



Black, Asian and other racially minoritised women's experiences of the family justice system: Engagement undertaken for the Nuffield Family Justice Observatory

July 2022

Summary report

This report provides an overview of the insights gathered through discussions held with six women in July 2022. The conversations focused on developing an understanding of the ways in which Black, Asian and other racially minoritised women experienced children's social services involvement during pregnancy and the early postnatal period.

About the women

Four women took part in an online focus group and a further two were interviewed in one-to-one sessions. All six women are members of Birth Companions' Lived Experience Team. Their experiences of involvement with children's social services vary, but the majority experienced separation at or soon after birth.

Women's experiences were also linked to, or concurrent with, significant needs and trauma including:

- Substance misuse and addiction
- Domestic abuse
- Mental health issues
- Contact with the criminal justice system
- Previous child removals

We asked women a number of questions in the course of our conversations, although the sessions were informal and women-led. Questions centred on the following:

- Do you think that your ethnicity was a factor in the way you were treated during pre-birth assessments or care proceedings?
- Did you experience racial discrimination in your engagement with social care?
- How culturally competent were social services?
- What reflections or thoughts did you have when reading the Born into Care guidelines?
- Are there any obvious gaps in the guidelines in terms of ethnicity/cultural issues?
- Do you think the principles, which are founded in trauma-informed approaches, will make a difference to women?
- If you had received care that aligned with these guidelines, what difference might that have made to you?
- Are there any changes you would make, or areas you want us to highlight as being particularly important?
- How can we ensure these guidelines deliver equity to all women?

Key themes

The personal experiences and observations shared by the women can be grouped under a number of key themes:

Personal experiences

- More barriers, less support; a different journey
- It's not only white professionals, and not only race, but class too
- Language
- Emotion and aggression
- Cultural competency and respect

Reflecting on the draft guidelines

- Knowing what you can/ should expect from your social worker
- Improving cultural competency
- Driving real change

We have shared more detail on each of these themes in the following pages.

More barriers, less support; a different journey

Women spoke of feeling that the system responded differently, and unjustly, towards them on the basis of their ethnicity, when they compared their experiences to white women in similar situations. They told us they saw other women getting more support, and having more options than them.

"I feel [women from minority ethnic communities] have a harder route. It's not just this system, it's on a scale of how we live."

"On a whole I do think the system is racist."

"We know systematically Black people, people of colour, are treated very, very differently, in every section of society; we know that's an issue and I think everyone knows... For me, I was a victim of domestic abuse and I think for me I was treated very differently, both prior to my children being removed and also while they were in the system."

"My daughter was removed at birth and there was people who I come into contact with who had a very different experience... I wasn't given the option to go to a mother and baby unit, I wasn't given the opportunity to raise my daughter, the only option was removal at birth."

"I saw other people get all the support, I never got that support, I had to represent myself in court."

"Even when I'd proven myself, just graduated from uni, working, separated from my partner, he was in prison so not a risk, I still had to fight. I passed the independent assessment, but it was still a fight. Systematically, when you're a woman of colour, the journey is very different, the biases are so prevalent and obvious, it just is an additional barrier, when we're trying to do right for ourselves and do right for our children. That should not be the case."

"The system, once they've got your children, they don't look at recovery, they don't look at support, and it's an additional barrier if you're a woman of colour."

"I feel a huge shift in the system, from the support that used to be provided, to now. They come in, don't listen to the problems, just create more problems,

trauma, distress, when they are meant to be there to rectify some of the problems. Use whatever you're going through against you, put it in their own wording to paint a badder picture of the situation, and then go out your life without solving anything."

"It's triple discrimination; for being in the [family justice] system you're already discriminated against. Being a woman, that's another point. Then being Black, that just tops it all off."

One woman who entered the prison system while pregnant described being "put off" making an application to have her baby with her on a Mother and Baby Unit by prison officers who told her she'd be unlikely to get a place. Rather than receiving support for this process she felt judged, and believed this was strongly linked to her ethnicity, describing a different approach taken in the case of white women in the prison.

It's not only white professionals, and not only race, but class too

Many of the women shared experiences of feeling judged, discriminated against and poorly treated on the basis of their ethnicity not by white professionals, but by those who are also people of colour.

"My race wasn't just in terms of how I was treated by white professionals; it's also about Black professionals embedded in this system. I don't know if it's a power thing or they're used to seeing women of colour who go into the system at a certain position, seeing them as needy, not used to women challenging them."

"One Black social worker had a serious issue with me. That's quite difficult to understand, you automatically think she would have some understanding of who I was as a woman of colour, raising Black children, but she made my life hell. She made judgments about my son, making flippant statements about my son becoming a perpetrator (of domestic abuse) if he was returned to me... Even women of colour in the system can sometimes be quite harsh and treat you unfairly as well."

"It's not just white social workers, it's the complete system. It's not really a colour thing, it's just the system, the way certain things are made up."

"Focusing on me being a young Black mum, and having been in prison before, ages ago. From a Black social worker. What's that got to do with things?"

"Sometimes it's also a class thing – it isn't just race, it's class. Because we don't have respectable jobs, it's like our word can't be trusted. It's your race, your job, what your family structure looks like. Your childhood. Not everyone is a self-fulfilling prophecy, but it's interesting how they note it... how they look at things."

Despite this, one of the women felt that it was important that women should be given social workers who have the same cultural backgrounds as them.

Language

All the women who chose to engage in this project speak English fluently. However, one woman described how her social services case was finally closed after she had a conversation with a professional who she was able to communicate with in her first language. Although she is fluent in English, she told us she finds it easier to express herself in her first language and she thinks this made a difference to the outcome of her case.

It will be important to explore language issues further in future research in this area.

Emotion and aggression

Several women felt that racial prejudices played a part in the way their behaviour was seen, understood and documented by professionals.

"I was deemed as being aggressive when I was crying. Me being sad and upset was seen as me being out of control. I watched plenty of parents being out of control at family court, but they weren't treated like I was. They wrote down [in the reports] I was being aggressive and threatening. You haven't noted that I was crying and upset, you've noted it as aggressive."

"I had to think like a professional when I sat with them, so I could sit through these meetings without getting emotional. I had to pretend to be a social worker, put all my feelings to one side."

Cultural competency and respect

There was a strong sense that women's culture – their backgrounds, beliefs, and ways of doing things linked to their ethnicity – was not respected by professionals in social services.

"When they wrote notes about culture, they would write it in inverted commas – 'culture' – like it's something they don't respect."

"The social worker who was removing, a white middle class social worker, never asked any questions, didn't take into account my thoughts and wishes about my daughter's culture."

One woman felt that her ethnic and religious background led to baseless assumptions about links to terrorism, and cited references made in her reports to risks that she would use a hijab or burka to 'conceal her identity' when she went into labour.

Another described how the placements for her daughter were not culturally appropriate. One foster carer was white and had to ask how to look after her daughter's hair. Another foster carer did not give the girl the food her community ate, and when the mother regained custody of her daughter she wouldn't eat the Caribbean foods, which created significant difficulties with the wider family.

"Yes we're in England, but Black Caribbean people, we are raised as if we're in the Caribbean. Cultural understanding, like how important our foods are to us, hair, the importance of what family means... As a Black woman coming into a white system, it's hard to acknowledge how they will want things done."

"Mental health is a big thing in people of colour, but they won't speak about it, because it's taboo. Then ultimately when they are speaking about it, being met with somebody that doesn't understand it, or doesn't understand the cultural differences of how mental health looks like... mental health is very stigmatised in the Black community."

"Professionals need to remember that even though I'm second generation, my mum raised me as if we were living in the Caribbean. Because of my involvement with social services, I've had to raise my children to a English standard, to be deemed 'good enough' to pass assessments, because that's how it is. If I didn't want to eat something as a child, I wasn't offered anything else. You eat what you're given. If I did that, with social services around, they'd say I'm starving my children."

In one woman's culture, all female 'elders' are called Aunty – it was the way she had been brought up and was used as a way of being respectful. Social services told her she was not safeguarding her daughter because she thought everyone was family and she was not allowed to call people Aunty if they weren't related.

The draft Born into Care guidelines

Women were very positive about the draft Born into Care guidelines. They told us they felt the guidelines cover a lot of key issues, particularly through the focus on support during pregnancy, early intervention, robust legal help, and clear and honest communication to support planning and preparation.

"This will be so helpful, the things they're trying to implement create a lot more clarity, less unanswered questions."

"It definitely would have helped me. In my experiences you only find out the next part when you're about to go into that next step. No real planning or preparation... It's the fear of the unknown."

"I think this will make a huge difference to parents."

"Better to have this [the guidelines] than not. I was relieved to read it, it's nice to know that people are listening. Knowing that people who will come into contact with these agencies after us will have a better experience than we did."

"It's a catch-22 because I know these new guidelines will help so many, but I still feel like there's so many that will fall through the loop. Until there is some real open talks about culture and colour, you're going to have women of colour who fall through the net... It's going to take a lot to shift it... and they're still only guidelines. Ideologies need to be shifted in order to incorporate the unspoken racism that is ultimately in the care system."

Knowing what you can and should expect from your social worker

Communicating these guidelines to women, and making sure they can be used to improve women's understanding at the outset of their contact with children's social services, to ensure they know what they should expect, was felt to be paramount. Women spoke of feeling very unclear about the remit of their children's social worker – what they should be doing, where the boundaries of their role lay, and what standard of practice they should be adhering to. Women felt the guidelines could help to drive improvements in this area.

"I recognise everyone's needs are different, but where is the protocol that they [social workers] are all working to?"

Improving cultural competency

The women shared ideas for ways to build on the guidelines to improve cultural competency. Suggestions included:

- Regular, mandatory unconscious bias training:
This was felt to be needed on an annual basis, as one off sessions couldn't undo beliefs embedded over decades.
- Explicit cultural competency roles for advocates:
The advocacy role in the guidelines was strongly supported, and was seen to offer an opportunity in terms of addressing bias and racism. However, women also felt the advocacy role needed to be strengthened to ensure advocates have power and influence in the system.

"I feel like people need to get comfortable in the uncomfortable, about having conversations about colour, and be honest. Until people are honest, until these conversations are ready to be had, the guidelines will be a plaster... trying to hold a very big scab."

Driving real change

All six women told us they feel it is vital that there are more robust, accessible routes for expressing concern about social worker practice and making formal complaints. This was seen as crucial to supporting more scrutiny in the system, and to ensuring that efforts to drive change, like the Born into Care guidelines, make a real difference.

"I'd love all social workers to give their manager's contact details at the start, and share the process for women if they have any issues with the way they are being treated, in order to build trust. That could feature more in the guidelines. No one knows what should happen if you're unhappy or you think something is wrong."

"The complaints service is hidden – the service is not built to deal with concerns, it's built to protect the social worker. Could a section be added to the guidelines on what happens if I think something is wrong?"

Despite their enthusiasm for the guidelines, several women spoke of how hard it is to deliver real change in this system, and in society as a whole.

"We do this work, and this research, but history repeats. Certain things don't really change, no matter what people are trying to do to make the change. The differences in race and class and the way media portrays stories, those are the things..."

Women felt strongly that the guidelines should be compulsory for all, to ensure consistent delivery, and that there must be regular independent review with true accountability.

"[If the guidelines aren't compulsory] it will vary depending on the local authority and what they see as a value. I just don't have a lot of confidence... Again it's putting the pressure on the woman, where she has to be challenging the local authority. These are basic human rights. It's what they should be entitled to. If they aren't following the guidelines, it falls to the woman to say it's not happening. A lot of professionals don't listen to women. Where do they go with that information? It [the guidelines] needs legal backing."

Next steps

Thank you for inviting us to be involved in this project. Many of the women have expressed interest in being involved in future work to help Nuffield FJO explore the issues relating to ethnicity in the family justice system, and the Birth Companions team is keen to support further research in this space. Language and interpretation are clearly points for further investigation, but we would suggest that all of the issues raised in this series of engagements warrant more investigation, ideally with peer-led research.

"The research we need to do is about cultural differences. We need women of colour speaking to women of colour... women of colour who have had lived experience of the things we're talking about. That and generational stuff, generational trauma, that's being passed down consciously and subconsciously, that's the research that needs to be done."