



HOMeward BOUND

Why are the young victims of parental abuse wrenched from their homes, while the perpetrators are allowed to stay put? It should be the other way around, says **Phil Frampton**

John and Michael were taken away from their parents after years of neglect and physical abuse. Social workers put the five and six-year-old siblings into care and, after several emergency placements, a foster family was eventually found that was able and willing to take them.

It wasn't easy finding a family for two brothers their age – social workers had to put in a lot of effort. No places were available near where the boys had been living, and they ended up in a new home 40 miles away. A local school had to be found, but because all the ones in the area were already at full capacity, the boys spent most of their early days in foster care in the house.

Michael had spent years protecting and caring for his younger brother and had taken most of the parental beatings. Even so, the brothers were bewildered by the loss of their parents and friends and, stuck in the house, the boys began to fight.

With a child of her own and another foster child, the foster mother gradually began to despair that she had ever allowed Michael, the elder of the brothers, to be brought into her home. She pleaded with the social workers to find new placements for the boys, or at least to take Michael away. Faced with the foster carer's reports of continual fights, it was resolved to take Michael off her hands. He was found another foster placement, but this time it was 30 miles in the other direction from his original home.

Sent away... again

In a few months Michael had lost his parents and his brother. He was bewildered. His new foster mother found him sullen and withdrawn, but occasionally capable of violent rages, in which his new foster 'brother' would sometimes be the target. Michael was warned that if his violent temper tantrums continued he would be sent away again.

Michael soon found himself in another home. He kept moving from home to home. Once he stayed with a family for 12 months – but he rarely saw his brother. After 30 or so moves, and having reached his teenage years, Michael was placed in

a residential therapeutic unit to deal with his self-harming.

Once his self-harming appeared to have ceased, he was persuaded to try another foster home. The placement broke down... I met him recently, aged 19, just out of a young offenders' institute. His home was a bench in Manchester's Piccadilly Gardens.

Michael's story is common among young care leavers. But the question his case and others like it raises is this: why were Michael and his brother sent away in the first place? They were innocent of any

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wrongdoing and it was their parents who were the abusers in the household.

In other situations, it is the abusers who are targeted. When council tenants continually cause disruption and harassment to others, the councils do not move the victims, they move the perpetrators. But when a child has been abused or harmed, the perpetrators often remain in the home while the victim is taken many miles away to suffer a fate similar to that of Michael and John.

Why not send the abuser away, leave the children in the home and send a carer in to look after them?

The innocent child loses the security of a familiar domestic environment, friends, school and neighbourhood. In a situation where siblings do not have the right to remain together, the children may also lose contact with one another. The trauma caused by all this loss can be immense. The government purports to act as

'corporate parent' for children in care, yet if the average parent involved their children in such a level of trauma they would be seen as morally bankrupt and unworthy of being a parent.

At issue are the rights that children have to the roof over their head. The UN Convention of the Rights of the Child, proclaimed on 20 November 1959, simply declares that children have the right to be housed.

So what procedures exist for moving abusive parents out of the home? The 1995 Children (Scotland) Act introduced Exclusion Orders (s76-79) permitting parents who were harming children to be excluded from the family home.

However, such orders can only be in place for a maximum of 12 months and cannot be renewed. And even then the orders are rarely issued because adult rights as tenants, property owners etc are seen as more important than child victims'.

England's 1996 Family Law Act (Part IV) refers to domestic violence against adults and children and allows for occupation orders, which may exclude abusive parents. Once again the orders can only be introduced for a temporary period and cases are few due to the rights of adults and the lack of rights of children.

Those involved in child protection point out that, in practice, moving children from the home is preferred because protecting a child remaining in that environment, even if abusive parents are excluded, is difficult.

Equal rights

This particularly applies where only one parent is excluded. However, even if both parents were sent to prison for a lengthy time, had disappeared or had deceased, the authorities would still remove the children.

The decision is budget driven, but a short-term financial saving results in much greater long-term costs, as Michael and John's cases clearly show.

Is it beyond the whit of the law to allow children the right to stay in their homes? A young person should have an equal right to adults to the tenancy or property. But the reality is that children have very few rights, whatever the UN might declare. The UN may say that children have the

right to grow up 'in conditions of freedom' but children are not free in law.

In Britain, prejudice exists against housing disadvantaged people in residential 'institutions' such as care homes. The word 'institution' seems to carry negative connotations and horror (boarding schools and hospitals are also institutions – as is the family – but they do not suffer from the same prejudice).

Many associate residential institutions with regimentation and a restriction in personal freedoms. However, while adults may feel the loss of rights involved in these restrictions, this is hardly the reality for most children.

Indeed it may be the other way round as, liberated from the arbitrary leash of parents and proto-parents, the young people may find themselves experiencing a freedom of expression and association far greater than beneath the stifling family yoke.

Young people in our society have less freedom than adult prisoners. Children can be thrown out of their home without any right of appeal. They can be moved hundreds of miles by their family. Unlike prisoners, they can be legally beaten – if reasonably. Prisoners can vote and decide

the fate of the nation. Children have no vote but can be imprisoned.

The family offers no more freedom to the child than John Lennon's Strawberry Fields children's home. Indeed, many young people in care prefer to be in an 'institutional' setting associating with their peers rather than in foster care.

In 2002, a Save the Children survey of teenagers in care revealed that the majority preferred residential care to being fostered. The researchers expressed puzzlement at these findings. With no personal experience of care, they were unable to draw worthwhile conclusions.

Similar research in 2003 for the Children's Rights Director at the Commission for Social Care Inspection (CSCI) revealed that the large majority of young people in boarding schools felt well looked after, and many welcomed the opportunity to be with friends and find a degree of independence from their family.

Too young to choose

In Spain, the age of criminal responsibility is 16 and in Luxembourg it is 18. Yet, in England, Wales and Northern Ireland, while young people are not considered responsible enough to make decisions over their homes and their future, they are

considered to be sufficiently responsible to have knowingly committed a crime when they reach 10 years of age, and only eight in Scotland.

The eight-year-old gains the right to be a prisoner at Her Majesty's pleasure but must wait a further 10 years before being allowed the right to buy a cigarette, have a say about where to live or vote. So children are legally permitted to exist in a state of benevolent slavery and at the whim of adults, forced to go to school, forced to reside wherever adults may decide, forced to live as adults determine.

Our acceptance that children have no legal rights to their home reflects a deep distrust of young people. This outlook is accentuated by media sensationalism and a government that while denouncing bullying by other children, adopts a browbeating approach to youngsters and consents to adult intimidation and threats addressed at the young.

If the communication gap between the young and old is widening it is because young people are increasingly well educated yet denied the social and legal respect they deserve.

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