



For family or friends who  
step up to raise a child.

# **Kinship**

**Submission to the Human Rights Joint  
Committee's 'Human Rights of Children in the  
Social Care System in England' inquiry call for  
evidence**

**August 2025**

## Introduction

Kinship carers are family or friends who step up, often during an unexpected crisis, to care for a child when their parents aren't able to. This may be because the parent has died, is unwell, has gone to prison, is experiencing problems with drugs and alcohol, or are neglectful or abusive. Kinship carers are usually grandparents, aunts or uncles, brothers or sisters, a stepparent, stepbrother or stepsister, or someone who isn't related but knows the child well. Whatever their relationship to the child, in that moment a commitment is made. To bring love and hope to a child who has experienced trauma, no matter what.

It is estimated there are more than 141,000 children living in kinship care in England and Wales – 3 times the number in unrelated foster care.<sup>1</sup>

Some kinship carers will have a legal order securing the family arrangement which provides them with parental responsibility, such as a special guardianship order or child arrangements order made following care proceedings or secured privately through the family court. Others will be kinship foster carers where the child is 'looked after' and has been placed with them by the local authority. However, the majority of kinship families are likely to have only informal arrangements in place made privately within the family.<sup>2</sup>

**Our written evidence submission primarily considers question 6 in the inquiry's terms of reference ('*What human rights considerations arise from both formal and informal kinship care?*') and responds through the lens of specific Convention rights and the questions most relevant to kinship families within the '*Legal framework*' section.**

This submission is not intended to be an exhaustive summary of how all human rights are protected for children in kinship care, but draws on Kinship's research and work with kinship families to highlight selected key areas where current policy and practice often acts to undermine human rights for kinship families across England and Wales. It builds on existing work to explore human rights considerations in kinship care, including that led by Kinship Carers Liverpool.<sup>3</sup>

Where verbatim quotes from kinship carers are used to support our evidence, these are attributed accordingly. Some contributors have been anonymised to protect their and their families' identities; these are marked with an asterisk (\*).

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<sup>1</sup> Office for National Statistics (ONS) (2023) [Kinship care in England and Wales: Census 2021](#) Released 26 September 2023, ONS website, article.

<sup>2</sup> For more information on the different types of kinship care, please visit [kinship.org.uk/what-is-kinship-care](http://kinship.org.uk/what-is-kinship-care).

<sup>3</sup> Kinship Carers Liverpool (2023) [Liverpool Kinship Charter](#)

## Kinship care

### 1. Article 8 - Right to respect for private and family life

#### Family life

- 1.1. Article 8 of the Human Rights Act (1998) protects the right to respect for private and family life, home, and correspondence. Kinship care provides children with a stable home life where they can grow and develop in a safe, positive environment and maintain their sense of identity and family relationships. In supporting a child's right to family life by placing them with relatives or friends, this also helps to protect children from some of the instability and familial disconnection often associated with other forms of alternative care.
- 1.2. This provision also safeguards children in kinship care by ensuring their right to maintain their relationships with family and loved ones. However, too many kinship children continue to be denied the opportunity to live with and/or spend time with siblings and other people they love within their family network.
- 1.3. Our 2024 annual survey of kinship carers revealed that a continued lack of support often prevents children from living with their siblings in kinship care; 17% of carers reported being unable to care for a brother or sister of a kinship child already living with them.<sup>4</sup>
- 1.4. Sibling relationships are incredibly important for children in kinship care. Our *Growing Up in Kinship Care* study found that 20% of young people had lost contact with a sibling or experienced a decline in closeness due to limited contact, which often led to feelings of rejection, guilt, and concern. Last year, only about a third (36%) of kinship carers told us that their kinship children were in contact with one or more siblings they did not live with.<sup>5</sup>
- 1.5. Further to this, inadequate support for contact with parents from local authorities creates additional challenges for upholding kinship children's right to family life. Unlike peers in other parts of the social care system, kinship families are often left to navigate maintaining contact with parents with little to no ongoing support from local authorities; this can lead to contact stopping altogether.
- 1.6. Our research has found that only 1 in 8 kinship families receive local authority support with contact, and this is almost exclusively reserved for those families in arrangements where the child is looked after in kinship foster care; a further 1 in 4 families don't receive support but believe this is needed.
- 1.7. A lack of support navigating complex family dynamics can have significant implications for children's experiences and outcomes. More than 2 in 5 kinship carers (44%) who were concerned about their ability to continue said that that challenges with family relationships and contact was a reason for this.<sup>6</sup>
- 1.8. Local authorities should support children and kinship carers to navigate potential difficulties arising from contact with parents other family members, and support them to maintain links to the people and places which matter to them. This should include – where deemed beneficial to support children's wellbeing and arrangement stability – ongoing support written into special guardianship and other relevant support plans for those children who are no longer looked after in local authority care. Children in kinship care should receive the

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<sup>4</sup> Kinship (2024) [Make or Break: Annual survey of kinship carers 2024](#)

<sup>5</sup> Wellard, S., Meakings, S., Farmer, E. & Hunt, J. (2017) [Growing Up in Kinship Care: Experiences as Adolescents and Outcomes in Young Adulthood](#). Grandparents Plus (now Kinship).

<sup>6</sup> Kinship (2024) [Forgotten: Support for kinship children's education and mental health](#)

emotional and therapeutic support they need, including through the adoption and special guardianship support fund (ASGSF).

### **Private life**

- 1.9. Kinship care is complex, and state involvement in the lives of kinship families can vary from little to no involvement for those with informal arrangements made privately within families through to significant and often intensive ongoing involvement where a child is placed by the local authority with relatives or friends in kinship foster care.
- 1.10. Key to effective social work practice in kinship care is balancing appropriate and proportionate involvement consistent with the legal framework with respect for the expertise and decision-making processes within a kinship family. Many local authorities continue to deliver successful family support which navigates requirements for assessment and ongoing formal oversight with an adept understanding of the unique nature of kinship care and its position straddling state intervention and private family life.
- 1.11. However, we sometimes hear from kinship carers who believe some actions taken by children's social care services to be disproportionate, to the extent they interfere with their child's right to private and family life and go beyond what is reasonable in discharging the local authority's duty to protect children and ensure their welfare. Kinship carers often seek advice from our advice service on how to manage what they see as intrusive monitoring or stigmatising and invasive practice, including in situations where a legal order has been secured in the family court which names the kinship carer as the child's legal guardian.
- 1.12. Pat\*, 52, told us she was subject to over 40 unannounced visits from social workers within the first 8 months of her caring for her granddaughter. She said:

*"Social workers would turn up more than once a week, check my granddaughter was well looked after by looking in my cupboards to see that I had food, check her for bruises and marks, look around the house to see that it was clean, ask me really personal questions – things like that. It's like they thought I was the parent who had their child removed – I never did anything to make them suspicious of me or my ability to care for my granddaughter. I'd never had any social worker involvement when I bought up my own children, so why now? I felt completely judged by them and like my home wasn't private. I felt like if I ever refused them entry, they would take my granddaughter away from me. It was personal. As soon as the social worker changed, the visits stopped."*
- 1.13. Clara\*, 48, described how visits from social workers impacted her kinship children:

*"I hated seeing how the kids were after social workers would visit. It's like the kids would just be getting on with their lives, happy and normal, and then social workers would visit and ask them loads of unnecessary questions about mummy and daddy. It would bring up lots of emotions and re-traumatise them. It felt invasive, and nosy. I couldn't help but feel that they wouldn't have asked the same questions to children in foster care or in local authority care, they would have been more sensitive, but because my kids live with a family member, they thought it was appropriate. Eventually the questions stopped after I complained to children's services a few times."*
- 1.14. Specialist kinship care practice continues to be emerging, but research outlines that *"skill and time are needed to establish a relationship of mutual trust... and explore complex family history and dynamics"*.<sup>7</sup> Where this doesn't happen, local authority involvement is frequently perceived as intrusive, adversarial, and investigatory rather than supportive and

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<sup>7</sup> Hunt, J. (2021) Practising in kinship care: The perspectives of specialist social workers. Kinship

collaborative, with the child's best interests sometimes overlooked, and the family's right to privacy ill-considered.

- 1.15. Indeed, levels of trust in the local authority amongst kinship carers remain very low. In our 2024 annual survey, 44% of kinship carers told us they didn't trust their local authority to support them and their kinship family at all.
- 1.16. Kinship carers – and their expertise and strengths – should be treated with respect and dignity in line with others looking after children, including mainstream foster carers, adoptive parents and residential care staff. Any interference with privacy must be proportionate, necessary, and lawful. If monitoring becomes excessive or unjustified, it could be challenged as a violation of Article 8, emphasising the importance of ensuring that interventions are proportionate and respectful of individual rights.
- 1.17. Local authorities should continue to establish specialist kinship care roles and teams which demonstrate the unique mix of skills and knowledge required and draw from elements of child protection, mainstream fostering and permanence practice.
- 1.18. The government should ensure local authorities are supported to pioneer innovative practice and workforce development, including by providing sufficient long-term funding settlements for children's social care, and by supporting the continued implementation of the National Children's Social Care Framework and Foundation's Kinship Care Practice Guide, alongside partners including Ofsted.

## **Home**

- 1.19. The right to respect for home isn't the same as a right to housing, rather it protects the home someone already has. This extends to the right to enjoy home peacefully without intrusion by a public authority. As such, children's services have a positive obligation to ensure that kinship families can peacefully enjoy their home.
- 1.20. This is particularly relevant when dealing with cramped conditions or overcrowding; while Article 8 doesn't explicitly guarantee a right to adequate housing, it can be engaged when poor housing conditions are severe enough to interfere with a person's private or family life, including the wellbeing of kinship children. Although Article 8 doesn't guarantee a right to housing specifically, adequate housing is a fundamental aspect of realising a right to private and family life, and international human rights law also establishes everyone's right to an adequate standard of living.
- 1.21. Evidence from our advice and support work tells us that too many kinship families live in cramped and overcrowded homes, particularly as kinship carers struggle to accommodate their kinship children at short notice. Analysis of the Census 2021 also highlights that kinship households (17.5%) are significantly more likely than parental households (11.6%) to be deprived in terms of housing<sup>8</sup>, and are similarly more likely (34.4%) than parental households (19.4%) to be living in social rented accommodation.<sup>9</sup>
- 1.22. At the start of their kinship journeys, some kinship carers tell us they are promised – either explicitly or tacitly – that the local authority will support them if they take on the care of a relative or friend's child by funding home modifications or exploring the option of larger social rented accommodation more suited to their growing family. Quite often, this does not

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<sup>8</sup> This means the household's accommodation is either overcrowded, with an occupancy rating of negative one or less (implying that it has one fewer room or bedroom required for the number of occupants), or is in a shared dwelling, or has no central heating.

<sup>9</sup> Office for National Statistics (ONS) (2023) [Kinship care in England and Wales: Census 2021](#) Released 26 September 2023, ONS website, article.

happen, and kinship families can instead be left living in cramped, and unsuitable accommodation for a prolonged period. This can have a huge impact on the wellbeing of kinship children, who have often experienced trauma before coming to live with their kinship family and need a safe and secure space to call home. Children are particularly vulnerable to the negative impacts of overcrowding, including difficulties with sleep, study, and play.<sup>10</sup>

- 1.23. Lizzie\* is a kinship carer to her nephew (15) and niece (14) and has lived in overcrowded housing for nearly 10 years. She said:

*"When the children came to live with us nearly 10 years ago, I lived in a 3-bed house that we owned with my husband, and 3 children. We knew it was going to be a squeeze, but we had to take our niece and nephew in. Our social worker at the time told us that the local authority would pay for an extension to the property to make sure that we could all remain at home. They also promised priority social housing for my eldest daughter, who was 18 at the time, to free up her bedroom to make space for my niece and nephew (4 and 5 at the time).*

*This didn't happen. About 5 months after the kids moved in, we were told that my daughter had to move out in order for us to keep the kids at home – despite me and my husband sleeping in the living room to give the kids our bedroom. We ended up having to privately rent somewhere for our daughter and move her out – even though she was not at all ready to leave home.*

*My niece and nephew experienced lots of trauma before they came to live with us, and this impacted them massively. They both fought and argued constantly, had terrible sleep patterns, suffered bed wetting, and had to share a box room until it was no longer appropriate to do so because of their ages – so again, a few years ago, we gave up our living room so that they could have separate bedrooms.*

*The local authority has put us through hell over the last decade, at points denying that a home extension was ever promised. This has impacted my whole family – and at times made me question if we did the right thing by taking them in in the first place. I felt bad because we couldn't pay for an extension to give them their space – we have taken most of the money out of the house and spent all our savings just to pay for their day to day living.*

*After nearly a decade long battle, the extension funding finally got approved just last year, and work has now been completed. I feel like we have all got our lives back. The kids finally have their own space. I'm already seeing massive improvements in their education and behaviour. Everyone is just happier."*

- 1.24. In our 2024 annual survey, 46% of kinship carers who told us they'd been unable to take on the care of a brother or sister to a child already in their case cited a lack of space at home as a contributing factor. Kinship carers want to keep children connected to their brothers and sisters wherever possible, and children's right to family life should never be compromised by a failure to uphold their kinship carers' right to home.

## **2. Article 6 - The right to a fair trial**

- 2.1. The right to a fair trial extends far beyond the courtroom and should be threaded through all decisions made by public authorities – including the family courts, children's services and schools – which have an impact on kinship families' rights. As an absolute right, Article 6 should be upheld at all times. However, kinship carers often tell us that children's services sometimes make decisions about their kinship children without providing all the relevant information on how that decision was reached, or within a reasonable timeframe.

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<sup>10</sup> National Children's Bureau (2016) [Housing and the Health of Young Children](#)

- 2.2. For example, a growing number of complaint decisions made by the Local Government and Social Care Ombudsman in England in recent years have continued to highlight the unfairness and poor practice within the means testing of financial support for kinship carers, highlighting particularly the lack of transparency in decision making about how that process is carried out.<sup>11</sup>
- 2.3. The right of kinship carers to a fair trial is also undermined by their inability to afford legal representation, and kinship carers may not always have a right in legal proceedings where there is the potential that they could become a kinship carer. Means testing for legal aid can penalise groups such as older kinship carers who may have some savings or assets in the form of property but very low incomes and accessible capital with which to pay the extensive legal costs associated with becoming a kinship carer and establishing permanence for a child.
- 2.4. Legal support for kinship carers is extremely variable across local authorities and typically dependent on the type of kinship arrangement and whether or not the child is or was previously looked after. Even the most common forms of support (consultations to consider the most suitable arrangements and legal consultations on support plans) were only reported in just over two-thirds of local authorities, and funding for legal representation in court during care proceedings was the least common type of legal support.<sup>12</sup>
- 2.5. Sue, a kinship carer and former social worker, 60, took care of her 3 granddaughters and 1 grandson when her daughter was unable to look after them 10 years ago. She said:
- "The local authority told me I had to sort out all the court work and pay for all the solicitors fees to arrange the care of my granddaughters and get a special guardianship order. I didn't receive any kind of support with that.*
- At first they paid me £17 per week per child. My husband and I were on benefits and my husband had retired. Everything was means tested. The youngest was born with cerebral palsy and her sisters have autism and complex needs, so it's been very challenging.*
- My husband passed away due to Covid, so we will never have that chance to have a bit of time together. They changed my benefits after his death which meant I had no money for food or anything for one month. I couldn't even afford to pay for his death certificate. I had to borrow money. The children saw him as their dad, so it's been very traumatic for us all.*
- To be honest it's been one nightmare after another. I complained to my local councillor, the children's commissioner and the Ombudsman to complain about the lack of support. I now receive £82 per child each week but it's means tested every year and that's really stressful."*
- 2.6. Kinship carers should have access to timely information so they can make informed decisions about the legal options available to them, but too many kinship carers are frequently pushed into making decisions quickly following poor – and sometimes incorrect – advice from statutory services. In some cases, this can result in significant implications for families' eligibility for support and lead to them pursuing a type of kinship arrangement which may not be the best fit. Our previous research has identified how some kinship carers face immense pressure from children's services to pursue an arrangement such as special guardianship which subsequently led to them and their children losing eligibility for support.<sup>13</sup>

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<sup>11</sup> Kinship (2024) [Out of Order: The case for boosting financial support for kinship arrangements outside the care system](#)

<sup>12</sup> Foundations (2023) [Understanding the variation in support for kinship carers: a survey of local authorities in England](#)

<sup>13</sup> Kinship (2024) [Out of Order: The case for boosting financial support for kinship arrangements outside the care system](#)

- 2.7. In particular, too many kinship carers are pushed into pursuing legal orders secured in private law proceedings which can be particularly expensive and challenging. Closing gaps in the provision of independent advice and legal aid support between kinship carers involved in securing different legal orders across both public and private law is crucial; evidence shows how there is significant overlap in the circumstances of children between public and private law cases, but the implications for scrutiny, participation, rights and support differ considerably.<sup>14</sup>
- 2.8. Clara\*, 48, from London said:
- "I run peer support groups for kinship carers, and every week we have a new carer come in and tell us that they have been received veiled threats from social workers that have pushed them into making decisions around legal orders that were not in the child's best interest. They say things like 'they are a very adoptable age', or 'if you can't offer a permanent home – someone else will'."*
- 2.9. Fiona, 65, from Dorset, became a kinship carer when her grandson was 4-and-a-half months old. She said:
- "My grandson was taken into foster care at birth and I was told that unless I applied for a special guardianship order to look after him, he would stay in the care system. I felt pressured and pushed into taking out a guardianship order because I didn't have a clue what my options were. I took social services at their word that this was the best for me and my grandson."*
- 2.10. Last year, 35% of kinship carers rated their local authority's information about kinship care as very poor.<sup>15</sup> These findings highlight a critical system failure: kinship carers are making major life decisions without the high-quality, independent guidance they need and deserve. This information deficit undermines their ability to choose the best arrangement for themselves and the children in their care and their right under Article 6.
- 2.11. The government have taken some recent welcome steps to improve advice, training and support offers for kinship carers. The Department for Education funds Kinship to deliver a national programme of training and support for all kinship carers in England, including informal kinship carers. This includes a series of in-person and online workshops and events, as well as online advice guides and other resources to ensure kinship carers have access to the information and guidance they need.<sup>16</sup>
- 2.12. All kinship carers should be offered free and independent advice, including legal advice facilitated by extended eligibility for non-means tested legal aid, from the moment they are considering becoming kinship carers and throughout their journey. This should include reform to unlock independent legal advice for prospective kinship carers considering a legal order, and funding for family and friends pursuing a legal order in either public or private law proceedings.
- 2.13. Local authorities must publish and adhere to clear, lawful and accessible policies which detail their approaches to means testing and financial support. These should be clearly shared – alongside any legal support – as part of the new kinship local offer requirement included within updated statutory guidance and as a new legal duty within the Children's Wellbeing and Schools Bill.

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<sup>14</sup> Nuffield Family Justice Observatory (2023) [Uncovering private family law: Exploring applications that involve non-parents](#)

<sup>15</sup> Kinship (2024) [Make or Break: Annual survey of kinship carers 2024](#)

<sup>16</sup> For more information please visit [kinship.org.uk/support-and-advice](https://kinship.org.uk/support-and-advice)

### **3. Incorporating the UN Convention on the Rights of the Child (UNCRC) into domestic law in England**

- 3.1. Following action in Scotland, further UNCRC incorporation into domestic law could benefit kinship children in England by strengthening legal protections, enhancing participation rights, and improving accountability from public bodies responsible for their welfare and support. Incorporation could create a more robust legal framework for protecting the rights of children, including those in kinship care arrangements, while maintaining focus on family preservation and children's best interests.
- 3.2. Working alongside the Human Rights Act, the UNCRC's emphasis on preserving family connections could act to strengthen support for keeping children cared for within extended family networks. It could also provide a further legal justification to introduce better models of enhanced financial, practical, and emotional support.
- 3.3. Incorporation could also support the legal enforcement of children's rights, requiring public authorities – including children's services – to further meaningfully embed children's rights into their policies and practice. This could lead to better assessment processes that prioritise kinship children's best interests and rights and more robust support packages for kinship families.
- 3.4. Finally, incorporation could also lead to greater accountability from local authorities in their decision-making processes, further strengthening protections afforded by Article 6 of the Human Rights Act (the right to a fair trial). Kinship children could have improved ability to challenge inadequate support or inappropriate decisions, and their rights would be better considered in policy making through the implementation of Child Rights Impact Assessments (CRIAs).<sup>17</sup>

### **4. Changes to legal protections for care experienced people**

- 4.1. Any consideration around establishing further legal protections for care experienced people, including by establishing care experience as a protected characteristic, must consider the complexities of this for those with experience in kinship care. There is no widely agreed definition of care experience; interpretations can vary in their position on informal kinship care in particular, and/or where a person was never 'looked after' in local authority care as a child.
- 4.2. Further consultation with children, young people and adults with experience of all forms of kinship care should be undertaken to understand their views on this, considering perspectives on self-identification as 'care experienced' and the complexity of identity for those with different experiences of kinship and other forms of alternative care.

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<sup>17</sup> Unicef (2022) [Child Rights Impact Assessment template and guidance for Local Authorities](#)

## **About Kinship**

We are Kinship. The leading kinship care charity in England and Wales. We're here for kinship carers – friends or family who step up to raise a child when their parents aren't able to.

We are made by and for our community of kinship carers. For too long they have been isolated without the help they need.

Our purpose is to change lives, and change the system.

We support, advise and inform kinship carers. Connecting them so they feel empowered.

Because a child needs the love and warmth of a thriving family.

We develop research, campaigns and policy solutions. Creating positive change across society.

Because for kinship families, love alone is not enough.

And as we see momentum building for change, we keep working with our community and making impact.

Join us. Together, let's commit to change for kinship families.

## **Contact**

Natalie Grubb-Latouche, Senior Policy and Public Affairs Officer  
[natalie.grubb-latouche@kinship.org.uk](mailto:natalie.grubb-latouche@kinship.org.uk)