

Siblings in Care

January 2023

Table of Contents

Foreword from Dame Rachel de Souza	4
Acknowledgements	7
Executive Summary	8
1. The protective effect of siblings	10
1.1 Siblings relationships often provide a 'protective effect' to children in care	10
1.2 Siblings are more than just brothers and sisters	13
1.3 Separating siblings can damage the sibling relationship	13
2. How many children are separated from siblings	15
2.1 Summary of findings	15
2.2 Methodology	15
2.3 Results	16
2.4 Previous analysis of sibling separation	22
3. Why are children separated?	24
3.1 Legal background to sibling placement	24
3.2 Lack of sufficient placements	24
3.2.1 What the data says about lack of placements	26
3.2.2 Placements for particular groups of children	27
3.3 Decision making and planning	28
3.3.1. Assessment of the sibling relationship	28
3.3.2 Support for siblings placed together	30
3.3.2 Different permanence plans	30
3.4 Siblings separated when it is in their best interests	31
4. Contact between siblings who are separated	32
4.1 Legal background	32
4.2 Whereabouts of siblings unknown	33
4.3 Children placed far from each other	33
4.4 Contact between children with different permanence arrangements	34

5. The way forward 36

 High ambitions for children in care 36

 Data collection..... 37

 Legislative change on placement and contact..... 37

 Support for keeping siblings together..... 38

 Adoption and kinship carer support 39

 Placement Sufficiency..... 40

 Advocacy and children’s voice 41

 Care leaver support 42

References..... 43

Foreword from Dame Rachel de Souza



In undertaking my Independent Family Review, I've heard from families of all kinds about why family is so important. I wanted to understand why this was, and what we as policy makers could do in response. The importance – and power – of family life is no different for children in the care system, but it is often more complicated to achieve. Children in care are often balancing relationships with birth families, foster families, and hopefully, loving and nurturing relationships with professionals. Within this, it is clear from talking to children in care that sibling relationships are absolutely vital, but too often this is not recognised or supported by the care system. This report seeks to correct this and focus on extending the protective effect of family to every child in the care system.

The Family Review identified how family can cast a protective effect over its members, and that this protective effect was made up of four elements:

- A strong emotional connection, with an emphasis on love and joy
- The importance of shared experiences (both the regular and the exceptional)
- Mutual support to one another, both practical and emotional

- The enduring nature of the relationships, and the sense this provides of unconditional support

I want every child in care to benefit from this protective effect. There are many things that we need to work on including ensuring more children in care are in loving, familial homes that provide the care they need; guaranteeing all children in care a dedicated advocate, who fights their corner as relentlessly as a loving parent would. But it will also be achieved by nurturing and supporting the existing sibling relationships that time and time again children in care tell me have been a source of strength, support and stability. For children in care, who have faced trauma and abuse, sometimes these will have been the only loving family relationships they have known. Enabling children to maintain this relationship could not be more important.

The children I speak to, and those who call my Help at Hand helpline, tell me how important these relationships are to them. They talk not just about siblings related by birth, but those such as foster siblings or siblings in blended families, who have become just as close. But the importance of these relationships is not always reflected in the decisions made about children. As one care experienced young person told me:

'I'm second oldest of six – nine if you count my lovely step-brothers – and I've had to spend most of my adult life as a care-experienced person rebuilding those relationships...I do have lovely relationships with all my other siblings, I've just had to put in the work. And I shouldn't have had to.'

In my conversations with children in care, too often it seems they have to shoulder a weight of responsibility that they shouldn't have to. I am left with a deep admiration for their resilience and maturity, but a sadness when I think of what they have been through to reach that point.

That is why I have carried out this research looking at the experience of siblings in care and conducted new analysis that shows how many siblings are separated, and why. The findings are stark. An estimated 37% of children with a sibling – that is 20,000 children - are separated from a sibling when placed in care. For some children, the chance of being separated is far greater: 93% of older children placed in semi-independent accommodation are separated from siblings. Children who have come into care because of a disability or because of issues with their behaviour are more likely to be separated than other children.

Children told me that too often these decisions were made because there was nowhere available for them to be placed together. When larger groups of siblings were separated, children report being divided into groups based simply on age or gender, because it was judged more 'practical'. These are decisions of immense, life-long importance to children, decisions which may mean they are separated from those people they love the most, being made based on what works for the system, not what is best for the child.

If siblings are separated, it is vital that they should be supported to stay in contact with their siblings, so they can maintain these crucial relationships. However, it was clear for from children I spoke to that this is not always happening, particularly when children are in different types of care.

This report sets out some clear, practical recommendations that can improve the system for children. I want to see these incorporated into the Government's plans for improving the children's social care system. These recommendations are vital for siblings in care, but I also think they will have wider ramifications for children's social care. Because the challenges in keeping siblings together whenever it is right to do so reflect some of the broader challenges with the system. Sometimes children are separated because they aren't listened to closely enough, and their priorities aren't given the weight they should be. Sometimes it is because practice is too varied, with a lack of evidence about what children need. And sometimes it is because the right homes just can't be found. I believe that with a relentless focus on listening to children, and prioritising their needs, we can build a children's social care system that allows every child to have the happy family life they so deserve.

Acknowledgements

The Children's Commissioner would like to thank all the children in care and care leavers who spoke to her to inform this report. They shared their experiences and views with bravery, clarity and empathy for future generations of children in care. In particular she would like to thank the care leavers who spoke to her in this **podcast**, and to Coram Voice who helped to facilitate a discussion with children in care and care leavers aged 11 to 25.

Executive Summary

Children in care and care experienced young people told the Children's Commissioner office about how important sibling relationships are to them. These relationships can provide the 'protective effect' of family, identified in the Children's Commissioner's Family Review. They are often the most loving and important in children's lives, and be a source of strength, stability and support throughout the challenges and insecurity they have faced. Children in care explained how being separated from their siblings when placed in care had lifelong repercussions, damaging those relationships in ways that could sometimes never be repaired.

In order to better understand what happens to siblings, this report uses new analysis to estimate the number of children in care who are separated from their siblings.

Our analysis reveals that:

- There are an estimated 20,000 children in care in England who have been separated from their siblings. This is more than 1 in 3 children in care (37%).
- Of the sibling groups who were split up, 39% were split between 2 different local authorities and 2% were split between 3 or more different local authorities.
- Certain characteristics are associated with a higher probability of being split up from siblings including being in a larger sibling group, going into care at an older age, and going into a children's home or semi-independent accommodation.
 - An estimated 26% of children with one sibling in care are separated from their sibling compared to 43% of children with 2 siblings, 57% of children with 3 siblings, and 64% of children with 5 siblings.
 - Children placed in semi-independent accommodation or children's homes are much more likely to be separated from their siblings (93% and 78%) than children placed in foster care with a relative or friend (30%).

- Children in care because of socially unacceptable behaviour and children in care because of a disability are more likely to be separated from their siblings than children in care for other reasons. Among children in care with siblings who were separated, an estimated 46% of children went into care because of a disability compared to 37% of children who went into care because of abuse or neglect.

Interviews with children in care, care experienced young people and case studies from the Children's Commissioner's Help at Hand team, reveal some of the main reasons why siblings are separated. This includes a lack of sufficient places for siblings, with particular challenges identified for larger sibling groups and older teenagers placed in supported accommodation.

There are also challenges in the way that decisions are made about whether siblings can stay together, and how far a local authority needs to go to try and keep children together. There appear to be significant inconsistencies across the country, and decisions and plans do not always sufficiently consider the needs and views of children. While children are sometimes separated because it is in their best interests, it is clear that there are many other reasons why they will be placed apart.

When children are separated, they should be having contact with siblings. However, this report shows this does not always happen. It shows that some of the most significant challenges arise when siblings are placed far from each other, when they do not know where their siblings are living, and when siblings have different permanence plans.

Children in care should never be separated from their siblings simply because that is what is most practical for the system; it should only ever happen because it is genuinely in their best interests. This report makes eight recommendations which would drive sufficiency of placements, improve practice on sibling placement and contact, and ensure that children's needs and voices are at the heart of decisions made about them.

1. The protective effect of siblings

The Children's Commissioner's Family Review has demonstrated the importance of the protective effect which family provides. For children in care who are separated from their parents, this protective effect can and should be replicated by loving carers. But there is another vitally important family relationship which must be considered – that between children in care and their siblings.

There is a range of evidence to show the key role that siblings play in child development, identity, and emotional wellbeing across the lifespan.¹ For this report, the Children's Commissioner's office spoke to children in care and care leavers, and they explained in their own words why those relationships were of such crucial importance.

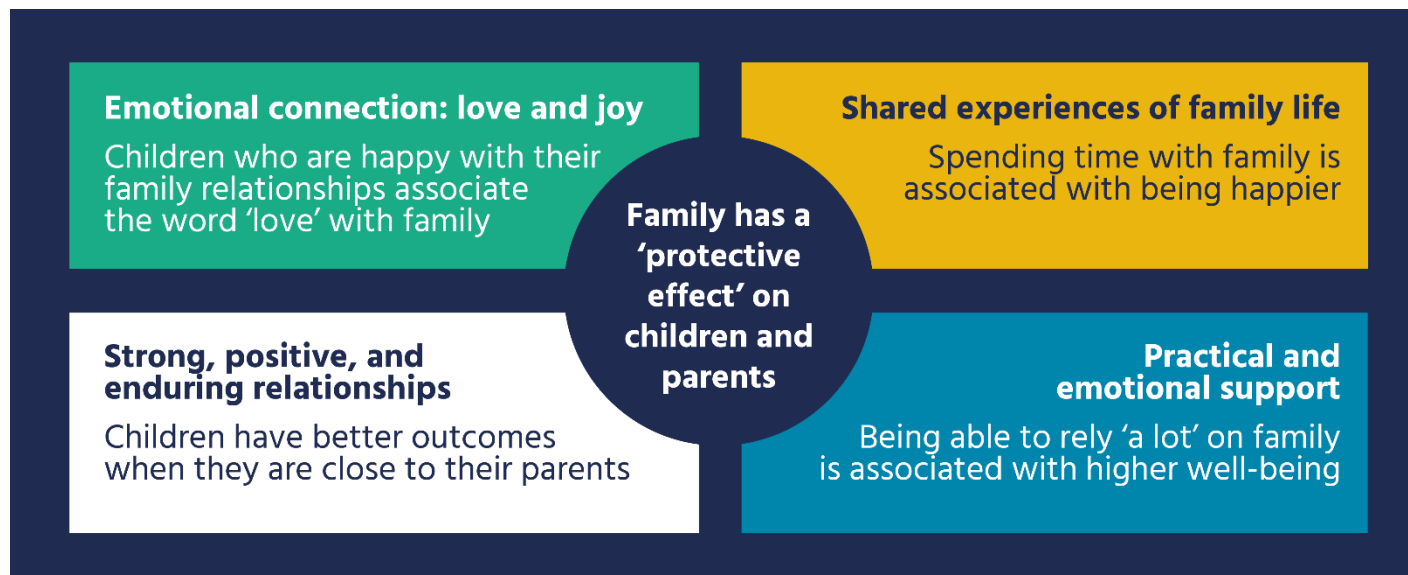
This report acknowledges that there will be circumstances where placing children with their siblings is not beneficial, or indeed is actively harmful. There can be no sweeping rules made about placement of children with siblings, as decisions must always be taken on what is in the best interests of individual children.

1.1 Siblings relationships often provide a 'protective effect' to children in care

The Children's Commissioner's Family Review identified four elements of the protective effect that a loving family provides:

- strong emotional connection, with an emphasis on love and joy
- The importance of shared experiences (both the regular and the exceptional)
- Mutual support to one another, both practical and emotional
- The enduring nature of the relationships, and the sense this provides of unconditional support.

Figure: The protective effect



For children in care, it is often siblings who provide this protection. These relationships are often the most loving, the source of greatest happiness, in their lives. Sharing the experience of entering care, and having a sibling by their side, can make the whole experience less frightening and more manageable. It was often siblings who provided the care – both practical and emotional – that parents should have but failed to. And it is these relationships that will last throughout their lives and form the basis of the family support network that are there for them if they go on to have their own families.

Children and young people told us how their bonds with siblings were just as important as the relationships they had with parents. As a care experienced young person said:

'We need to remember that being separated is just as traumatic or hurtful as removing a child from their parent. We all lived in the same home, shared experiences' – Female, care leaver.

For some children, their brothers and sisters will have been the only positive family relationship they had as they faced trauma or abuse at home. As young person said:

'My brother was the most prominent relationship that I had in my life, and probably still is to be honest. Because you have this protection over them, I don't think I'd still be here today if I got split up from him' – Female, care leaver.

The things they faced together meant their bond was particularly strong. As one young person said:

'You don't even need to speak. You just know. When it comes to Mum, or certain situations, there's something where you comfort each other' – Male, care leaver.

While siblings are important to all children, for children in care they can play a particularly important role – providing continuity and support in what can be a frightening and destabilising time. As one care leaver said:

'Being put together with my sister was part of the more positive experience of being put into care. In my experience I saw my older sister as a source of support, despite all the social workers and care team it was that support that was good, having that family bond where you can share your similar experiences.' – Male, care leaver.

Care experienced young people also spoke about how sibling relationships should be the foundation for their own family networks as they grow up, lasting throughout their whole lives:

'Siblings should be the longest relationship in your life, like my brother had a daughter but I won't see them. I will see someone on the street [with family] and think 'why couldn't I have a life like that?' – Female, care leaver

The recent Independent Review of Children's Social Care rightly argued that a clear objective for the children's social care system should be for every child leaving care to have loving relationships. Siblings, for those children who have them, are an obvious example of a relationship that should be nurtured and supported to meet this objective as children grow up:

'Once you have left care and that support decreases from the support team, just having a sibling will be so important for having the support from them' – Male, care leaver.

Some children spoke about how it was in their relationships with their siblings that they were able to test out vital skills for healthy relationships – learning how to share, to compromise, and to argue and reconcile:

'If you don't have a relationship with your siblings or parents how are you meant to know how to build relationships in your life? Even fighting with my foster brother taught me about how to build a relationship' – Female, care leaver.

1.2 Siblings are more than just brothers and sisters

This report will use the word 'siblings' throughout. It was clear from those children and young people who contributed to this report that when they spoke about 'siblings' they meant more than just brothers and sisters with the same mother and father as them. The Family Review has shown that families come in many different forms, with many more blended families than in previous generations. When this report refers to siblings it therefore includes within the definition brothers and sisters, but also half siblings, step siblings, or anyone that children have lived with and feel a sibling bond with. One young person describing her foster brother said:

'we were almost siblings, we didn't have to be blood siblings to act like siblings' - Female, care leaver.

Another described the importance of her relationship with her cousin's children:

'I don't have siblings, but when I was 12 I lived with my cousins and their children for like 6 months. That wasn't nurtured at all, no effort for us to stay in contact' – Girl, in care.

1.3 Separating siblings can damage the sibling relationship

There is no doubt that for many children in care, sibling relationships are incredibly valuable. And yet, as this report will show, many children end up being separated from their siblings when placed in care and are given limited opportunities to see their siblings when they are separated. This can profoundly affect the strength of their relationship, with lifelong effects.

'Now we see each other but I feel like if we were just placed together our bond would be better' - Girl, in care.

'They did try and keep us together but in the end we all got split up. I am thankful that my siblings did feel loved in their homes, but I didn't. Being split up kind of ruined my relationships with my sister and brother' - Girl, in care.

A recurring theme among children in care and care leavers the office meets is how they feel they have to fight for those things which other children get without question. Maintaining or repairing relationships with siblings was a prime example of this.

'I'm second oldest of six – nine if you count my lovely step-brothers – and I've had to spend most of my adult life as a care-experienced person rebuilding those relationships. I was quite lucky because my younger brother who's a couple of years below me lived around the corner from me, with my foster mum's sister. And that's the sibling I have the best relationship with. I do have lovely relationships with all my other siblings, I've just had to put in the work. And I shouldn't have had to' – Female, care leaver.

2. How many children are separated from siblings

2.1 Summary of findings

The office undertook new analysis using administrative data to estimate the number of children in care separated from their siblings and the characteristics associated with a higher probability of being separated from siblings. This is the first time such analysis has been conducted in England. This analysis estimates 37% of children in care (20,000) were separated from their siblings in their initial placement. Of sibling groups who were split up, 39% were split between 2 different local authorities and 2% were split between 3 or more different local authorities. Certain characteristics were associated with a much higher probability of being split up from siblings including being in a larger sibling group, being in a mixed-gender sibling group, going into care at an older age, going into a children's home or semi-independent accommodation and going into care under an emergency care order.

2.2 Methodology

The office linked the Spring 2016 school census, containing information on sibling groups, to the Episodes table from Children looked after census, containing episodes of care from March 31st 1992-March 31st 2022, using the child's Unique Pupil Number. The office uses a variable from the National Pupil Database which identifies sibling groups based on home address and surname. There were 7,978,000 pupils on roll in Spring 2016, and almost all these pupils (7,964,000) had a sibling identifier. Of these pupils, the analysis focuses on the 55,000 children who have been in care at any point between 1992-2022 and have at least one sibling in state school and also in care.²

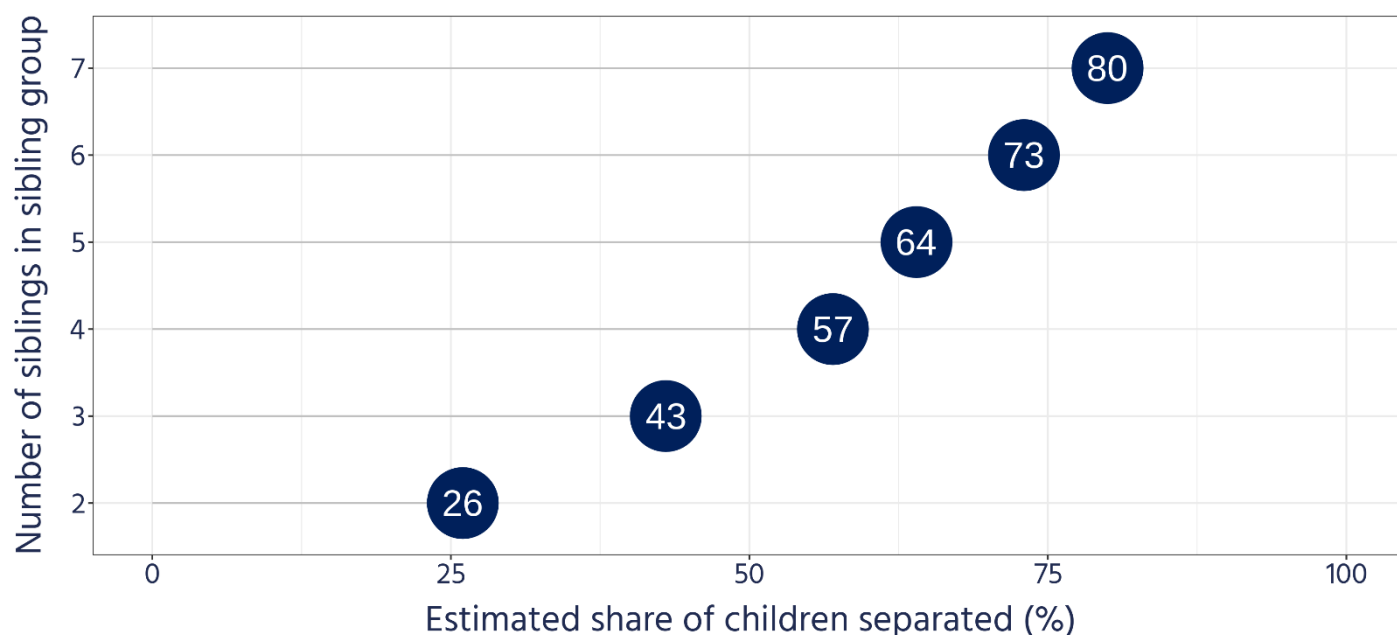
The office estimates whether sibling groups had the same initial placement based on the available information in the Children looked after census on placement type, home-place distance, the placement Unique Reference Number, the local authority of the placement, and the placement provider type.

2.3 Results

An estimated 37% (20,000) of children in care were separated from at least one of their siblings in their initial placement. An estimated 34% of sibling groups (8,000) were separated in their initial placement. Of the 8,000 sibling groups who were separated in their initial placement, 59% were in the same local authority, 39% were split between 2 local authorities and 2% were split between 3 or 4 different local authorities.

As shown in Figure 1, the more siblings in a sibling group, the more likely children are to be separated from their siblings. 26% of children with one sibling in care are separated from their sibling compared to 43% of children with 2 siblings, 57% of children with 3 siblings, and 64% of children with 5 siblings.

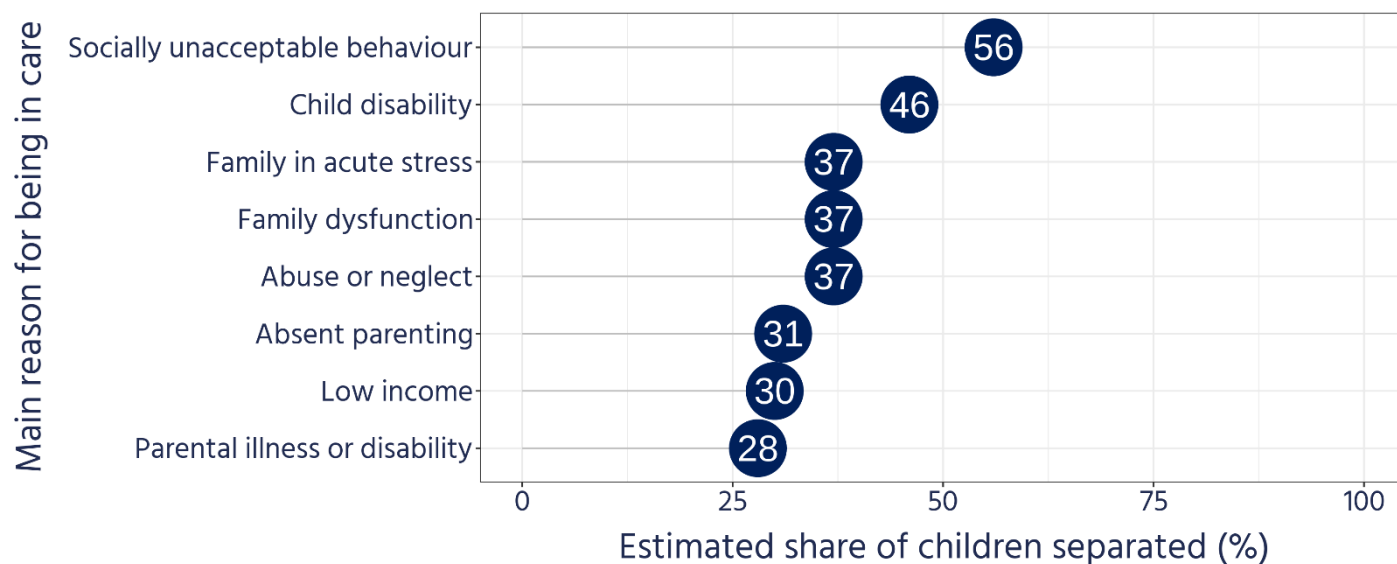
Figure 1: Estimated share of children in care with siblings who are separated from their siblings in their initial placement, by number of siblings



Note: children with more than 7 siblings not shown due to small sample size

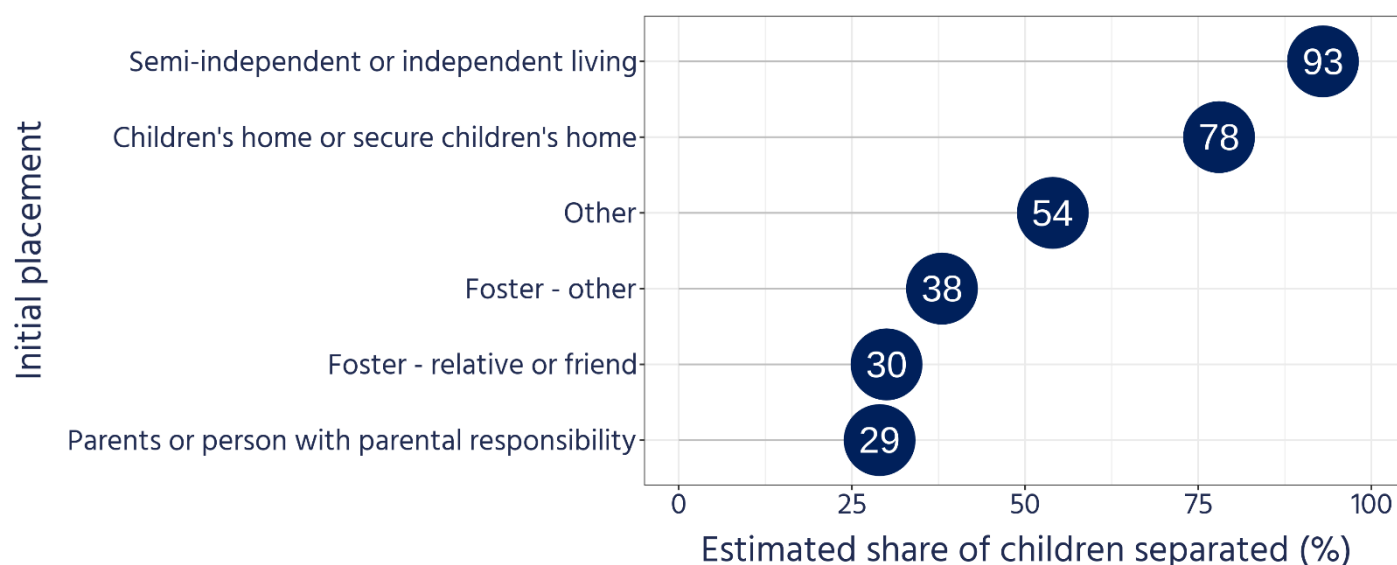
Children in care mainly because of social unacceptable behaviour or because of a disability are more likely to be separated from their siblings than children in care for other mainly other reasons, as shown in Figure 2.

Figure 2: Estimated share of children in care with siblings who are separated from their siblings in their initial placement, by primary need



Children placed in semi-independent accommodation or children's homes are much more likely to be separated from their siblings (93% and 78%) than children placed in foster care with a relative or friend (30%). This holds when controlling for age.³

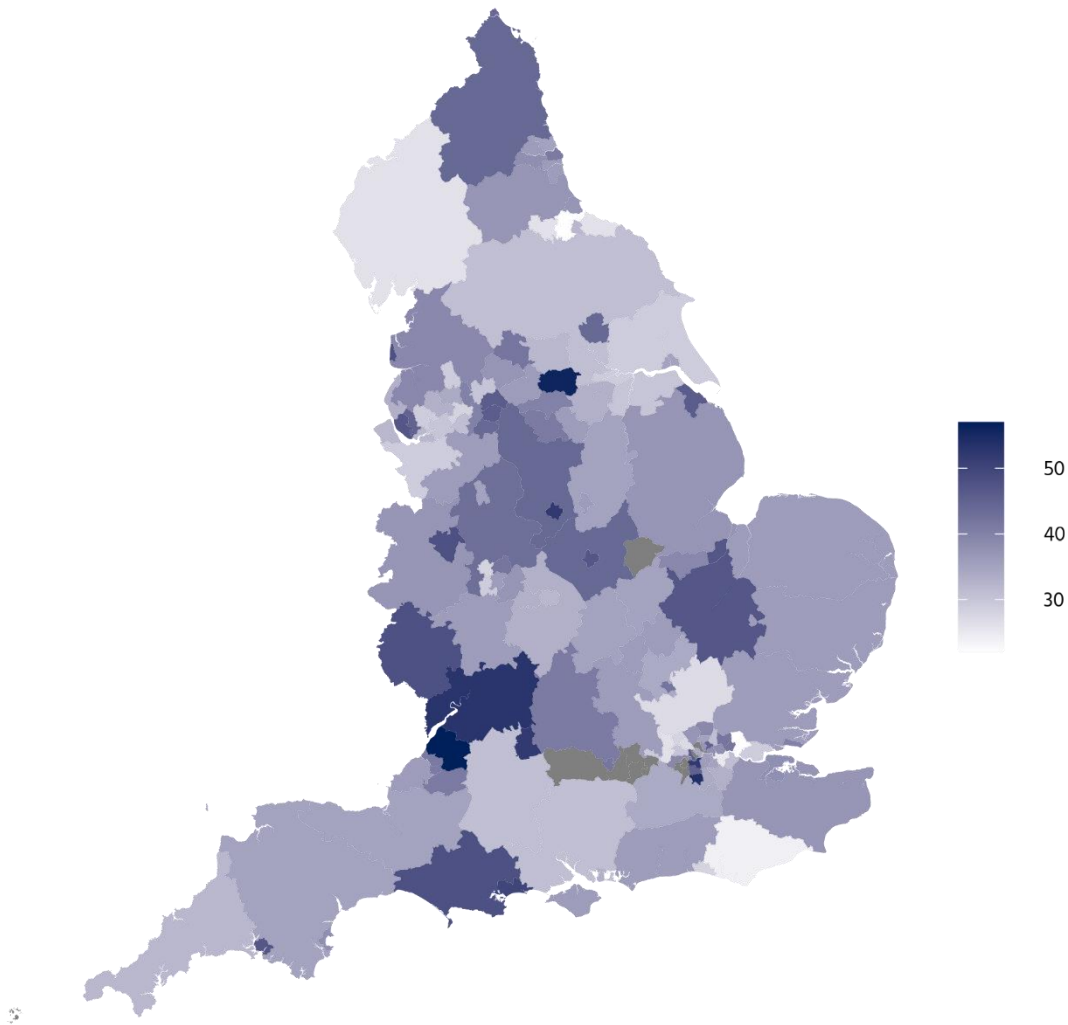
Figure 3: Estimated share of children in care with siblings who are separated from their siblings in their initial placement, by type of placement



Children placed in care under an emergency care order were more likely to be separated from siblings (39%) than those placed in care because of care orders (38%), voluntary agreement (36%) or Under Police Protection or under Child Assessment Order (34%).

As shown in Figure 4, there is substantial regional variation in the share of children separated from their siblings. The regions with the highest share of children in care separated from their siblings include the South West (42%) and the East Midlands (40%)

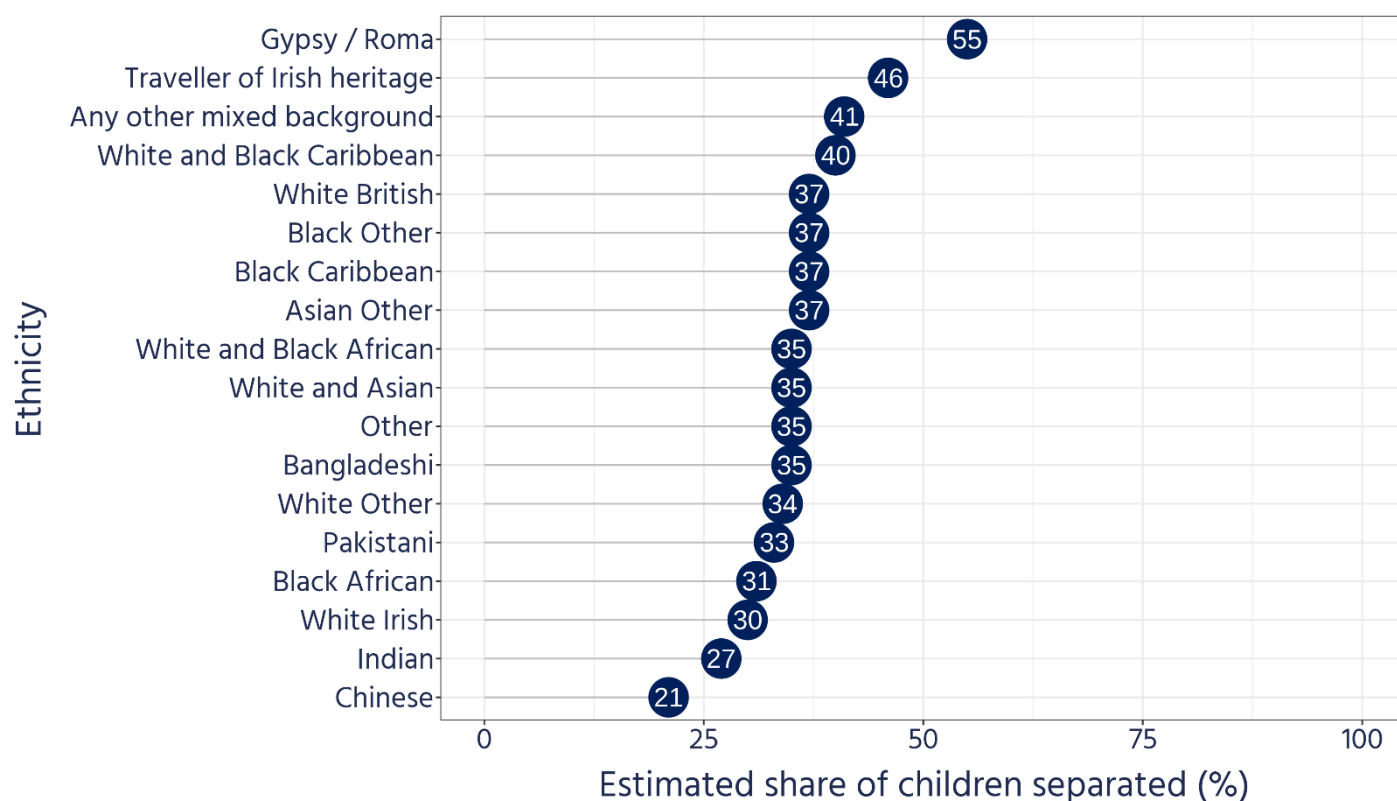
Figure 4: Estimated share of children in care with siblings who are separated from their siblings in their initial placement, by LA



Note: LAs with less than 100 children in care with siblings also in care excluded

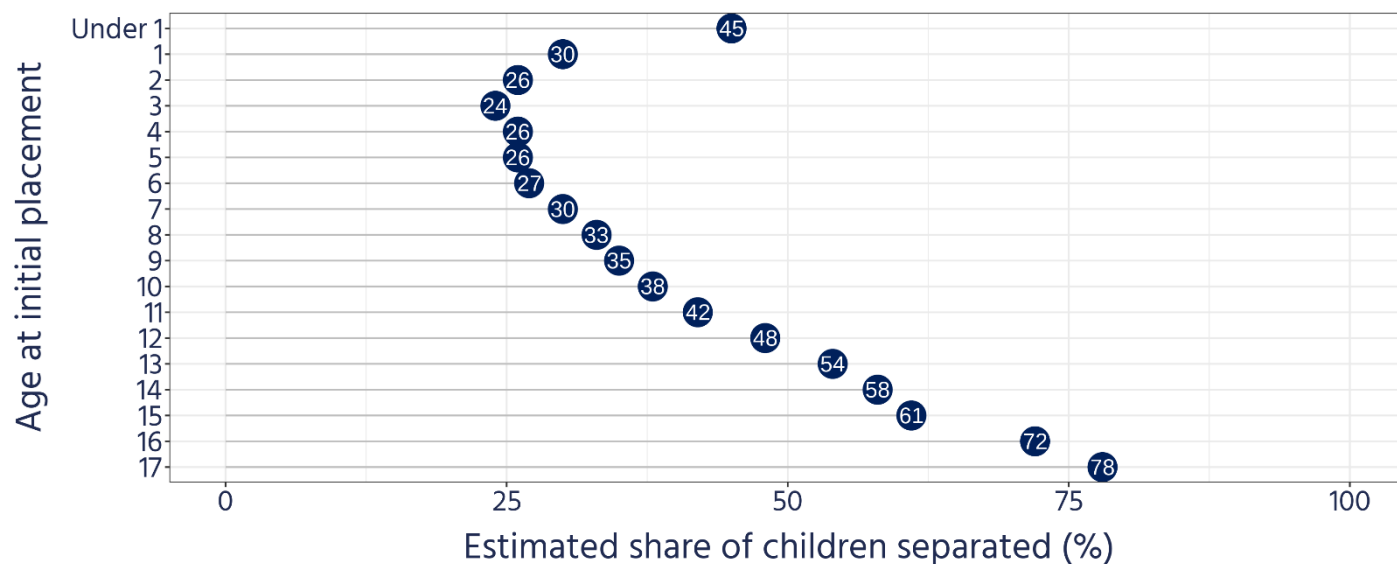
Gypsy / Roma and Irish Traveller children are more likely to be separated from their siblings (55% and 46%) than children of other ethnicities, as shown in Figure 5. This holds while controlling for number of siblings.⁴

Figure 5: Estimated share of children in care with siblings who are separated from their siblings in their initial placement, by ethnicity



With the exception of children under 5, the older children are, the more likely they are to be separated from their siblings, as shown in Figure 6. Among children aged 16 and 17, part of the reason they are more likely to be separated is through placement in semi-independent accommodation, although even controlling for placement type, they are more likely to be separated.⁵

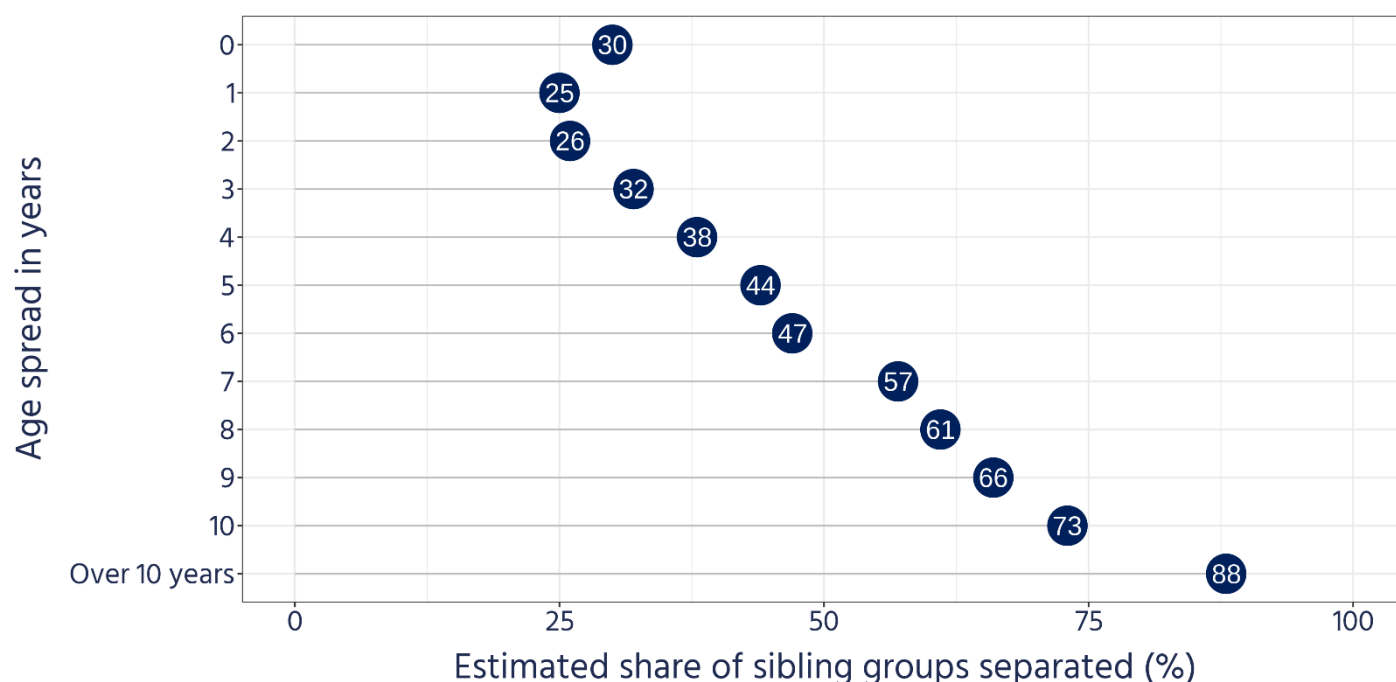
Figure 6: Estimated share of children in care with siblings who are separated from their siblings in their initial placement, by age at initial placement



Among sibling groups with 2 siblings, 30% of mixed-gender siblings groups were split up compared to 27% for same-gender sibling groups. Among sibling groups with 3 siblings, 50% of mixed gender-sibling groups were split up compared to 47% for same-gender sibling groups.

Sibling groups with a larger age spread were more likely to be split up, as shown in Figure 7.

Figure 7: Estimated share of sibling groups who were separated in their initial placement, by age range



There were no statistically significant differences in the share of children separated by gender.

2.4 Previous analysis of sibling separation

A review of studies on siblings in care from the United States, Australia and Canada identified several factors associated with siblings being split up.⁶ This research showed that being in a sibling groups who enters care at different times, being in a mixed-gender sibling group and having a larger age range are all factors associated with a higher chance of being separated from siblings.⁷ Sibling groups of 5 or more are almost never placed together.⁸ Older children are generally more likely to be separated from their siblings.⁹ However, in sibling groups where some children stay together and another is separated, the youngest child is most likely to be separated.¹⁰

Previous analysis on the number and share of children in care who are separated from their siblings in England is based on aggregated data from Freedom of Information (FOI) requests to local authorities or based on surveys of children in care. An FOI request from the BBC to all UK councils (with about

75% responding), found that 45% of sibling groups in care are split up and there are more than 12,000 children in care separated from at least one of their siblings.¹¹ In 2014, Family Rights Group issued an FOI to all local authorities (with a response rate of 64%) which found that 37% of looked after children were not living with any of their siblings (varying from 25% in West Midlands to 46% in East Midlands) and 49% of sibling groups were not placed together (varying from 40% in West Midlands to 55% in the North East).¹²

A 2013 survey of 889 children in care who had brothers or sisters also in care found that 71% of the children in care who had one or more siblings also in care were separated from siblings.¹³ This survey also found that boys, young people aged over 14, disabled children and those now living in children's homes were more likely to be separated from one or more siblings in care.¹⁴ For example, this survey found that 95% of those in children's homes were separated from at least one sibling compared to 68% of children in fostering placements.¹⁵

3. Why are children separated?

Through interviews with children in care, case studies from the Children's Commissioner's Help at Hand team, and bespoke analysis of available data, this chapter identifies three main reasons why children in care are separated from their siblings.

- the lack of sufficient places for sibling groups
- decision making and planning which is inconsistent and doesn't sufficiently consider the needs and views of children
- separation which is in the best interests of children

3.1 Legal background to sibling placement

The Children Act sets out that when a Local Authority is placing a child they must ensure that the placement is such that *'if C has a sibling for whom the local authority are also providing accommodation, it enables C and the sibling to live together'*¹⁶ However, they are only required to do so *'so far as is reasonably practicable in all the circumstances of C's case'*¹⁷. In addition, this requirement does not apply if the child is being considered for adoption¹⁸.

Guidance emphasises the importance of placing siblings together, stating that *'Wherever it is in the best interests of each individual child, siblings should be placed together'*¹⁹, but also explains that there may be good reasons for siblings to be placed separately. Regulations set out that for some placement decisions – for example if a child is to be placed out of area – higher levels of sign off are required, but this is not the case if children are placed apart from siblings.

3.2 Lack of sufficient placements

Children and young people explained how in their cases they were separated from siblings not because it was in their best interests, but because it was the only way to meet their basic needs. As one young care leaver said:

'When you come into care, if you come under an emergency order especially, everything is about physical safety, so if that means having to split up siblings then that's what will be done, because we need a roof over their heads and they need to be fed, clothed and have somewhere safe to sleep. Everything else is secondary.' – Female, care leaver.

Analysis for this report shows that children are indeed more likely to be separated if they came into care under an emergency placement – 39% of these children are separated from siblings compared to 36% placed under a voluntary agreement. A care leaver said:

'Maybe it is a good idea to disperse all my siblings. But maybe then it's also a good idea to bring us all back together at some point when we are no longer in danger' – Female, care leaver

While meeting basic needs is essential, this should not come at the cost of living with siblings. One care leaver said:

'There's five of us... I ended up going semi-independent, because their solution for us was me being in the living room. I loved my siblings, but I wanted a bed. It felt like I should have been grateful for that.' – Female, care leaver

This suggests a culture of low expectations for what children in care should receive, with needs beyond those of basic necessity too often not being met. Children themselves seem to have accepted this, with some not even expecting to be placed with siblings, and simply asking for explanations as to why:

'I understand that foster carers might not have room, but you should explain that properly not give a stupid excuse.' – Female, care leaver

While there may indeed be circumstances where it is right for children to be separated from siblings, this should always be based on a best interests decision, and not due simply to a lack of placements.

If siblings are separated due to lack of placements, there appear to be issues with how these decisions are taken. One child explained that when her sibling group was separated due to lack of placements, this was simply done along gender lines:

'There were 5 of us going into care and so they split it in genders. So it was my two sisters and my brothers' – Female, care leaver

Analysis for this report shows that sibling groups are indeed more likely to be separated if they are mixed gender. Likewise, they are more likely to be separated if there is a wide age spread – which supports previous research which shows that siblings are often split into groups based on age²⁰. The choice of which siblings to be placed with can have enormous, lifelong consequences, and so should never be determined by broad brush approaches to age or gender.

3.2.1 What the data says about lack of placements

Given the limited amount of data on siblings in care, it is challenging to determine how many are living in different placements and the reasons for this. However, in 2020 Ofsted data showed that 13% of siblings were not placed according to plan, which could suggest that a lack of available placements rather than the best interests of the child drove the placements children received.²¹ However, Ofsted identified inconsistencies in the data they received in, which could raise questions about its reliability. Ofsted do not currently routinely collect this data.

CCo analysis clearly demonstrates that children in larger sibling groups are much less likely to be placed together. As shown in section 2.4, while 26% of children with one other sibling in care were separated from at least one sibling, 57% of children with three siblings were separated from at least one sibling. Given that Ofsted data shows only 830 foster carers are approved for four children or more, it therefore seems possible that many of those siblings not placed according to plan will be separated because there are not sufficient foster care placements able to care for large sibling groups.

The lack of data on siblings in care means that local areas face greater challenges when it comes to planning provision to meet their sufficiency duty. The latest available data which identifies siblings is from 2016, and required additional analysis in order to determine whether they were likely placed together or not. This means that at the most basic level that nobody knows how many siblings are currently in care, let alone whether they are living together or not. While local areas may collect this information themselves, it is not done so in a systematic way. This means that understanding the demand for the number or type of sibling placements needed is very challenging. Recent research

shows that only 6% of Local Authorities were able to provide detailed projections of the number of sibling groups they were likely to place in future years²².

3.2.2 Placements for particular groups of children

One issue that has emerged is that there are different accommodation options for children depending on their age, as only children aged sixteen or older can be placed in semi-independent accommodation. This can mean that placing one child in semi-independent is seen as an 'easier' option, even though it will mean they will inevitably be separated from siblings, rather than seeking creative alternatives. Analysis for this report shows that children placed in semi-independent accommodation are more likely to be separated from their siblings than children in other placement types. As shown in section 2.4, 93% of children in semi-independent accommodation were separated from their siblings, and even controlling for age, children in semi-independent accommodation are more likely to be separated from siblings.

Carl and his siblings

Carl, his younger sister and two younger brothers lived with long-term foster carers. Following an incident between his brothers, the local authority decided they could not share a bedroom, which meant there was not enough room for all the children with their carers. As Carl was 16, the local authority decided he could move out of the house into semi-independent accommodation. He was very distressed about this, as were his siblings. His foster carers were also very unhappy with the plan and wanted to keep all the children. The local authority said it needed to complete a risk assessment, which took many months. Ultimately, they agreed to partly fund an extension so the foster carers could build an extra room and all the children could stay together. This only happened because of the tenacity of the carers and the support of the children's advocate and the Children's Commissioner's Help at Hand team.

Children also raised concerns about the fact that once one sibling turned 18, unless there was a Staying Put arrangement in place, they would have to move on to more independent living.

Analysis for this report shows that children with disabilities are more likely to be separated from their siblings, which may be because they are being placed in specialist settings. As shown in section 2.4, 46% of those children who have come into care because of a disability are separated from siblings.

3.3 Decision making and planning

Making the decision about whether it is in children's best interests to be placed together is far from straightforward. There will be some cases where it is clearly in the best interests of a child for them to be separated from a sibling, for example if they have been abused by them. There will be other cases, however, where it is much more challenging to decide whether children should be placed together or apart. If children are to be placed together when their relationships are more challenging, the right support will need to be in place.

3.3.1. Assessment of the sibling relationship

Sometimes children will be separated if the relationships are very difficult. But one child spoke about the way that sibling relationships for children in care were subject to a higher level of scrutiny than other children. She explained that she lived with extended family, where the siblings fought a great deal, but that would never be considered a reason for separating them. It was only once children were in the care system that sibling arguments became a reason for separation.

The case below highlights another key issue, that of 'parentification' of an older child. Research shows that there are very different views about whether it is appropriate for a child who has been providing care for younger siblings to be placed with them or not²³. One young person explained how much harder separation was because of the caring role she had played:

'I was 9 but I was fully a mother to four children, and to then be taken away from them, that was a shock to my system. I went from being a caregiver to a child within a 24-hour period. I totally agree that I shouldn't have been a caregiver at 9 years old, but my social worker should have explained it to me...' – Female, care leaver.

The difficult nature of these decision means it is even more important to ensure that the children's own views are heard, so that impact of that separation is better understood:

'For me there's an element of a lack of understanding of the impact of that separation, of understanding what relationships mean to us and what we've been through.' – Female, care leaver.

There are some cases where it is judged that children have such different needs that they will be better served by different placements, and indeed some children we spoke to said they would have preferred to be apart for just this reason:

'I wanted to be separated but because she had undiagnosed needs that no one understood I ended up dealing with it. She did do inappropriate things that I should have been away from her' – Female, care leaver.

However, in cases the Children's Commissioner's Help at Hand team have been involved with, the assessment of whether it is in siblings' best interests to stay together can be contested:

Sean and Lizzie

Sean and Lizzie were siblings who went into foster care at a young age. They were settled there but unfortunately had to leave due to the foster carer's ill health. They then moved into a children's home together, where they were generally happy, although they preferred being in foster care. After their mother went to court to discharge the carer order, the local authority commissioned a psychological assessment which deemed that the children had different needs and would be best placed with separate foster carers (the mother withdrew her wish to have the children home part way through proceedings). The local authority accepted the assessment and started looking for two placements.

The children were devastated, as they have always been together and their relationship with both parents is difficult and sometimes traumatic, so they are the only constant in each other's lives. Lizzie was very protective of Sean and worried about how he would manage without her. Their children's home staff were very supportive and helped the children write to the Children's Commissioner and make a formal complaint. They said very strongly that the most important thing was for them to be together, either in foster care or their children's home. The local authority did not change its plan but ultimately could not find two separate placements that were close enough

It is ironic, although welcome for the children, that in this case a lack of sufficient placements was what drove the siblings being able to stay together. While there will be cases where children's preference is to stay together, but it is still not in their best interests to do so, it is vital that their views are heard and given appropriate weight when these decisions are being made.

3.3.2 Support for siblings placed together

In considering sibling placements, a key element must be what level of support is provided to children. If siblings do have challenging relationships, it may well be that with the right support in order to repair fractured relationships, or address the needs of a child caring for siblings, they can live happily together. As one child said:

'I was told and not sure if it's true but we got split up because of arguments and things. And even if there is arguments they don't help you address those things.' – Girl, in care.

The analysis in section 2.4 of this report shows that there is a high level of variation across the country when it comes to siblings being placed together. There will be a range of reasons for this, including different levels of placement sufficiency, but the Help at Hand cases show that different local authorities have different practice when it comes to considering what is *'reasonably practical in all the circumstances'*, and how far they will go to keep siblings together.

3.3.2 Different permanence plans

Perhaps one of the most fraught reasons for separating children is when it is determined that one child, often a younger child or baby, should be placed for adoption while older children will be placed into foster care or other arrangements. When these decisions are being made there is a statutory requirement to take into account the *'likely effect on the child (throughout his life) of having ceased to be a member of the original family and...the relationship which the child has with relatives'*.

These decisions are incredibly challenging for all professionals involved, as well as for children themselves. There can be very strong arguments to be made that a new-born baby will have very different needs to an older teenager in terms of permanence. However, it is worth noting that sometimes decisions about placing a younger sibling for adoption and not others may be based on the perceived greater 'adoptability' of a younger child, rather than necessarily because it is only in their

best interests and not an older child's best interests to be adopted. As one report explained '*pragmatic or 'realistic' considerations are actually underpinning what appear to be psychologised conceptualisations of interests or needs*²⁴.

There is no single right or wrong answer that can be applied for all children in these circumstances. What this does highlight however is the importance of ensuring that contact arrangements are in place for siblings when one is adopted. Some of the challenges with contact between siblings are discussed in the next chapter.

3.4 Siblings separated when it is in their best interests

Children themselves were aware that it was not always right for them to live with their siblings. Harm caused by siblings may have been the reason children came into care in the first place, or make their experience of care much more challenging:

'I wanted to be separated but because she had undiagnosed needs that no one understood I ended up dealing with it. She did do inappropriate things that I should have been away from her' Girl, care leaver

For some of these children it will therefore be in their best interests to be placed separately from their siblings, although that may change over time as their needs fluctuate, so should always remain in review.

It is also important to carefully consider whether with the right tailored support for children in their placements, to help them rebuild healthy and appropriate relationships, it will be possible for them to be placed together.

4. Contact between siblings who are separated

When children in care are separated, whether in their best interests or not, there is a clear legal requirement for contact between them to be promoted²⁵. However, children we spoke to described how positive contact arrangements often came down to luck, or individual carers going the extra mile:

'Luckily my foster carers communicated with my brothers carers, it was the foster carers that organised and oversaw a lot of seeing them' – Anonymous.

They also spoke about how contact arrangements could be overly formalised and bureaucratic. They wanted to simply hang out with their siblings, rather than 'have contact':

'There was nothing to do to repair that, to go and hang out, send a text message. It was a constant battle to hang out with my siblings.' – Female, care leaver.

There were some situations that appeared to make contact particularly challenging, which are discussed below.

4.1 Legal background

Local authorities have a legal duty to allow children in care reasonable contact with their parents, guardian or anyone with parental responsibility²⁶. However, if siblings want to have contact they have to seek the permission of the court for an order to be made²⁷.

For children where a decision is being made about adoption the Adoption and Childcare Act 2002 sets out that the *'the likely effect on the child (throughout his life) of having ceased to be a member of the original family and become an adopted person...and...the relationship which the child has with relatives'*²⁸ must be considered. It also sets out that a court can make contact orders between siblings²⁹.

However, case law from 2019 set out that while sibling contact orders can be made, it would only be in exceptional circumstances that these would be made if an adoptive parent was not willing to have contact³⁰.

4.2 Whereabouts of siblings unknown

The Children's Commissioner's Help at Hand team have been involved in cases where children didn't have contact because they didn't know where in the country their sibling was living:

Amir and Khalil

Amir and Khalil came to the UK as unaccompanied asylum-seeking children at different times. They were accommodated by different local authorities and for a time didn't know where to find each other.

After they regained contact they asked their local authorities if they could be moved together, but there was no progress on this because each local authority had taken responsibility separately. After intervention from Help At Hand, Amir was moved to his brother's area, though his local authority retained corporate parenting responsibility.

In some instances, siblings will not have contact because they are not aware that they even have a sibling³¹.

For some children this will be because the people they consider to be siblings will not officially be recorded as such.

4.3 Children placed far from each other

'My three youngest siblings went into special guardianship with my grandparents, thankfully, but they couldn't have all of us because they had a small house... But they moved my younger siblings 300 miles away, so I couldn't just pop on a bus and go see them... They cut my contact down to two times a year' – Female, care leaver.

The analysis set out in Chapter 2 of this report shows that for siblings who were separated, 59% were placed in the same local authority, but 39% were split between 2 local authorities and 2% were split between 3 or 4 different local authorities. While it was not possible to determine how far from each other siblings are placed, because of the available data, this will likely mean that many children will

have to travel long distances to see one another. Even if they are placed relatively close, the fact of being in different local authority areas will mean that different children's social care teams will have to liaise with one another in order to facilitate contact.

4.4 Contact between children with different permanence arrangements

There can be particular challenge in contact arrangements when it comes to children in different types of permanence arrangements – including those where some siblings have been adopted, or placed into kinship care.

'The relationships between me and my bother us quite good but my sister got put for adoption and now I only get one letter a year. I have requested it to be updated but it hasn't' - Girl, in care.

The case study below highlights how complicated this can be, for both adopters, their children and children who remain in care.

Dan

Dan and his younger siblings went into care and were initially placed together with foster carers. However, his younger brothers were ultimately adopted whereas Dan, who has special needs, moved in with new long-term foster carers.

He maintained some sporadic contact with his parents, whereas his siblings didn't. The adopters were concerned about the risk of the parents finding out where the boys were, so weren't prepared to support contact with Dan (they thought he might say something revealing to his parents). The local authority didn't challenge this, so Dan's contact with his brothers completely stopped.

The analysis in Chapter 2 shows that children in kinship care placements are more likely than other children to stay with their siblings – 30% of children in family and friends foster care are separated from siblings, a smaller proportion than children in all other types of foster or residential care. Even if they are separated, in many cases kinship carers will be perfectly placed to facilitate contact with siblings and the wider family³². However, there can be challenges to contact arrangements when some

children are placed with birth family and others are placed into care, when there are unresolved issues within the family.

Ellie

Ellie was one of a large family of siblings, all of whom were placed in care. The youngest siblings were placed with their grandparents and the older children went into foster care. Ellie consistently asked to see her younger siblings but was told their kinship carer wouldn't agree to this (possibly due to blaming the older siblings for disclosing the abuse which led to proceedings).

The local authority didn't challenge the grandparents and by the time she contacted Help at Hand Ellie hadn't seen or had contact with her younger siblings for many years, which was deeply upsetting for her. These case studies highlight how important it is that the capacity and willingness of carers to support contact with siblings is considered throughout the assessment, matching and care planning processes, with robust and practical support in place to make sure that it can happen. Younger siblings but was told their kinship carer wouldn't agree to this (possibly due to blaming the older siblings for disclosing the abuse which led to proceedings).

5. The way forward

It is clear that sibling relationships are deeply important to children in care, and more should be done to ensure that children are placed together whenever it is in their best interests, or given opportunities to maintain their relationships if placed separately. The Government will shortly be launching its strategy for the implementation of the Care Review, which provides an opportunity to address some of these issues.

High ambitions for children in care

It is vital that the Government's plans for reform of children's social care sets out high ambitions for children and acknowledges the urgent need for improvement. The reforms must also be delivered in tandem with reform in other areas of children's lives, most importantly on special education needs and disability, children's mental health and youth justice. As this report has shown children's needs are not tidily siloed into departmental responsibilities; for example, children with disabilities and challenging behaviour are more likely to be separated from siblings. Solving this will need the SEND, mental health and youth justice systems to working effectively with children's social care.

This report has examined one aspect of children in care's lives but has found again and again that the problems reflect much wider issues in the system – that children don't feel listened to; that there are not sufficient placements of the right type; that the system doesn't learn and improve from data and evidence. This means that time and again the best interests of the child are not driving decisions. That is why the launch of the strategy must be taken as an opportunity to reset, and to raise the bar for all children.

Recommendation 1

The Department for Education must set out a clear improvement plan for all local authority children's social care provision to be judged as 'Good' or 'Outstanding' by Ofsted. They should have a set of clear outcomes for all children in care, including that they are all living in stable, familial homes with carers who love them and their siblings.

Data collection

This report has had to draw on data on siblings from 2016, as that is the most recently available indicator of sibling groups from the National Pupil Database. Even this indicator is based only on children sharing the same address and having the same sibling, and of course only exists for children of school age, which will mean it underestimates the numbers of siblings in care. Further, it underestimates siblings of certain groups, like UASC, where children are less likely to have a valid UPN. Additionally, Ofsted stopped collecting data on sibling group placement in foster care in 2020.³³

This creates significant issues. Firstly, it means holding both Government and local area to account for siblings in care being separated is more challenging. This report shows that there is significant variation at the local authority level when it comes to placing siblings together, but learning from best practice is not possible without this information being transparent and available. In addition, it means that local areas do not have historical data to rely on when planning placement types, making it more challenging to meet their sufficiency duty. If a move is made towards Regional Care Co-operatives, aggregated data on types of placement needed will be even more important.

It also means that when children are looking for siblings in order to facilitate contact, or when new siblings to children in care are born, data may not reliably be recorded to allow them to find one another.

Recommendation 2

The Department for Education must ensure that data on siblings is collected on an annual basis for all children in care, alongside information about whether they were placed with or apart from siblings, and the reasons for that. This data should be used as one of the metrics in establishing whether children leaving care have loving relationships, while acknowledging that in itself it is not a measure of a loving relationship.

Legislative change on placement and contact

Local authorities are required by law to make sure when placing a child that the placement allows them to live with their sibling 'as far as reasonably practical'. While guidance sets out that they should

be placed together whenever it is in their best interests, this is not set out in legislation. This report has shown that there is significant variation when it comes to what is considered 'reasonably practical', and that often decisions are being made based on what is easiest for the system, not best for the child.

When it comes to contact for children in care, while the Children Act has a duty to allow reasonable contact with parents, this does not extend to siblings. While orders granting contact may be made, siblings must seek leave to apply for such an order. There have been debates about the potential for amending this requirement, most significantly during the passage of the Children and Social Work Act 2017, but the new analysis for this report as well as the forthcoming response to the Care Review should be an opportunity to consider the needs of siblings again.

In Scotland, there have been significant changes to the legislation, both on requirements to place children together whenever it is in their best interests, and to improve contact arrangements. The impact of these reforms should be used to inform a review of legislation in England.

Recommendation 3

The Department for Education should introduce legislative change to ensure that children are placed with their siblings whenever it is in their best interests, and have contact with siblings if they are separated. This should include:

- amending the Children Act to require siblings to be placed together whenever it is in their best interests, and to ensure that contact with siblings is considered by default.
- Consultation on amending the Care Planning Regulations to increase the weight given to decision making on siblings in the care planning process.

Support for keeping siblings together

This report has highlighted how decision making around placement of siblings together or apart, and of the separation of siblings into groups, is very varied. There appears to be significant variation in practice when it comes to decision making, as well as in the support that is offered to siblings to enable them to stay together if there are challenges in the sibling relationship.

Recommendation 4

The Government should ensure that local authorities are supported to ensure social workers have the expertise to make evidence-based decisions on sibling placements, and the best practice in support for siblings. The Department for Education should:

- produce guidance on sibling placement assessments, drawing on best practice guides³⁴.
- commission research on what works to keep siblings together safely, and what support is most effective.
- commission Ofsted to carry out a thematic inspection on the placement of siblings, drawing on analysis for this report to identify areas where particularly high and low numbers of siblings are separated.

Adoption and kinship carer support

Contact with siblings is important for all children, including those placed for adoption or in kinship care. While it is possible for sibling contact orders to be made when a child is placed for adoption, the *Re B (A Child) (Post-adoption Contact)* case made it clear that these would not be imposed on unwilling adoptive parents. This has raised some concerns that there will be limited orders made for sibling contact.

For good contact to take place, the support of adoptive parents is essential. Additionally, while in previous generations letterbox contact or contact that is within the control of parents was possible, in practice if adopted children want to contact birth families there are now far more opportunities to do so. There are therefore real risks that if wider forms of contact are not formally supported, it will happen in more informal and potentially risky ways. The Children's Commissioner does not believe there is a straightforward legal solution to these issues, but support for prospective adopters and adoptive parents to manage sibling contact must be a standard part of local authority adoption support.

This report shows that children are more likely to stay together with their siblings if they are placed in kinship care. But there can be challenges when some children are placed with kinship carers, and some

are not. Therefore, when kinship carers or special guardian arrangements are being considered, the ability to support sibling contact must also be considered.

Recommendation 5

The Department for Education should:

- update adoption guidance to make clear that sibling contact should be supported for all children where it is in their best interests, and that the ability to support this contact is considered throughout the adoption planning process.
- should set out a strategy to support kinship carers, which should include how to ensure they are able to support sibling contact.

Placement Sufficiency

While there are difficult decisions to be made about the best interests of children, the lack of a suitable placement should not be the reason for siblings being separated. Better data collection would help local areas plan and meet their sufficiency duty, but much more is needed to ensure that there are always enough placements of the type needed, which will provide children with the loving, stable homes they need. The Care Review has proposed new Regional Commissioning Co-operatives to improve the sufficiency of placements. There is a risk that an additional layer of commissioning could create additional difficulties in ensuring appropriate local homes, with less local accountability. More is needed to ensure that every child in care gets the stable, loving placement that they need.

Recommendation 6

The Department for Education should set in their Implementation Strategy how they will ensure that every child in care has a stable, loving home. This should have a particular focus on larger sibling groups, children with disabilities and older children. It should include:

- a national placement sufficiency plan, with a specific focus on recruiting and retaining long-term foster carers who are able to provide specialist placements for children with disabilities and their siblings, and for larger sibling groups.
-

- consideration of reform of Section 22G of the Children Act 1989. Currently local authorities have to have a sufficiency strategy. This should be extended to create an explicit statutory expectation that local authority sufficiency strategies should lay out how the local authority will meet their stability target.
- a clear transition plan for all children in care, regardless of age, to be in placements where they can receive care. This should make clear that the new regulations for supported accommodation for 16 and 17 year old children will be an interim, time-limited step, until all these settings are in a position to register as children's homes. The Children's Commissioner's full response to the consultation on the draft standards is available [here](#).
- Ofsted should use data on siblings placed together and apart (as well as those placed out of area) to inform their view of how children's best interests are met and how sufficiency impacts on placement decisions

Advocacy and children's voice

Children and young people were clear that for better decisions to be made about siblings, their voices needed to be listened to. While this is the responsibility of all professionals involved with children, and in particular the children's Guardian when at court, it highlights the importance of good advocacy provision for looked after children. The Children's Commissioner's Help at Hand service provides advice and assistance for children in particularly complex situations and has worked with many children separated from their siblings. By standing by a child, and persistently advocating for them, they are often able to ensure better outcomes for these children.

The Family Review identified how family was valued so highly because it meant knowing that there would always be someone to rely on, who would fight your corner no matter what. Every child in care should have this same support, from an advocate they know and trust, to replicate the protective effect that a loving parent provides.

Recommendation 7

The Department for Education should set out that all children in care should be entitled to advocacy on an opt-out, rather than an opt-in, basis. The Children's Commissioner has set out how her Help at

Hand team can provide more strategic support for advocates here, and these proposals should be considered in the Government's implementation plan for the Care Review.

Care leaver support

It is essential that ongoing support is provided throughout a care experienced person's life to allow them to find information about siblings, and to have contact with them. Better local data collection would improve the information available, but support for initiating and managing contact will still be needed.

Recommendation 8

The Department for Education should update care leaver guidance to say that care experienced people should be entitled to support in finding siblings, and managing making contact, throughout their life.

References

¹ Meakins, S. et al, *What is known about the placement and outcomes of siblings in foster care?*, February 2017 [Link](#)

² Note: Of this cohort, approximately 20,000 are currently in care (as of March 31st 2022).

³ Among children entering care at 16, an estimated 95% are separated from siblings if placed in semi-independent accommodation, compared to 54% if placed in foster care with a relative or friend.

⁴ Among children with 3 siblings, an estimated 71% of Gypsy/Roma children are separated compared to 58% of White British children.

⁵ Among children entering care at 16, an estimated 95% are separated from siblings if placed in semi-independent accommodation, compared to 54% if placed in foster care with a relative or friend.

⁶ Meakins, S. et al, *What is known about the placement and outcomes of siblings in foster care?*, February 2017 [Link](#)

⁷ Meakins, S. et al, *What is known about the placement and outcomes of siblings in foster care?*, February 2017 [Link](#)

⁸ Meakins, S. et al, *What is known about the placement and outcomes of siblings in foster care?*, February 2017 [Link](#)

⁹ Meakins, S. et al, *What is known about the placement and outcomes of siblings in foster care?*, February 2017 [Link](#)

¹⁰ Meakins, S. et al, *What is known about the placement and outcomes of siblings in foster care?*, February 2017 [Link](#)

¹¹ Ashley John-Baptiste, BBC, 'I grew up in care alone - why did no-one tell me I had siblings?' (2022). [Link](#)

¹² Family Rights Group, *What happens to siblings in the care system?*, 2015 [Link](#)

¹³ Children's Rights Director for England, *Children's Care Monitor 2013/14*, 2014 [Link](#)

¹⁴ Children's Rights Director for England, *Children's Care Monitor 2013/14*, 2014 [Link](#)

¹⁵ Children's Rights Director for England, *Children's Care Monitor 2013/14*, 2014 [Link](#)

¹⁶ Children Act 1989, 22C(8)(c)

¹⁷ (Children Act 1989, 22C (7)(b)

¹⁸ (Children Act 1989, 22C (9A)(9B)

¹⁹ Department for Education, *The Children Act 1989 guidance and regulations Volume 2*, July 2021 [Link](#)

²⁰ Monk, D. and Macvarish, J., *Siblings, Contact and the Law: an overlooked relationship?*, November 2018 [Link](#)

²¹ Ofsted, *Fostering in England 1 April 2019 to 31 March 2020*

²² Social Market Foundation, *Fostering the Future*, 2021 [Link](#)

²³ Monk, D. and Macvarish, J., *Siblings, Contact and the Law: an overlooked relationship?*, November 2018 [Link](#)

²⁴ Monk, D. and Macvarish, J., *Siblings, Contact and the Law: an overlooked relationship?*, November 2018 [Link](#)

²⁵ If C has a sibling for whom the responsible authority or another authority are providing accommodation, and the children have not been placed together, the arrangements made to promote contact between them, so far as is consistent with C's welfare. (The Care Planning, Placement and Case Review (England) Regulations 2010, SI 2010/959, Sch 1, para 3(1))

²⁶ Children Act 1989 s34 (CA 1989 s 34(1)(a))

²⁷ Children Act 1989 s 34(3)(b)

²⁸ Adoption and Childcare Act 2002, s 1(4) (c), (f)(i), (iii)

²⁹ Adoption and Childcare Act 2002, ss 26, 51A

³⁰ Re B (A Child) (Post-adoption Contact) [2019] EWCA Civ 29

³¹ BBC Three, Split up in Care: Life without Siblings, 2022

³² Family Rights Group, *What happens to siblings in the care system?*, 2015 [Link](#)

³³ The last Fostering in England publication with sibling group data is Ofsted, Fostering in England 1 April 2019 to 31 March 2020. [Link](#).

³⁴ Beckett, S. Beyond Together or Apart, 2021 [Link](#)

