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A Psychodynamic Perspective on Sibling
Relationships – Assessment, Care Planning and
Contact
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Siblings – is the law fit for purpose?

- “Sibling relationships as being some of the most enduring relationships or longest lasting in our lives” - *Siblings, contact and the law: an overlooked relationship? It was the first in England and Wales to offer insights into current thinking about siblings* - Professor Daniel Monk and Dr Jan Macvarish – **Nuffield 2018**

- **United Nations General Assembly, Resolution: *Guidelines for the Alternative Care of Children*, 2010, para 17**

‘Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes and feelings’

- The research looked at a number of questions including:
 - Are the definitions of siblings in law adequate?
 - Is sufficient weight is attributed to siblings Art 8 rights?
 - Whether siblings voices and their wishes and feelings about contact really heard and whether the purpose and form of sibling assessments was sufficient to provide a universal standard?
 - Whether contact Orders are used widely enough?
- The research in 2018 concluded that importance of the sibling relationship is not properly understood and is not given enough weight in the welfare analysis of professionals or indeed by the courts. Sadly little has changed.

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Sticking with the definition of biological siblings – why?

- It is accepted that this is extremely narrow. Extended families and the relationships within those spheres can provide similar experiences. As relationships between adults and household arrangements have become more fluid, sociological and political focus has turned from questions of family structure to questions of relationship qualities so really one could argue from a socio-psychological perspective that those we share an intimacy with by virtue of the quality of our relationships with that person could properly earn them the definition as a sibling. But the law can define a ‘sibling’ effectively so let’s not bring socio-psychology into it!
- The Children Act 1989 does not define ‘siblings’.
- The Adoption and Children Act 2002 makes no reference to the word ‘siblings’.
- Step-siblings’ are referred to explicitly in s 86(5) Equality Act 2010 and Sch A1 Part 13, para 185(f) Mental Capacity Act 2005.
- Lord and Borthwick’s good practice guide, *Together or Apart? Assessing Siblings for Permanent Placement*, offers the following definitions of siblings: ‘children who share at least one birth parent’ and/or ‘children who live or have lived for a significant period with other children in a family group’. But we’re getting to broad again, the judges won’t like it!

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Psychodynamic perspectives

The relational baby

- Daniel Stern and Esther Beck's research has shown that babies are born innately social they have even from their very earliest days have an acute awareness and curiosity about the world around them and the people who inhabit that world and is constantly seeking a connection with them.
- "The infant's life is so thoroughly social that most of the things the infant does, feels and perceives occur in different relationships" (Stern, 1998a p118).
- Crucially Stern considers an infant's development occurs in line with new preoccupations which occur as their sense of self emerges rather than identifying developmental stages or phases. A babies attunement is therefore intrinsically linked to its environment and it is this which informs its inner world. In other words a baby is far more social than we give them credit for, their world, even from the youngest of ages extends well beyond mum or even mum and dad.

Internalisation

- Jacoby 1996 p38 describes internalisation as a sense of knowing "I am loved, cared for, valued by others for the way I am".
- Stern says "seen in this way the experiences of being with are permanent, healthy parts of the mental landscapes that undergo continual growth and elaboration. They are the active constitutions of a memory that encodes, integrates and recalls experience and thereby guides behaviour." (Stern 1998a p119)
- The sibling relationship is a key part of these internalisations.

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Dysfunctional/unhealthy sibling relationships is separation the right option?

- Look beyond the behaviour to internalisations.
- what internalisations do these siblings have of consistency, have they really be afforded the opportunity to know that they are loved care for and valued for who they are?
- a dysfunctional sibling relationship is actually the siblings trying to communicate and internalise the other but with very limited emotional capacity to do either by virtue of age of lived experience thus far.
- Offer intervention to the sibling group to repair relationships don't leap to separation. A child has a lifelong timescale not just 26 weeks.

Sibling assessments

- We need a universal tool. Maybe you feel we have one?
- My personal experience suggests that a sibling assessment's purpose and form varies greatly leading to a general lack of certainty about their true purpose. Some assessments appear to be driven by a need to evidence or support a finding of 'significant harm' others exist to inform care planning and make recommendations for contact between siblings post final orders, or they can be treated as part of the evidence necessary to override the general principle that siblings should, ideally, be kept together with clearly defined parameters based on a therapeutic understanding of the importance of this relationship?
- I feel we need a universal tool with clearly defined parameters based on a therapeutic understanding of the importance of this relationship

Where siblings are separated how should the importance of the sibling matrix impact on contact post final Orders?

- Don't underestimate loss and how complex this loss is - loss of the birth family and identity, rejection, guilt.
- The children that might have been. The severance of the sibling relationship can be experienced with similar force as the death of the sibling giving rise not just to a sense of loss but also grief.

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- Loss remains a theme even in the placement itself The adopted child may be a replacement for the child the parents couldn't have or didn't have. Are *they* really wanted by these new parents. Did they fall short of their biological parents expectations and were no longer wanted by them. The ghosts of the children that could have been will bear heavily on the adopted or fostered child's subconscious.
- Do not hide behind your shield of permanence and stability tackle the loss head on and promote the one link your subject children have left with their biological sense of self.

New caselaw

Sibling's right to be involved in the decision making in relation to their sibling

- In *ABC v Principal Reporter and another; Re XY [2020] UKSC 26* the Supreme Court confirmed that where a child was being cared for away from the family, what mattered was the maintenance and development of the relationship between siblings, including enabling a sibling to have an involvement in the decision-making process about his or her siblings.

An enduring relationship at the heart of a child's welfare throughout their lifetime

- In *A and another v X and others [2021] EWFC 93* Theis J confirmed that it was correct to take a unified approach to previously separate proceedings where post-adoption sibling contact was being considered for two sisters (where one sister was to be adopted, but the placement order in respect of the other sister was to be revoked).

References

Web resources

- <https://www.nuffieldfoundation.org/project/siblings-contact-and-the-law-an-overlooked-relationship>
- https://www.familylaw.co.uk/news_and_comment/sibling-contact-messages-from-research-re-mutuality-of-parentage

Statute

- Children Act 1989
- The Adoption and Children Act 2002
- Equality Act 2010 and Sch A1 Part 13, para 185(f) Mental Capacity Act 2005

Case Law

- MF v London Borough of Brent and Others [2013] EWHC 1838, [2014] 1 FLR 195
- London Borough of Haringey v Musa [2014] EWHC 1341 (Fam)
- ABC v Principal Reporter and another; Re XY [2020] UKSC 26
- A and another v X and others [2021] EWFC 93

Texts

- Lord, J. and Borthwick, S., 2001. *Together or Apart? Assessing brothers and sisters for permanent placement*. London: British Association for Adoption and Fostering (BAAF).
- Parker, V., 2020. *A Group-Analytic Exploration of the Sibling Matrix: How Siblings Shape our Lives*. Routledge
- Stern, D., 1998a. *The Interpersonal World of the Infant: A view from Psychoanalysis and Developmental Psychology*. New York: Basic Books