

Siblings in care: law and practice

An NSPCC factsheet

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This factsheet is about the placement of siblings who are the subject of care proceedings. It outlines the legal requirements in England, Wales, Northern Ireland and Scotland, the factors that must be considered as part of the placement process, and current practice across the United Kingdom.

What are the legal requirements of placing siblings into care?

When more than one child from a family is made the subject of care proceedings, legal requirements exist with regard to their welfare and placement.

The relevant law in **England and Wales** is the Children Act (1989),¹ which states:

“Where a local authority provides accommodation for a child whom they are looking after, they shall, subject to the provisions of this Part and so far as is reasonably practicable and consistent with his welfare, secure that—
(b) where the authority are also providing accommodation for a sibling of his, they are accommodated together” (section 23, part 7).

In **Scotland** the law is defined in the Children (Scotland) Act 1995 and the supporting regulations.² This guidance states that siblings in care should be placed together:

“except where this would not be in one or more of the children’s best interests” (p. 5, para 19).

In **Northern Ireland** the legislation in respect of siblings is contained in the Children (Northern Ireland) Order 1995.³

“Where a Trust provides accommodation for a child they are looking after, they shall, so far as is reasonably practical and consistent with his welfare, secure that –
(a) the accommodation is near his home; and
(b) where the authority is also providing accommodation for a sibling of his, they are accommodated together” (Article 27[8]).

It should be noted that the term ‘sibling’ is not legally defined. It can include step-siblings, half-siblings, or unrelated children who have been brought up together.

References

1. HM Government (1989) **Children Act 1989 (chapter 41)**.
 2. The Scottish Office (1997) **Scotland's children: The Children (Scotland) Act 1995 regulations and guidance. Volume 2: children looked after by local authorities**. Edinburgh: The Stationery Office.
 3. HM Government (1995) **Children (Northern Ireland) Order, Part 4**.
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Is it better to keep siblings together or in contact when placed into care?

Legislation across the United Kingdom, as outlined in the previous section, requires siblings in care to be placed together, when in the interest of the children.^{4,5,6} The collective placement of siblings has been identified as a protective factor against placement breakdown.⁷

Sustained contact with siblings can promote emotional stability and wellbeing for children in care. Siblings share an identity, which can promote their self-esteem and provide emotional support while going through care proceedings.⁷

References

4. HM Government (1989) **Children Act 1989 (chapter 41)** .
 5. The Scottish Office (1997)**Scotland's children: The Children (Scotland) Act 1995 regulations and guidance. Volume 2: children looked after by local authorities**. Edinburgh: The Stationery Office.
 6. HM Government (1995) **Children (Northern Ireland) Order, Part 4** .
 7. Schwenke, H., Hudd, S. and Vicary, D. (2006) **Sibling relationships in the care system: attachment, separation and contact issues**. Children Australia, 31(1): 5-11.
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Following a care order, under what circumstances should siblings be placed separately?

Statutory services in England, Wales, Northern Ireland and Scotland are legally required to place siblings together where it is in their best interests.^{8,9,10}

However, under certain circumstances, children may be permanently placed separately from their brothers or sisters.

The decision to place children separately can apply in circumstances where one sibling has been targeted for abuse from the previous carers, or continues to be targeted as a scapegoat by their siblings. Siblings are also placed separately if the children display sexually harmful behaviour towards each other.¹¹

References

8. HM Government (1989) **Children Act 1989 (chapter 41)**.
 9. The Scottish Office (1997) **Scotland's children: The Children (Scotland) Act 1995 regulations and guidance. Volume 2: children looked after by local authorities**. Edinburgh: The Stationery Office.
 10. HM Government (1995) **Children (Northern Ireland) Order, Part 4** .
 11. Lord, J. (2001) **Together or apart? Assessing brothers and sisters for permanent placement**. Childright, 177 (June): 6-8.
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What is the current practice in the United Kingdom?

The 1989 Children Act (England and Wales)¹², the Children (Scotland) Act 1995 guidance¹³ and The Children (Northern Ireland) Order 1995¹⁴ require that siblings in care are placed together.

However, siblings are often placed separately for logistical reasons: many children enter the care system at different times to their brothers and sisters, and are placed individually once their care proceedings begin.¹⁵ Older children can be resistant to permanent placements or adoption, whereas younger children are more likely to find, and want, a long term placement.¹⁵

References

12. HM Government (1989) **Children Act 1989 (chapter 41)**.
13. The Scottish Office (1997) **Scotland's children: The Children (Scotland) Act 1995 regulations and guidance. Volume 2: children looked after by local authorities**. Edinburgh: The Stationery Office.
14. HM Government (1995) **Children (Northern Ireland) Order, Part 4**.

15. Lord, J. (2001) **Together or apart? Assessing brothers and sisters for permanent placement.** *Childright*, 177 (June): 6-8.

Further reading

Lord, J. and Borthwick, S. (2001) **Together or apart? Assessing brothers and sisters for permanent placement.** London: British Association for Adoption and Fostering (BAAF).

Contact the NSPCC Information Service with any questions about child protection or related topics:

Tel: 0808 800 5000 | Email: help@nspcc.org.uk | Twitter: [@NSPCCpro](https://twitter.com/NSPCCpro)