The relationship between poverty and child abuse and neglect: New evidence". London, Nuffield Foundation.

[5] The NSPCC, "102% Increase in the Number of Children in Care in the Past 12 Years", 9 May 2024.

[6] Blumenthal, A. (2021) Neglect as collective failure to provide for children: Towards a new theoretical approach. *Child Welfare,* 99(3), pp.31-60.

[7] Featherstone, B. (2023) Can we go on? Child protection in a broken place. *Families, Relationships and Societies*, 12(1), pp.116-126.

[8] Fazackerley, A., "I Can't Sleep, I'm Terrified: The Rise in Mothers Having Their Babies Taken Away Within Days of Giving Birth", *The Observer*, 25 January 2025.

[9] Human Rights Act 1998.

[10] CESCR, Concluding Observations: UK, E/C.12/GBR/CO/6 (2016), para. 48.

[11] Poverty2Solutions began its "Do Your Duty for Equality" campaign in 2018.

[12] The Mayflower Lecture 2023, Speech by Sir Andrew McFarlane: Adapting Adoption to the Modern World, Courts and Tribunals Judiciary, November 10, 2023.

[13] Foundations, What Works Centre for Children and Families, Randomised controlled trial of Family Group Conferencing at Pre-Proceedings Stage, June 2023.

[14] NSPCC, "We're calling on the UK government to improve support for reunited families", 20 August 2024.

[15] Community Care, Should Parents Have a Right to Advocacy During Child Protection Cases? August 2024.

[16] The Parents, Families and Allies Network, "Parent Advocacy".

[17] ATD Fourth World, "Study group: peer-to-peer advocacy and absorbing outrage", 10 April 2023.

[18] Names in this example have been changed to protect privacy.

[19] ATD Fourth World, "The Story of the Magic Judge", 3 November 2023.