

Child Protection Procedures

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1. About this advice sheet

1.1 What information will I find in this advice sheet?

When children's services receive information that makes them suspect a child may be at risk of harm, they must look into the situation and take any action necessary to make sure the child is safe and well looked after.

This advice sheet outlines the likely steps that children's services will take in these circumstances and the legal position of parents and other family members. This advice sheet is written mainly to answer the questions that parents or others caring for the child might have.

1.2 Using this advice sheet

This advice sheet is divided up into sections to make it easier to understand. The references for the different legal and practice requirements mentioned throughout this advice sheet can be found in section 13 below. You may also want to ask a friend, your social worker, or your solicitor to explain anything in the advice sheet that you don't understand.

Note: "Social Services" are now known as "children's services". This is how they are referred to throughout this advice sheet.

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1.3 Important terms used in this advice sheet

The important terms used in this advice sheet include:

- **Child in need:** is a child in **England** child who is disabled, or who is assessed by children's services to be in need of extra support for their safety, health and/or development. If your child is assessed as a child in need, they may provide your family, or child, with extra help if their needs have a high enough priority according to local eligibility criteria. see FRG advice sheet on Family Support <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>. Note that in Wales, the 'child in need' framework does not apply and there is a different legal framework for assessing, and taking steps to meet, the needs of children.
- **Foster for adoption** means that your child is placed with foster carers who are also approved as prospective adopters and may apply to adopt your child if s/he cannot return home and the court approves adoption as the plan for your child
- **In care** means that the child is under an interim or full care order or an emergency protection order and is looked after by children's services
- **Looked after child** means that the child is in care under a court order or is provided with accommodation under a voluntary arrangement, by children's services with the agreement of the parents/someone with parental responsibility
- **Parental responsibility** means the legal right to make decisions about a child's care. Parental responsibility is sometimes referred to as PR. (For more information on who has parental responsibility see FRG advice sheet on Parental Responsibility: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>)

2. Information about child protection procedures

2.1 When will children's services make enquiries about my child's safety and wellbeing?

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If children's services receive information, also called 'a referral', from a member of the public or another professional (such as a teacher or doctor)¹ which makes them suspect that your child may not be safe and well cared for, they **must** make enquiries to find out if this is true.

These enquiries are called 'child protection enquiries' or 'a child protection investigation', or occasionally you may hear them referred to as a 'section 47 enquiries'. The aim is for children's services to gather information about your child's circumstances and to decide whether they should take any action to keep your child safe and promote his/her welfare.

2.2 How will I be involved in any child protection enquiries?

If children's services hear that your child may be at risk of harm, they must decide within one working day of receiving the referral:

- What kind of assessment (if any) they should do
- Whether they need to start making child protection enquiries

You and your child should be informed about what they plan to do.²

If they decide to start child protection enquiries, a social worker will assess your family's situation and decide whether they think your child is suffering or is likely to suffer 'significant harm'. The Children Act 1989 introduced the phrase "significant harm". This describes the level of harm that a child must be suffering (or be likely thought to suffer) before children's services becomes involved in family life against the family's wishes.

There is no specific legal definition of "significant". The law requires local authorities and the courts to compare your child's health and development with a similar child to work out whether the harm is significant.

The social worker should carry out any child protection enquiry in such a way as to limit the distress for you and your child.³

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2.3 What if they don't understand my culture?

Children's services should consider all children and their parents as individuals. Family structures, culture, religion, ethnic origins and other characteristics should be respected⁴. This means that the social worker should try to understand how your family operates and work with your whole family and any other sources of support you may have in your community.

They should also respect any religious beliefs and cultural traditions you have that may influence how your family operates. They should be aware of the effects of racial harassment and racial discrimination and be careful not to stereotype when doing their assessment.

If your child has links to a foreign country, social workers should discuss with you as early as possible what help the foreign embassy might be able to provide. Government guidance points out that the embassy may be able to help the social worker to work more positively with you and explain any differences in approach to child protection matters⁵.

2.4 Will children's services want to see my child?

Yes. Children's services will want to see your child and they will generally ask for your agreement before speaking to him or her. Government guidance says that wherever possible the social worker should see your child alone and it is the social worker's job to find out what your child thinks about their situation and any help your family needs.⁶

2.5 Can children's services speak to my child without my permission?

They can do, if they think that asking your permission would put your child at further risk.⁷ This might arise in joint police and children's services' enquiries or in investigations where there is:

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- A concern that a possible victim (for example your child) may be threatened into silence;
- A strong likelihood that important evidence may be destroyed; or
- Your child does not want you involved and is able to make that decision.

But government guidance is clear that the police and children's services need your agreement to interview your child on video.⁸

2.6 What if I don't want children's services to see my child?

If you refuse to allow children's services to see or speak to your child, they may apply to the court for a child assessment order⁹ or even an emergency protection order (EPO) or interim care order. With any of these orders they could remove your child from your care against your wishes. It is therefore very important that you allow children's services to see your child to avoid this happening. If you want to discuss this with someone, you can get in touch with Family Rights Group advice line – contact details in section 12 of this advice sheet.

2.7 Can children's services remove my child?

Your child cannot be removed from your care by the child protection process itself. But they can be removed from your care if:

- You, or another person with parental responsibility for your child, agree to their removal
- The family court makes a care order or emergency protection order giving children's services the right to remove your child
- The situation is so serious that children's services ask the police to remove your child without a court order - they can do this for up to 72 hours (known as police protection). For further information about the steps children's services could take to remove your child from your care see FRG advice sheet [Care \(and related\) proceedings:http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets](http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets)

Important note: The vast majority of children remain with their families throughout the child protection process and afterwards. However, the fact that there are child protection enquiries does mean that children's services are concerned about your child's welfare and/or safety. If they continue to be concerned, they can apply to court for an order saying that they can remove your child from your care. However, if they plan to do this, they should normally tell you this by letter and give you a final chance to make sure your child is safe before they apply to court. If there is an emergency, these steps may not apply. For more information on this section 10

2.8 How can I help my child and my family?

You may well need independent specialist legal advice about your situation, and/or to have some support in meetings. You should contact Family Rights Group or a children's law solicitor as soon as child protection enquiries start - contact details in section 12 of this advice sheet.

- Whether you have a solicitor or not, it is worth arranging for an advocate or supporter to come with you to any meetings for moral support, to help you put your points across and to make notes for you. Family Rights Group advice service may be able to help you find a local advocacy service although such services are now rare.
- If you are in touch with community or religious leaders, it may also be helpful to involve them in your case as they may be able to help you explain to practitioners about your family's way of life. You may feel ashamed about what has happened to your family and you may not wish to share this with anyone in your community, but it may be useful to have this support as these people know you and can give more information to children's services about your family and the way you do things.
- If you do not understand the things that are happening to you, ask for an explanation to be put in writing in your preferred language. It will then be easier for an adviser to help you.

2.9 Does my child have to be at risk of harm for me to get help to look after them?

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No. Your child should not have to be the subject of child protection enquiries for you or your family to get help to look after them. Whether your child is at risk of harm or not, children's services should provide support to help you as parents/carers if your child has been assessed as being **in need** of support. The circumstances in which a child is considered to be in need of help is set out in the Children Act 1989.¹⁰

Government guidance also says that 'providing early help is more effective in promoting the welfare of children than reacting later'¹¹ and that local areas should have a range of effective 'evidence-based services in place to meet a child's assessed needs early'.¹² It is therefore worth checking with your local Family/Children's Information Service about what help is available in your area.

For further information about getting support see FRG advice sheet on [Family Support Services](http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

3. What happens during the Child protection process?

3.1 When must children's services make enquiries about my child's safety and wellbeing?

Children's services must make child protection enquiries about whether your child is safe and well cared for if:

- They suspect that your child is suffering or is likely to suffer significant harm – see section 2.2 above. It usually arises when a professional who knows your child or a member of the public tells children's services they are worried about your child
- Your child is in police protection
- Your child is under an emergency protection order
- Your child is under a curfew imposed under the Crime and Disorder Act 1998.

Government guidance says that there are four possible types of harm:

- Physical abuse,
- Emotional abuse,
- Sexual abuse and

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- Neglect¹³

Harm can also include witnessing violence and/or conflict at home.¹⁴

Harm can be caused by:

- A parent/carer's actions, and/or
- A parent/carer's failure to take action to stop a child from being harmed.

The aim of the child protection enquiries is to gather information about your child's circumstances and decide whether any action is needed to keep them safe and well cared for.

3.2 How will children's services go about making child protection enquiries?

Each children's services department has their own local child protection procedures which are drawn up and monitored by the safeguarding partners in your area. They are also known as 'safeguarding procedures'.

These procedures spell out exactly how child protection enquiries are carried out in your area. They must also follow the government guidance which is set out in a publication called Working Together 2018. This says that:

- Local procedures must include threshold documents published by the safeguarding partners. These set out the guidelines that the social worker will follow when deciding whether your child's needs should be assessed to see if they can receive help from children's services and procedures and processes for cases relating to the sexual exploitation of children and young people.¹⁵
- Local authorities with other agencies like health and education must also have local protocols (or guidelines) for assessment which will say how cases will be managed once a child is referred to children's services for help or protection.¹⁶

Sometimes children's services departments in the same area publish joint child protection procedures which are followed in a particular region (for example, London).

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Wherever you live, it is a good idea to ask your social worker for a copy of your local child protection and assessment procedures so you can see exactly how things work in your area.

3.3 What happens when children's services receive information that my child may be at risk of harm?

Children's services will start by gathering information about your child and your family so they can decide what action, they need to take to keep your child safe. They must:

- Do this within one working day of receiving the information (the referral) about your child
- Tell the person who referred your child what action (if any) they plan to take
- Tell you and your child what action (if any) they plan to take. ¹⁷

This may be followed by any of the following stages of the child protection process:

- Assessment of your child's needs and circumstances (section 4)
- Strategy discussion (section 5)
- Child protection conference (section 6)
- Child protection plan and lead social worker (section 7)
- Core groups (section 8)
- Child protection review conference (section 9)
- Legal planning meeting and letter/meeting before proceedings (section 10)

These events may or may not happen in this order, depending on the circumstances.

3.4 Will I be involved in the child protection enquiries?

Yes. Government guidance says that when making child protection enquiries, children's services should ensure that:

- Relevant information is gathered from you, your child and your family
- The social worker's assessment:
 - is child-centred
 - involves children and families

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- builds on the family's strengths as well as identifying difficulties
- is transparent and open to challenge¹⁸
- You are involved in any 'decision/review points' during the assessment process, so that you and your child get the help you need without delay.¹⁹ These decision and review points should be used to keep the assessment on track
- Professionals are clear with you and your child about their responsibilities, powers and expectations and what is and what is not negotiable. They should also share all relevant information with you unless this will place your child at risk. If they decide not to share information with you, this must first be agreed at the strategy meeting
- You are supported to participate in the decision-making process by being given information about:
 - advocacy agencies
 - the child protection process and concerns

THE CHILD PROTECTION PROCESS

4. Assessment of your child's needs and circumstances

4.1 What is an assessment?

The purpose of an assessment is to:

- Identify if your child is 'in need'
- Assess whether any specialist assessments are needed to help the social worker make a decision about how your child's needs should be met
- Decide what extra support should be given to help you meet your child's needs²⁰

Government guidance clearly states that the social worker who assesses you and your child should look at any positive aspects of your parenting and protective factors as well as looking at any difficulties and risk factors. It also says that the assessment should look at three key areas:

- Your child's developmental needs, including any harm they are suffering or are likely to suffer

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- Your capacity to meet your child's needs
- The impact of your wider family, community or other environmental factors eg housing²¹

Every assessment should be focused on outcomes for the child.

4.2 Can professionals share information about my child and my family between themselves without my permission?

Yes, in some circumstances. When an assessment is carried out, professionals will want to share information about your child and your family between themselves to really understand your child's needs. The Government has issued guidance on this called Information Sharing Guidance.²² It applies to people such as social workers, health professionals and teachers and says how and when confidential information can be shared by professionals to protect children at risk of harm.

The general rule is that professionals should not share information about you (or your child) with anyone else without your agreement (or your child's agreement where they are mature enough to understand). However professionals' fears about sharing information should not be allowed to stand in the way of the need to protect the safety and ensure the wellbeing of children.²³

If you don't want your child and family to be assessed you should tell the social worker. But the social worker may then ask for a meeting with their legal department to help them decide whether or not they should apply to court for an order which would enable them to assess your child without your consent. For more information see FRG advice sheet Care (and related) proceedings <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

4.3 Can my child's social worker look at my Facebook account when assessing my child?

If your child's social worker is worried about your child, they may look at any open social media accounts you have. This is because they have a duty to find out as much information as they can that is relevant to your child's situation to help them make a decision about any risk to your child. However, they should not routinely visit

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your social media accounts as a way of monitoring your behaviour²⁴. Social workers also have a duty to consider people's right to respect, privacy and confidentiality, so they should normally only access a social media account with your permission.

4.4 How long will the assessment take?

The assessment should be completed within a maximum of 45 working days of being started – the start date is the day when the referral was made.²⁵

4.5 What happens once the assessment is completed?

Once it is completed, you should be involved in drawing up a plan of action about:

- What support is needed to make sure your child is well-cared for
- Who has responsibility for providing these services and when
- A process for review of the plan

The social worker should tell all relevant agencies, you and your family *in writing* of their decisions and if your child is in need of the plan for providing support. For further information on how assessments are conducted see FRG advice sheet on Family Support Services available online at:

<http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

If at any time concerns emerge that your child may be at risk of harm, the social worker should organise a strategy discussion.

5 Strategy discussion

5.1 What is a strategy discussion?

A strategy discussion is arranged by children's services when they believe there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'.²⁶

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A strategy discussion may be a face-to-face meeting or a phone call. It is led by children's services but it also involves the police and other agencies such as health or education during which agencies will

- Share information
- Decide if child protection enquiries should be started
- Agree the timing of any criminal investigation and how it will be carried out
- Plan how these enquiries will be made
- Decide what information about the strategy discussion will be shared with the family (unless the sharing of information will place the child at further risk of harm)
- Agree when your child will be seen alone (unless that is inappropriate) by the lead social worker and how your child's wishes and feelings will be identified
- Agree the format and timing of enquiries
- Agree if any immediate action is necessary to keep your child safe e.g. giving you extra support, or asking the person who is thought to be a risk to your child to leave your home (if you agree)

Note: You and your family will not be invited to participate in the strategy discussion.

There are some circumstances that will always lead to child protection enquiries and a strategy discussion being held, for example:

- When a child has been taken into police protection
- Serious physical injuries sustained by a non-mobile baby
- Direct allegations by a child of physical or sexual abuse
- The presence in the household of a person who poses a risk to a child (for example, someone who has previous convictions for harming a child)

These circumstances should normally be set out in your local child protection procedures. You can ask the social worker for a copy of these procedures.

5.2 Why and how might the police be involved?

Children's services have a duty to work closely with the police wherever there are concerns that a child may be suffering significant harm. If children's services find out

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information that suggests that a crime may have been committed against a child, they will almost certainly refer the case to the local police child abuse investigation team, so that the police can decide what criminal action to take. This is a team of specially trained police officers who deal with cases of child abuse. This team will be responsible for a joint investigation with children's services, including investigating any allegations that might lead to a criminal prosecution.

In these circumstances, the police may want to interview your child if they are gathering evidence for criminal proceedings. There will normally be a police officer and a social worker present and the interview will be recorded on video tape at a specialist venue. These interviews should follow guidance produced by the Home Office – Achieving Best Evidence In Criminal Proceedings: Guidance on Interviewing Victims and Witnesses and guidance on using special measures: Ministry of Justice March 2011²⁷.

You may not be able to be present at the interview with your child, but the police will normally ask you to agree to the interview taking place and explain the process to you. If the police investigations result in criminal proceedings and your child is a witness, children's services should support you and your child and help you get advice and information about this process.

Even if the police do not pursue a criminal investigation (for example, because of lack of evidence) children's services may remain concerned about your child so the child protection process may continue.

5.3 What happens if, after the enquiries, there is no evidence that my child is suffering or likely to suffer significant harm?

If the child protection enquiries show that there is no risk of significant harm to your child, children's services and other relevant agencies still have to consider what support may be helpful to you and your family. They may also put monitoring arrangements in place if they still have concerns about your child's wellbeing. If they do this, they should tell you what they are concerned about and how the monitoring will happen.²⁸

5.4 What happens if the enquiries show that there is evidence that my child has suffered significant harm, but the harm is not continuing?

In this situation, children's services may plan with you how your child's safety and wellbeing can be monitored in future by agencies already in contact with your child (such as the school, nursery or health visitor). This might mean there does not have to be a child protection conference or plan (see next section). However, it may still involve a meeting of professionals and family members to agree what action will be taken, and by whom. They should also consider what support may still be helpful to you and your family. This kind of extra help may be child in need support. For further information on child in need support, see FRG advice sheet on family support services available online at: https://www.frg.org.uk/images/Advice_Sheets/4-family-support-services.pdf Family group conferences (FGCs) may also be useful in these circumstances – Please see section 10.6 for more information about FGCs.

5.5 What happens if children's services decide my child is, or is likely to be, suffering significant harm?

If child protection enquiries show that your child is, or is likely to be, suffering significant harm, children's services should arrange an initial child protection case conference straight away – see section 6.

6. Child protection conferences

6.1 What is a child protection conference?

A child protection conference is a meeting organised by children's services.. The people invited to this meeting are the parents, your child if they are old enough, and all the professionals from organisations already involved with your child, and sometimes others as well, for example, doctor, health visitor, teacher, police, paediatrician or anyone else working your family.

The aim of the conference is for everyone present to look at all the relevant information about your child's circumstances and, if they consider that your child is likely to suffer

significant harm in the future, they must come up with plans to make sure your child is safe and well cared for.

The conference must be held within 15 working days of the strategy discussion (or the strategy discussion where the need for child protection enquiries was agreed, if more than one has been held).

The person responsible for managing the child protection conference is called the Chair, and is someone who is not involved in managing the social worker that has carried out the child protection investigation.

The format of the meeting varies depending on where you live. Many councils use the 'Strengthening Families' framework for managing child protection conferences, but they will still follow the general principles set out below, which come from government guidance in Working Together 2018.

6.2 What information will the conference look at to decide what is best for my child?

Information gathered by the social worker in the assessment process should be included in a written report for the conference. This report should include children's services' analysis of your family's situation and recommendation to the conference about how to keep your child safe and well cared for in future. This information should be explained and discussed with you and your child (where appropriate), before the conference.

Any other professionals wanting to provide information to the conference should provide a written report before the conference as well. Guidance states that these professionals should talk to the police and the conference Chair to ask if and when they can share their report with you.²⁹

6.3 Will I be invited to the child protection conference?

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Normally, yes. There is a clear expectation that parents will be invited to the conference. The purpose of the meeting should be explained to parents, children and involved family members as appropriate. Also, government guidance says that³⁰:

- The social worker should help you and your child understand what will happen at the conference and explain who will be there, before the meeting takes place
- The Chair of the conference should meet with you before the conference starts to ensure that you understand the purpose of the conference and what will happen
- Children's services should give you (and other family members who are involved) information about local independent advice and advocacy agencies, and ***you should be allowed to bring a friend, advocate (who may be a solicitor) or supporter to the conference.***
- For further information about how advocacy may help you, see FRG advice sheet on **Advocacy for families in local authority decision-making** <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets> or contact the FRG advice line – contact details at the end of the advice sheet.

However, in some circumstances, such as when there is a a lot of conflict or violence between family members or parents, the Chair may decide to exclude someone from attending part, or all of the conference, to make sure that everybody is safe. If you have been excluded, the Chair of the conference should explain the reasons for this, and talk to you about how you would like your views to be presented to the conference in your absence, for example by recording or in writing.

6.4 Will my child be at the child protection conference?

Maybe. If your child is old enough (and it is considered appropriate), it is likely that your child will be invited to attend and to bring an advocate. The social worker should help prepare your child for the meeting if s/he is attending or being represented.

However, if the social worker thinks it is not appropriate for your child to be there, or your child does not wish to attend, either the social worker or an advocate should find out his/her views and report them to the conference.

6.5 Can I (or my child) have an interpreter/translator if English is not our first language?

Probably. If English is not your first language you can ask for information to be translated so you can understand it properly, or for an interpreter to help you understand what is happening.

6.6 What can a child protection conference decide?

Apart from deciding the date of any future review conference, the conference can only decide one thing: whether or not there should be a child protection plan for your child. This decision will depend on whether, having read and discussed all the relevant information, they think that your child has suffered significant harm, or is likely to suffer significant harm in the future.

NOTE: When making the decision whether to draw up a child protection plan, professionals must look at all the available evidence from existing records and pre-conference enquiries. They should take care to distinguish fact, observation, allegation and opinion.

If the conference decides that your child needs a child protection plan in order to be kept safe and well cared for, the Chair should decide what the main concern is: physical, emotional, sexual abuse or neglect. These terms are defined in Appendix A of Working Together 2018.³¹

7. Child protection plans and lead social workers

7.1 What is a child protection plan?

If the conference has decided that your child needs a child protection plan, everyone at the conference will make recommendations about what is needed for your child to be kept safe in future. This might include, for example, that your child must not come into contact with someone who is thought to have harmed him or her.

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The recommendations of the conference will be set out in as much detail as possible in an outline inter-agency child protection plan, and they will be developed into a full child protection plan after the conference by the lead social worker and their manager and at regular core group meetings³². The outline plan should:

- Identify the things that are likely to cause harm to your child and how s/he can be protected from them
- Ensure your child is kept safe, well cared for and is prevented from suffering further harm, and
- Support you and your wider family to protect your child and ensure s/he child is well cared for.

The plan should clearly state what is expected of you and what you can expect of other people. If you are confused, ask the social worker to explain it to you in writing after the conference and then get independent advice, for example from a solicitor or Family Rights Group advice service – contact details at section 12 of this advice sheet.

7.2 What does the lead social worker do?

Every child who is the subject of a child protection plan should have a lead social worker allocated to them. The lead social worker is responsible for:

- Developing the outline plan into a full child protection plan, which they must then circulate to the professionals supporting your family and to family members
- Co-ordinating the work that the different professionals involved are doing to support the family, and the contribution of family members, to make sure that what has been agreed in the plan is being carried out and implemented on time
- Explaining and agreeing the plan with your child as appropriate, and doing direct work with your child and family, while taking into account your views as long as they are consistent with your child's welfare
- Completing and co-ordinating any outstanding aspects of additional or ongoing assessments, such as a parenting assessment
- Deciding whether they need to inform the relevant embassy if your child has links to a foreign country. A child is considered to have links if they are a foreign national

child, a child with dual nationality or a British child of foreign parents/national origin³³.

- Leading core group activity, including arranging meetings

7.3 Will my wider family be involved at this stage?

If the professionals are concerned enough about your child that a child protection plan is being drawn up, it is a good idea to involve any of your relatives and friends as soon as possible. Members of your wider family or friends can help you to keep your child safe and if, for any reason, social workers think your child should not remain with you, they may be able to look after your child instead of them going into care. Government guidance says:

*'It is important that wider family are identified and involved as early as possible as they can play a key role in supporting the child and help parents address identified problems. Where problems escalate and children cannot remain safely with parents, local authorities should seek to place children with suitable wider family members where it is safe to do so.'*³⁴

It is a good idea to tell the social worker about any family or friends who can help you and to ask them to get in touch with the social worker directly. They could be invited to come to the core group (see section 8). You can also ask the social worker to arrange a family group conference to help them to get involved in supporting you to look after your child. For more information about this, see section 10.6.

7.4 How do children's services decide if further action is needed after a child protection plan has been drawn up?

Children's services must have a local protocol stating when plans should be circulated and to whom after a child protection conference. They must also consider the evidence and decide whether to hold a legal planning meeting to get legal advice about whether legal action is needed. For more information see section 10.

8. Core groups

8.1 What is a core group?

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The purpose of the core group is to bring together family members and professionals to further develop the outline plan into a full child protection plan and then make sure it is followed and regularly reviewed at every core group meeting. The first core group meeting must be held within 10 working days of the conference.³⁵ The aim of this meeting is to monitor the progress and outcomes agreed in the plan and refine the plan if needed.

The full child protection plan should include specific, achievable, child-focused objectives, and realistic strategies and specific actions to achieve those objectives. It should be clear about the expected outcomes for the child and set out:

- When and in what situations your child will be seen by the social worker, both alone and with family members present
- Your role and responsibilities and also those of other professionals in contact with your child. The social worker should also take your views and your child's views into account if possible.
- A clear contingency plan which will be followed if your child continues to suffer significant harm and the plan does not improve things for your child. This may mean that children's services will consider starting care proceedings in court if the child protection concerns are serious enough³⁶.

8.2 Will I receive a copy of the full child protection plan?

You should receive a written copy of the child protection plan³⁷ and you can ask for it to be translated into your first language.

8.3 Can I get help for my child under the child protection plan?

Yes. You and your child should be given ongoing support from the social worker who should visit you at home to ensure that your child is making good progress. You should allow the social worker to see your child if they want to. Any services offered to you under the plan will be those most likely to help your child. Community support may also be considered, so if you know of any services within your own community which you think would help you and your child, tell the social worker.

The social worker might suggest that you get support and guidance on parenting. If you think that you would benefit from this support and it has not been offered, you could suggest it to children's services. If you do not want any of the services suggested you should tell the social worker why you don't think this particular service will help your child and family.

If you have not already done so, it is a good idea to involve your wider family in plans for keeping your child safe (see section 7.3) and ask them to contact the social worker directly. Some children's services departments may also offer a family group conference (FGC) as a way of enabling your family to draw up a plan with you and children's services about how best to keep your child safe and well cared for. Whether you are offered this or not, you can ask for a FGC to be arranged. This is discussed further at section 10.6. For more information see FRG advice sheet on **Family Group Conferences**: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

9. Child protection review conferences

9.1 What is a child protection review conference?

Children's services must hold the first child protection review conference within 3 months of the initial conference - the date of the review should be agreed at the initial child protection conference. After that, review conferences should be held at intervals of not more than 6 months.³⁸ The review conference is usually chaired by the person who chaired the initial conference and the same professionals will be invited to attend, along with any new professionals that you have started working with.

The purpose of the review conference is to look at how the child protection plan is working to protect your child and promote his/her welfare. The conference must look at the original child protection plan and:

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- Decide whether your child continues to suffer, or is likely to suffer, significant harm. To do this it must look at his/her health and developmental progress against planned outcomes set out in the child protection plan³⁹
- Ensure that your child continues to be kept safe
- Consider if the plan should change or if a plan is no longer needed

You (and any of your relatives that have become involved) will be invited to the review conferences (unless the Chair has decided to exclude you), and should be given the opportunity to say what has changed in your family situation and if and why you think your child is or is not suffering or likely to suffer significant harm. You could ask to take an advocate with you if you wish.

All professionals invited to the review conference should produce a report evaluating the impact of the work done and highlighting changes in the family since the last conference – based on the agreed outcomes planned for the child. The social worker:

- Will be the lead organiser of the review conference
- Will share the information they are going to present to conference with you, and your child if appropriate, before the meeting
- Should discuss with you and your child if and what support you would like when the child protection plan has ended, if appropriate⁴⁰
- Must decide with their manager whether or not to go to court about your child if they believe your child is suffering significant harm.

9.2 What happens if the review conference decides that my child is no longer suffering (or likely to suffer) significant harm and that he/she no longer needs a child protection plan?

Most parents understandably feel very relieved when this happens, but you may still want to receive help to meet your child's needs, for example, bereavement counselling for your child or other support to meet your child's specific needs.

If the review conference decides your child is no longer at risk but does still need a social worker, a child in need plan will be made, setting out any help you will be offered, as well as any expectations of you. Your social worker should give you and your child,

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where appropriate, an opportunity to contribute to this plan and have a say in what extra help you feel would support your child and your family.

If your child doesn't need a social worker but you would like further support, there may be services available through the local authority Early Help or Early Intervention teams. For more information see advice sheet on **Family Support** <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

If you feel you would benefit from extra support after the child protection plan has ended, but children's services does not offer further help for you and your child, you could politely remind them that the government says that getting support should not be dependent on your child being at risk of harm.

9.3 What happens if the review conference decides that my child is still at risk and that the child protection plan should remain in place?

First of all, the child protection plan will be updated to make sure your child will be kept safe in the future. It is important that you say what you think about any changes to the plan and that you work with all the professionals involved with your child to follow this plan. However, in some circumstances, if you haven't been able to sort out the things that children's services are worried about and they continue to have concerns about your child's safety and well-being, they will hold a legal planning meeting to take legal advice about the steps they should take to protect your child. This may include giving you a further period of support or applying to court immediately to remove your child from your care. In either case they should send you a letter telling you what they plan to do and why. For further information about this process see the next section.

10. Legal planning meeting and letters/meetings before proceedings

10.1 What happens if children’s services are still worried about my child after the child protection review conference?

If social workers (or the child protection review conference) decide that your parenting is not improving enough to protect your child from significant harm, they will call a legal planning meeting. This meeting is for social workers and the local authority’s lawyers to decide, on the basis of the evidence that has been gathered about your child’s circumstances, whether it is in your child’s best interests:

- For you to be given a further period of support to improve your parenting, or an opportunity to find someone else in your family to care for your child. The aim of this would be to avoid social workers asking the court for an order giving them permission to remove your child from your care if suitable care for your child can be provided in the family
- To be removed from your care straight away. In this situation, they will normally plan to apply to court straight away to ask for an order to remove your child from your care, whether you agree or not.

In either case, they should send you a letter informing you of their plans (see below).

You will not be invited to attend a legal planning meeting.

10.2 What is ‘section 20’ accommodation or a voluntary arrangement?

You may be asked if you will agree to your child being removed from your care for a short period while social workers consider whether it is safe for your child to remain at home. This is sometimes called ‘section 20 accommodation’, ‘voluntary accommodation’ or a ‘voluntary arrangement’. In this and other FRG advice sheets it is referred to as a voluntary arrangement.

A voluntary arrangement is not a court order. The UK Supreme Court (the highest Court in the UK) has described a voluntary arrangement between a parent and children’s services as the ‘delegation of parental responsibility’ by the parent, or other person with parental responsibility, to children’s services. This means that the child’s parent, or other person with parental responsibility, has agreed that children’s services can act on their behalf by providing accommodation for their child⁴¹.

Before your child becomes looked after under a voluntary arrangement, you should be provided with clear and accurate information about your rights and about the responsibilities of the local authority. You should not be made to feel that you have no choice about whether your child goes into a voluntary arrangement or not⁴².

Children's services should give you clear and accurate information that includes telling you the following:

- That your child has been provided with accommodation (if you were not physically present at the time)
- That you can object to your child going into a voluntary arrangement, as long as you can provide accommodation yourself, or arrange for accommodation to be provided
- That you can remove your child from accommodation at any time. The social worker should not try to place any restriction on your right to remove your child, for example they must not say 'you must give 2 days-notice to children's services before removing your child'
- Where your child will be living
- Who will be looking after your child
- What the arrangements are for your child to see you and other family members while they are under a voluntary arrangement.

When proposing or putting in place voluntary arrangements for a child, it is good practice⁴³ for children's services to:

- Put the arrangements in writing so that you understand what is being proposed for your child
- Explain the arrangements to you in a language that you can understand. If English is not your first language, and you do not feel confident speaking or reading English, it should be explained to you through an interpreter, or if it is in writing, translated into your own language.
- If you don't understand anything that is said or written, you should be given the opportunity to seek legal or other advice.

- If the arrangements are set out for you in writing and you should be asked to sign the document. Even if you don't sign a written document, be sure that you fully understand what is happening.

When a child is provided with accommodation under a voluntary arrangement, they are a **looked after child**. This means that children's services become responsible for them and a whole range of duties apply. This includes a priority list of who your child should be placed with when they are looked after: suitable parents are first, suitable relatives/friends are next followed by unrelated foster carers or residential care. For more information see Family Rights Group advice sheet 'Family Support' and 'Children looked after by children's services under a voluntary arrangement': <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

10.3 What is fostering for adoption?

If your child is very young and you agree to your child being looked after in the care system or the court makes an emergency protection order or a care order, children's services may consider placing him/her with foster carers who are also approved as prospective adopters. The idea behind this is that if your baby does not remain in (or return to) your family (for example, because the court makes a care order), your baby could stay with these carers for the long term. They may even go on to adopt him/her if the court makes an adoption order. This type of placement is called a 'foster for adoption placement'.

If this has been mentioned in your case, it is essential that you take legal advice as soon as possible. You can contact Family Rights group or contact a solicitor – for contact details see part 4 of this advice sheet. See also FRG advice sheet on **Care (and related) proceedings**: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets> or contact FRG advice line – contact details in section 12.

10.4 What is a 'letter before proceedings'?

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If children's services decides you should be given a further period of support to improve your parenting, they should send you a **letter before proceedings** telling you this. This letter should explain that court proceedings are likely but that you are being given a last chance to improve your parenting to avoid your child being removed. It will also:

- Set out the concerns about your child's safety
- Set out what you need to change or improve in your parenting to make sure your child is safe and to avoid your child being removed from your care
- Set out what help you will continue to be given to keep your child safe
- Invite you to a pre-proceedings meeting to discuss the improvements you need to make
- Give you information about how you can get free legal advice and representation.

If you receive a letter before proceedings, it is really important that you see a solicitor specialising in children's law immediately. Children's services should send you details of local specialist solicitors. You should give your solicitor a copy of the letter you have received. If you give them a copy of the letter before proceedings you will be entitled to free legal advice.

10.5 What is a pre-proceedings meeting?

The pre-proceedings meeting is a last opportunity for you to discuss with children's services what they still want you to do to be able to care safely for your child so that they do not need to be removed from your care. You should be invited to this meeting in the pre-proceedings letter. It is really important that you go to this meeting and that you ask a solicitor specialising in children's law to go to the meeting with you. You should also let the social worker know that you will come to the meeting.

Before you go to this meeting, it is important that you:

- Prepare with your solicitor what you want to say about any changes you will make. You will normally be given a further 6 weeks to make necessary changes to keep your child safe, before children's services applies to court for an order to remove your child: and

- Involve your wider family immediately to find out how they can help you keep your child safe. This might involve them supporting you to care for your child or if social workers decide that your child cannot remain safely in your care, finding out if they would be willing to look after your child for a period of time whilst you try to improve your own situation.

It is important that you discuss with your family how they can help before you go to the pre-proceedings meeting because if, at the meeting, social workers tell you that they don't think it is in your child's best interests to remain in your care, they may ask you if there is anyone in your family who could care for your child on a short-term (or even a long-term) basis.

It is really important you tell them if you know of anyone in the family who would be willing and suitable to care for your child. It is also important you ask that family member to contact the social worker directly.

You can also ask the social worker to arrange a family group conference to enable your whole family to meet together to make (or firm up) a plan about how best they can help protect your child, including identifying who in the family could care for your child if you cannot. Some children's services departments do this routinely; others don't but you can always ask for it. You can also point out to the social worker that government guidance recommends that children's services should consider making a referral for a family group conference 'if they believe there is a possibility that the child may not be able to remain with their parents unless this would place the child at risk.'⁴⁴

10.6 What is a family group conference ('FGC')?

If children's services tell you that they have concerns about your child's welfare and you think they may be considering taking legal action, you could ask them to refer you for a family group conference (FGC) so that you and your family can take the lead in making safe plans for your child.

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An FGC (sometimes called a family group meeting) is a decision-making process in which the whole family makes plans and decisions for children who need a plan that will keep them safe and well-cared for. It offers parents and other family members a chance to discuss together how to sort out any problems and find safe solutions for the child. Professionals who are involved with the family are only involved in *part* of the meeting; family members draw up their plan in private but they must address the concerns identified by the social worker or other professionals working with the child.

Government guidance⁴⁵ says that FGCs are a useful tool to help families make safe plans for their children. It says:

- FGCs are an important means of involving the family early so that they can provide support to enable the child to remain at home or look at alternative permanence options (para 24).
- Local authorities should consider referring the family to a FGC if they believe there is a possibility the child may not be able to remain with their parents, or in any event before a child becomes looked after unless this would be a risk to the child' (para 24)
- The use of FGCs ensures that wider family members understand at an early stage the seriousness of the situation and have the opportunity to make contingency plans for alternative care within the family if the parents do not satisfactorily resolve their problems within the child's timescale (page 16)

FGCs are now available in many local authorities so it may be a good idea to ask the social worker to refer you for a family group conference. For further information see FRG advice sheet: What Is a Family Group Conference <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

10.7 What is a letter of issue?

If children's services decide it is not in your child's best interests to wait any longer for you to sort out your difficulties and that your child should be removed from your care straight away, the social worker may apply to court for an order saying that your child should be removed against your wishes. In these circumstances, the social worker

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should send you a 'letter of issue', informing you that legal proceedings are being started and that ***you should see a solicitor specialising in children's law immediately***. As a parent, you will not have to pay legal costs if you give your solicitor this letter of issue. To find out more about what happens when care proceedings are started, see FRG advice sheet: Care and related proceedings <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

Key points to note

If you have received either a 'letter before proceedings' or a 'letter of issue' you should immediately seek legal advice from a solicitor specialising in children's law. To find a solicitor, see contact details at the end of this advice sheet. You should take the letter with you to a solicitor who can help you negotiate on your behalf with children's services. The solicitor's costs of advising you and coming to this meeting will be paid if you are a parent or have parental responsibility and you give them this letter.

11. Challenging child protection decisions

11.1 Can I make a complaint?

If you are unhappy about any part of the child protection process, you can make a formal complaint. Details of the complaint procedure should be explained in the local protocol for assessment⁴⁶. How you should do it depends on what you are complaining about.

- Complaints about the child protection investigation or assessment - If you want to complain about the practice of the social worker, any other person working for children's services or the child protection investigation or assessment itself, then you should complain directly to children's services, using their normal complaints procedure under s.26 Children Act 1989.

- Complaints about the work of individual agencies - These should be addressed to and dealt with by the agency concerned according to its own complaints procedures, for example your local education or health authority.
- Complaints about the child protection conference - If you want to complain about aspects of the conference process, it may be best to first contact the Chair. If you are not able to resolve matters, then contact children's services complaints department and they will advise you what to do next.

11.2 Can a complaint about a child protection conference get my child off a child protection plan?

A complaint cannot change the decision of the original conference. However it is possible that a complaint could result in a new conference being held (with a new Chair) so a different decision could then be made, but this would be very unusual.

For further information see FRG advice sheet on Complaints:

<http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

11.3 What if I am not satisfied with the outcome of the complaints process?

If you have been through the children's services complaints process and you are not satisfied with the outcome, you may contact the Local Government Ombudsman about your complaint. For further information see <http://www.lgo.org.uk/making-a-complaint>

11.4 Can I appeal to a court against the decision of a child protection conference?

If you are unhappy about the decision to make your child the subject of a child protection plan, there is normally no basis for a court appeal. However, in exceptional cases, you may be able to challenge a decision if you can establish grounds for judicial review.

This is a very specialist area of law and you should seek advice from a solicitor, if you think you may have a claim for judicial review.

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12. Where to get further information?

Citizens Advice is an independent organisation providing free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face. This may be money, benefits, housing or employment problems. You may be facing a crisis, or just considering your options. Online advice is available on the Citizens Advice website. They also have a national phone service called Adviceline. This is available in Wales for people who live or work there and is being rolled out in England:

- For England telephone: 03444 111 444
- For Wales telephone: 03444 77 2020
- TextRelay users should telephone: 03444 111 445
- Website: citizensadvice.org.uk

Civil Legal Advice A free and confidential advice service run on behalf of the government. It provides information directly to the public on a range of common legal issues; helps people find out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help. Check to see if you're eligible for advice on www.gov.uk/check-legal-aid or apply online:

- Telephone: 0345 345 4345 Mondays to Friday, 9am to 8pm and Saturday 9am to 12.30pm
- Minicom: 0345 609 6677
- Text 'legalaid' and your name to 80010 to ask CLA to call you back. This costs the same as a normal text message.
- Website: gov.uk/civil-legal-advice

Coram Children's Legal Centre provides independent legal advice to children, parents, carers and professionals. Its Child Law Advice Service provides legal advice and information on areas of child, family and education law. To access this advice and information please visit www.childrenslegalcentre.com and follow the link to the Child Law Advice Service where you will be able to view a range of factsheets and 'how to' guides. Should you have clarifying questions following your visit to their website, their helpline number is available at the end of each factsheet. The helpline

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is available Monday to Friday 8am to 6pm.

Family Rights Group is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for specific advice about your case on 0808 801 0366. It is open Monday-Friday 9.30am-3pm.
- You can also visit http://www.frg.org.uk/advice_sheets.html where you can download other relevant advice sheets.
- Join the FRG parents' or family and friends carers' discussion boards.

Fostering Network is an organisation which provides advice to foster carers who are approved by Children's Services. They produce detailed pamphlets on benefits and tax as it affects foster carers:

- Telephone information line: 0207 261 1884
- Website: www.fostering.net.

Specialist child welfare solicitor:

To find a solicitor who specialises in childcare law, you can contact:

1. Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;

2. The Law Society of England and Wales, 113 Chancery Lane, London WC2A 1PL
Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344
E-mail: info.services@lawsociety.org.uk www.lawsociety.org.uk

You can search their website for details of local solicitors who are members of the Children Panel:

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

3. Civil Legal Advice (CLA) See details above.

4. Citizens Advice may be able to recommend

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Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/contents>

a local solicitor specialising in child care law. Citizens Advice is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website.

Website www.citizensadvice.org.uk

Advice on line Website www.adviceguide.org.uk

13. References

ABE	Achieving Best Evidence In Criminal Proceedings: Guidance on Interviewing Victims and Witnesses and using Special Measures: Ministry of Justice March 2011 http://www.justice.gov.uk/guidance/docs/achieving-best-evidence-criminal-proceedings.pdf
ACA	Adoption and Children Act 2002 http://www.legislation.gov.uk/ukpga/2002/38/contents
CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CAA	Child Abduction Act 1984 http://www.legislation.gov.uk/ukpga/1984/37/contents
Volume 1 Guidance	Children Act 1989 Regulations and Guidance, Volume 1 Court Orders and pre-proceedings https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281452/Statutory_Guidance_on_court_orders_and_pre-proceedings_18.2.pdf
IS Guidance	Information Sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers: https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice
WT	Working Together to Safeguard Children 2018 https://assets.publishing.service.gov.uk/government/uploads/system/upl

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	oads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf
PLO	Public Law Outline: Practice Direction 12A - CARE, SUPERVISION AND OTHER PART 4 PROCEEDINGS: GUIDE TO CASE MANAGEMENT http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a

Last updated 12th February 2019

¹ Government guidance requires doctors to be alert to potential risk to any child who comes to their attention even if the child is not their patient. See General Medical Council (GMC) guidance 2012 [What to expect if your doctor is worried about your child's safety?](#), a parent information sheet.

² Working Together 2018 ch 1, para 69 pg 31

³ Working Together 2018 ch 1, pg 36-37

⁴ Working Together 2018 ch1, para 36 and 53

⁵ Working with foreign authorities: child protection cases and care orders DfE July 2014

<https://www.gov.uk/government/publications/child-protection-working-with-foreign-authorities>. Working Together 2018 ch 1, para 54

⁶ Working Together 2018 page 21

⁷ Achieving Best Evidence in Criminal Proceedings 2011 para 2.40 page 19

⁸ Achieving Best evidence in Criminal Proceedings 2011 para 2.37 page 19

⁹ s.43 Children Act 1989

¹⁰ s.17 CA; Child Protection: Messages from Research, Department of Health 1995; Working Together To Safeguard Children 2018 page 21

¹¹ Working Together 2018 ch 1, para 1 -3

¹² Working Together 2013 para 13 page 14

¹³ Working Together 2018 Appendix A page 103

¹⁴ Harm means "ill-treatment or the impairment of health or development" and includes "seeing or hearing the ill-treatment of another" – see s31 Children Act 1989 as amended by Adoption and Children Act 2002

¹⁵ Working Together 2018, ch 1, para 16

¹⁶ Working Together 2018 ch 1, para 39

¹⁷ Working Together 2018 ch 1, para 73

¹⁸ Working Together 2018 para 44 onwards

¹⁹ Working Together 2018 ch1, para 62

²⁰ Working Together 2018 ch1, para 38

²¹ Working Together 2018 CH 1, para 52 . The three areas referred to were in previous government guidance called the [Framework for the Assessment of Children in Need and their Families](#) 2000. This guidance is still relevant but it is now practice guidance (which may be followed but does not have to be) rather than statutory guidance (which must be followed).

²² Information sharing <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>: Advice for practitioners providing safeguarding services to children young people parents and carers:

²³ Working Together 2018 pages 18-20

²⁴ <http://www.publiclawtoday.co.uk/local-government/information-law/344-information-law/31202-public-authorities-and-surveillance> (see the extract from OSC procedures and guidance document)

²⁵ Working Together 2018 Ch1, para 75

²⁶ Working Together 2018 page 39

²⁷ https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf

²⁸ Working Together 2018 page 45

²⁹ Working Together 2018 page 47 and 48

³⁰ Working Together 2018 page 47 -48

³¹ Working Together 2018 pg 103 to 104

³² Working Together 2015 page 50

³³ Further guidance can be found in Working with foreign authorities on child protection cases and care orders (2014). <https://www.gov.uk/government/publications/child-protection-working-with-foreign-authorities>

³⁴ Statutory guidance: Volume 1 Court orders and pre-proceedings, DFE, April 2014 (para 22)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306282/Statutory_guidance_on_court_orders_and_pre-proceedings.pdf

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³⁵ Working Together 2018 page 50

³⁶ Working Together 2018 page 50

³⁷ Working Together 2018 page 50

³⁸ Working Together 2018 page 51

³⁹ Working Together 2018 page 51

⁴⁰ Working Together 2018 page 53

⁴¹ Williams & Anor v London Borough of Hackney [2018] UKSC 37

⁴² Williams & Anor v LB Hackney [2018] UKSC 37 at 39

⁴³ Re N (Children) (Adoption: Jurisdiction) [2015] EWCA Civ 1112

⁴⁴ DfE, 2014, Volume 1 Guidance: Court Orders and pre-proceedings, para 24,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306282/Statutory_guidance_on_court_orders_and_pre-proceedings.pdf

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⁴⁶ Working Together 2018 para 43