

Child Protection Procedures

Introduction

When Children's Services (previously known as social services) receive information which make them suspect that a child may be at risk of harm, they must look into the child's situation and take any action necessary to keep them safe and make sure they are well looked after.

This advice sheet outlines the steps they are likely to take and the legal position of parents and other family members in these circumstances. It is written mainly from the point of view of parents or others caring for the child. The advice sheet is long so we have divided it up into sections to make it easier to read:

- [Part 1](#): Key questions about child protection (page 2)
- [Part 2](#): What happens in the child protection process (page 6)
- [Part 3](#): Challenging child protection decisions (page 24)
- [Part 4](#): Where can I get more information? (page 26)

Since child protection is quite a complicated process, you may want to ask a friend or your solicitor to explain anything in the advice sheet that you don't understand. The references for all the legal and practice requirements are in endnotes which you can find at the end of the advice sheet. For full details of all the documents referred to in the endnotes, see the references section at the end of the advice sheet.

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

PART 1: KEY QUESTIONS ABOUT CHILD PROTECTION:

When will Children's Services make enquiries about my child's safety and wellbeing?

Children's Services sometimes receive information from a member of the public or another professional such as a teacher or doctor¹ who thinks that your child may not be safe. In these circumstances they must make enquiries to find out if the child is safe and well cared for.

These enquiries are called "child protection enquiries" or "a child protection investigation." The aim of the enquiries is to gather information about the child's circumstances and to decide whether Children's Services should take any action to keep the child safe or promote his/her welfare.

How will I be involved in any child protection enquiries?²

If Children's Services hear that your child may be at risk of harm, they must decide within one working day what kind of assessment they should do (if any) and whether or not they need to start making child protection enquiries. You and your child should be informed about what they plan to do.³

If they decide to start child protection enquiries, the social worker will assess your family's situation and decide whether or not they think your child is suffering or likely to suffer 'significant harm'. But the social worker should carry out any child protection enquiry in such a way as to limit the distress for you and your child.⁴

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 respected⁵. 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.

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They should also respect the way any religious beliefs and cultural traditions you have may influence how your family operates and they should be aware of the effects of racial harassment and racial discrimination and guard against stereotyping when doing their assessment.

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 your child. 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

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/investigations where there is

- a concern that a possible victim 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

What if I don't want Children's Services to see my child?

If you refuse to allow Children's Services to see/speak to your child, they may apply to the court for a child assessment order⁹ or even an emergency protection order (EPO) or care order. With any of these orders they could remove your child from your care against your wishes, although the length of time varies according to the order that is made. ***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 take advice from Family Rights Group advice line – contact details are at the end of the advice sheet.

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:

- i) you, or another person with parental responsibility, agrees or
- ii) the court has made a care order or emergency protection order giving Children's Services the right to remove your child; or
- iii) 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

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 wellbeing and/or safety, and if they remain concerned they may take further steps to make sure your child is safe if the problems you are having looking after them are not sorted out. This could include applying to court for an order saying that they can remove them from your care.

For further information about the steps they 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/advice-sheets>

In any of these situations it is really important that you seek independent legal advice immediately. You can contact FRG advice service or a solicitor – contact details at the end of this advice sheet.

How can I help my child and my family?

- You probably won't end up in court, but you may need independent specialist legal advice about your situation, and/or to have some support in meetings – contact Family Rights Group or a childcare solicitor as soon as child protection enquiries have started - contact details are at the end of this advice sheet.
- Whether or not you have a solicitor, it is worth arranging for a friend or advocate to come with you to any meetings for moral support, to help you put your points

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across and to make notes for you. The Family Rights Group advice service may be able to help you find a local advocacy service to help you.

- If you are in touch with community or religious leaders, it may also be helpful to involve them in your case – they may be able to help you explain about your family's way of life. You may feel ashamed at what has happened to your family and not wish to share this with anyone in your community, but it may be helpful to have their support as they 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 things that are happening to you, ask for an explanation and for it to be put in writing in your preferred language. It will then be easier for an adviser to help you.

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

No. Your child should not have to be the subject of child protection enquiries for your family to get help to look after them. Whether or not your child is at risk of harm, Children's Services should provide support to help you as parents/carers if your children have 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 you checking with your local Family/Children's Information Service about what help is available in you area.

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

PART 2: WHAT HAPPENS IN THE CHILD PROTECTION PROCESS

When might 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 have a reason to suspect that your child is suffering or is likely to suffer significant harm. This can include a child witnessing violence/conflict at home;¹³ or
- your child is in police protection, or is under an emergency protection order or 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 neglect**.¹⁴ This can be caused by:

- a parent/carer's actions, or
- their failure to act to stop a child from being harmed.

The aim of these 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.

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 local Safeguarding Children's Board (LSCB) 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 government guidance (set out in Working Together 2013) which says that:

- local procedures must include **threshold documents** which set out the guidelines that the social worker will follow when deciding whether your child's

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needs should be assessed to see if they can receive help from Children's Services;¹⁵ and

- local councils must also have local protocols 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 a number of Children's Services departments in the same area group together to publish joint child protection procedures which are followed in a particular region (e.g. London). 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.

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, if any, they need to take to keep your child safe. They must:

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

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

- A. Assessment of your child's needs and circumstances – see page 9
- B. Strategy discussion - see page 11
- C. Child protection conference - see page 14
- D. Child protection plan & lead social worker - see page 17
- E. Core groups see page 19
- F. Child protection review conference – see page 21
- G. Legal planning meeting & letter/meeting before proceedings - see page 22

These events may or may not happen in this order. It will depend on the child's circumstances.

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,
 - is transparent and open to challenge,
 - builds on the family's strengths as well as identifying difficulties, and
 - is transparent and open to challenge.¹⁸
- 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 they have 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 (for more information, see page 13); and
- you are supported to participate in the decision-making process by being given information about
 - advocacy agencies
 - the child protection process and concerns

A. ASSESSMENT OF YOUR CHILD'S NEEDS/CIRCUMSTANCES

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; and
- decide what services would help to meet your child's needs so as to achieve the best outcome for them.²⁰

Government guidance clearly states that the assessment 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:

- child's developmental needs, including any harm they are suffering or are likely to suffer
- your capacity to meet your child's needs
- the impact of your wider family, community or other environmental factors eg housing.²¹

Every assessment should be focused on outcomes for the child.²²

Can professionals share information about my child/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.²³ It applies to social workers, health professionals, schools etc. 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**

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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.²⁴

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/advice-sheets>

How long will the assessment take?

The assessment should be completed ***within a maximum of 45 working days*** of it being started – the start date will be the point when the referral was made.

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

If at any time concerns emerge that your child may be at risk of harm there should be a strategy discussion.

B. STRATEGY DISCUSSION

What is a strategy discussion?²⁵

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'.

It is led by Children's services but also involves the police and other agencies like health or education. It may be a meeting or phone call. Agencies will

- share information
- decide if child protection (s47) 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; and
- 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 the child will be seen alone (unless that is inappropriate) by the lead social worker and how the child's wishes and feelings will be identified
- agree the format and timing of enquiries; and
- agree if any immediate action is necessary to keep the child safe, i.e., provision of services, removal of the child or removal of an alleged abuser from the home.

The family will not be invited to participate in this discussion.

There are some circumstances that will always lead to a strategy discussion and child protection (s47) enquiries being carried out. These should normally be set out in your local child protection procedures but examples are likely to include:

- where a child has been taken into police protection (see page 7);
- 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 (eg. someone who has previous convictions for harming a child).

Why and how might the police be involved?

Children's Services may talk to the police as part of making their enquiries. However, where it seems that a crime may have been committed against a child:

- Children's Services will refer the case to the local police child abuse investigation team. This is a team of police officers trained in dealing with cases of child abuse who will be responsible for a joint investigation with Children's Services. The police team is responsible for investigating any allegations that might lead to a criminal prosecution;
- the police may want to interview the 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 2011. Whilst the child's parent may not be able to be present, they will normally ask for their agreement to the interview, and explain the process to them.

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. (For more information on this contact the FRG advice line).

What happens if there is no evidence from the enquiries that your child is suffering or likely to suffer harm?

If there is no risk of harm, Children's Services and other relevant agencies should always consider with the family what support may still be helpful. They may also put monitoring arrangements in place if they still have concerns about your child's

wellbeing. They should let you know what their concerns are and how the monitoring will happen.²⁶

What happens if the enquiries show that there is evidence that your 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 on an ongoing basis by agencies already in contact with your child (such as school, nursery, health visitor etc.) without there needing to be a child protection conference or plan. This may involve a meeting of professionals and family members to agree what action will be taken, and by whom, including providing therapeutic support.

Family group conferences may also be useful in these circumstances – Please see below page 23 for more information about FGCs.

What happens if your child is, or is likely to be, suffering *continuing* significant harm?

If your child is, or is likely to be, suffering *continuing* significant harm, Children's services should arrange an initial child protection case conference straight away – see next section.

C. CHILD PROTECTION CONFERENCE

What is a child protection conference?

A child protection conference is a multi-agency meeting organised by Children's Services. The people invited to this meeting are the parents, the child if they are old enough, and all the professionals already involved with the child and sometimes some others as well, for example: GP, health visitor, teacher, police or paediatrician.

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 s/he is likely to suffer significant harm in the future, they must come up with plans to make sure your child is kept 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 conference Chair is answerable to the Director of Children's Services. They should be someone who is not involved in managing the social worker that has carried out the child protection investigation.

The format of the meeting may vary depending where you live, and there are a number of councils using the "Strengthening Families" framework for managing child protection conferences, but they will still follow general principles set out in government guidance in Working Together (2013).

What information will the conference consider to decide what is best for my child?

Social worker's report: 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' 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.

Information from other professionals: 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.²⁷

Can I have an interpreter/translator if English is not my 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.

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, and also that your child is likely to suffer significant harm in the future.

NOTE: When making the decision whether or not 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 separate out fact, observation, allegation or 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 Together²⁸

Will I be invited to the child protection conference?

Normally, yes. There is a clear expectation that parents will be invited to the conference, and the purpose of the meeting should be explained to parents, children and involved family members as appropriate.²⁹ Also, government guidance says that

- The social worker should help you and your child understand what will happen at the conference and explain who will be there.³⁰
- 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.³¹
- 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 conference³². 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/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 high level of conflict or domestic violence between family members or parents, the ***chair of the conference may decide to exclude someone from attending***. If you have been excluded, you can ask for help to present your views to the conference by other means for example by tape or in writing.

Will my child be at the child protection conference?

Perhaps. 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 it is not considered appropriate for your child to be there, or your child does not wish to attend, the social worker should find out his/her views and report them to the conference.

D. CHILD PROTECTION PLAN & LEAD SOCIAL WORKER

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 s/he must not come into contact with someone who is thought to have harmed him/her.

The recommendations of the conference will be set out in as much detail as possible in an **outline child protection plan**, and they will be developed into a full child protection plan after the conference at regular core group meetings.

The outline plan should:³³

- 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 protected and well cared for and 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.

You should be clear about what is expected of you and what you can expect of other people. If you are not, ask the social worker to explain 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 the end of this advice sheet.

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 inter-agency plan, and that this is then circulated to relevant professionals and family members

- coordinating interagency work and the contribution of family members to make sure that what has been agreed in the plan is implemented
- explaining and agreeing the plan with your child as appropriate, and undertaking direct work with your child and family, taking into account your views as long as they are consistent with your child's welfare
- completing and co-ordinating any outstanding aspects of the in-depth assessment and
- leading core group activity including convening meetings

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.

The social worker and manager must also consider the evidence and decide whether or not to get legal advice about whether further legal action is needed – this is only needed in very few situations.

E. CORE GROUPS

What is a core group?

The purpose of the core group is to bring together family members and professionals to **develop the outline plan into a full child protection plan** and then make sure it is followed and regularly reviewed at core group meetings. The first core group meeting must be held ***within 10 working days of the conference***.³⁴ This will monitor the progress and outcomes agreed in the plan and refine the plan as needed.

The full child protection plan should include specific, achievable, child-focused objectives, and realistic strategies and specific actions to achieve these 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 take your views and your child's views into account if possible; and
- 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 consideration of court proceedings if the child protection concerns are serious enough.

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

You should receive a written copy of the full child protection plan and you can ask for it to be in your first language.³⁵

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 would help you and your child, let the social worker know.

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.

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 or not you are offered this, you can ask for a FGC to be arranged. This is discussed further below on page 23. For more information see FRG advice sheet on Family Group Conferences: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

F. CHILD PROTECTION REVIEW CONFERENCE

What is a child protection review conference?

Children's Services must hold the first review case conference within 3 months of the initial child protection conference - the date should have been agreed at the initial child protection conference. After that review conferences should be held at intervals of not more than 6 months.³⁶

Review meetings must look at the original child protection plan and consider whether it needs to stay as it is or be changed. Reviews must also:

- Consider whether your child continues to suffer, or is likely to suffer, significant harm and to look at his/her health and developmental progress against planned outcomes set out in the child protection plan;³⁷
- Ensure that your child continues to be kept safe ; and
- Consider if your child still needs a child protection plan, if the plan should change or if a plan is no longer needed.

You 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 no longer suffering or likely to suffer significant harm.

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

- will be the lead organiser of the review conference;
- will decide when they will be held within the timescales previously decided;
- should share the information they are going to present to conference with you and your child as appropriate before the meeting;
- should discuss with you and your child if you need any support when a child protection plan has ended.³⁸
- must decide with their manager whether or not to go to court about your child if they believe your child is suffering significant harm.

G. LEGAL PLANNING MEETING AND LETTER/MEETING BEFORE PROCEEDINGS

What happens if Children's Services are still worried about my child after the child protection review conference?

If you haven't been able to sort out the things that Children's Services are worried about and they have continuing concerns about your child's safety and well-being, they may plan to apply to court for a care order to remove your child from your care. However, unless there is an emergency, they would normally have to show the court what work they have done to support you and your family to resolve their concerns before going to court. This means they will have to have worked with you and your family to find solutions. This should normally include them taking the following steps:³⁹

1. **Legal planning meeting:** Children's Services will always take advice from their legal department about whether or not there is enough evidence to apply to the court for an Order to remove your child.
2. **Letter before proceedings:** Children's services should have sent you (the parents and others with parental responsibility) a letter setting out their concerns before they start care proceedings to remove your child from your home. The letter should say what you need to do to address those concerns to avoid court proceedings. They will normally invite you to a meeting to discuss this.⁴⁰
 - ***If you have received such a letter you should immediately seek legal advice.*** 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. Your 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.
 - ***It is really important that you go to this meeting,*** preferably with your solicitor, as you may still be able to stop them applying to court for an order if you can agree a plan with them which reassures them that you are addressing their concerns and your child will be kept safe. Your solicitor can help you discuss this with them.

For further information on this, see advice sheet on Care (and related) proceedings:

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<http://www.frg.org.uk/need-help-or-advice/advice-sheets> or contact FRG advice line – contact details at the end of the advice sheet.

3. Involve your wider family to address the concerns: Children's Services should have spoken to members of your wider family about the problems to see how they can support you and, in some cases, if they can care for your child rather than him/her going into care. Increasingly Children's Services are offering to set up family group conferences (also called family group meetings) to enable the whole family to plan a way forward together – see below.

What is a Family Group Conference?

If Children's Services informs you that they have concerns about your children 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.

An FGC (or 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/other professionals working with the child.

Government guidance says that FGCs are a useful tool to help families make safe plans for their children. They 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.⁴¹ For further information see FRG advice sheet: [What Is a Family Group Conference](http://www.frg.org.uk/need-help-or-advice/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

PART 3: CHALLENGING CHILD PROTECTION DECISIONS

Can I make a complaint?

If you are unhappy about any part of the child protection process, you can make a formal complaint. How you 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.

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/advice-sheets>

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>

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 (usually on grounds of unreasonableness) but note:

- in the case of R-v- East Sussex County Council ex parte R,⁴² Sir Stephen Brown who refused an application for judicial review said that “*recourse to judicial review of decisions which do not involve removal [of the child] from the parents should be rare and only adopted in exceptional circumstances*”; and
- in the case of R-v- Hampshire County Council ex parte H,⁴³ the Court of Appeal held that a decision to register a child's name where there was no evidence to substantiate the concern about a likelihood of significant harm was void. It held that it was not enough to register children under the category of emotional abuse, merely relying on the fact of a stressful family situation. **However**, it added that recourse to judicial review should be rare in child protection.

PART 4: WHERE CAN I GET FURTHER INFORMATION?

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

The Coram Children's Legal Centre provides free independent legal advice to children, parents, carers and professionals. Their Child Law Advice Line provides free legal advice and information covering all aspects of law and policy affecting children. An advisor can be contacted on **08088 020 008**. The advice line is open from 9.00am to 5.00pm Monday to Friday.

Community Legal Advice

If you need legal advice and you are not sure where to go you should look in the CLA directories. You can find these in your local library or on the CLA website:

www.communitylegaladvice.org.uk. However the CLA is closing and being replaced by Directgov. There is a 'legal adviser finder' at the CLA website now at:
<http://legaladviserfinder.justice.gov.uk/AdviserSearch.do>

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 further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm. You can also email to advice@frg.org.uk.
- You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets> where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>
- Family Rights group can also put you in touch with a **Family Group Conference Service**. Email office@frg.org.uk

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Family Lives is a parenting advice and support charity. You can contact their

Helpline: 0808 800 2222

textphone: 0800 783 6783

Online chat, text support and email available via website: <http://familylives.org.uk/>

The Grandparents' Association is an organisation which provides advice and support to grandparents about caring for, or having contact with, their grandchildren.

They can be contacted at:

Moot House, The Stow, Harlow, Essex CM20 3AG

Office: 01279 428040

Helpline: 01279 444964

E-mail: info@grandparents-association.org.uk

<http://www.grandparents-association.org.uk/index.php>

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

i) Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98

OTD Telephone :0870 606 2555

ii) 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>

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

v) Citizens Advice may be able to recommend 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.

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 http://www.justice.gov.uk/guidance/careproceedings.htm
IS Guidance	Information Sharing: Guidance for practitioners and managers, Department for Education 2008 https://www.education.gov.uk/publications/eOrderingDownload/00807-2008BKT-EN-March09.pdf
IS Pocket Guide	Information Sharing: Pocket Guide, Department for Education, 2008, Pocket Sharing Guide
LSCB	Local Safeguarding Children's Board http://www.londonscb.gov.uk
WT	Working Together to Safeguard Children 2013
PLO	Public Law Outline: Practice Direction 12A Public law proceedings guide to case management April 2010 is currently in force see http://www.justice.gov.uk/guidance/careproceedings.htm . However from July 2013, this is being replaced in some areas by pilot Practice Direction 12A – see http://www.justice.gov.uk/downloads/protecting-the-vulnerable/care-proceeding-reform/practice-direction-36c-annex.pdf

Last updated 11th July 2013

¹ Recent 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.

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- ² Page 36 Working Together to Safeguard Children 2013
- ³ Working Together 2013 pg 26
- ⁴ Working Together 2013 pg 36
- ⁵ Working Together 2013 para 39 pg 21
- ⁶ Working Together 2013 para 38 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; page 17 Working Together To Safeguard Children 2013
- ¹¹ Working Together 2013 para 1 page 11
- ¹² Working Together 2013 para 13 page 13
- ¹³ Harm means “ill-treatment or the impairment of health or development” and includes “seeing or hearing the ill-treatment of another” – see s47 Children Act 1989 as amended by Adoption and Children Act 2002
- ¹⁴ Working Together 2013 page 85
- ¹⁵ Working Together 2013, para 18, page 14
- ¹⁶ Working Together 2013 para 62-63, page 24-5
- ¹⁷ Working Together 2013 page 26-7
- ¹⁸ Working Together 2013 para 32 pg 19
- ¹⁹ Working Together 2013 para 48 pg 22
- ²⁰ Working Together 2013 page 30
- ²¹ Working Together 2013 para 33 page 19. 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 Working Together 2013 pg 22
- ²³ Information Sharing: Guidance for Practitioners and Managers, Department of Education 2008; and Information Sharing: Pocket Guide, DfE 2008
- ²⁴ Working Together 2013 para 24 page 15
- ²⁵ Working Together 2013 page 33 and 34
- ²⁶ Working Together 2013 page 38
- ²⁷ Working Together 2013 page 39
- ²⁸ Working Together 2013 pg 85 and 86
- ²⁹ Working Together 2013 pg 40
- ³⁰ Working Together 2103 page 38
- ³¹ Working Together 2013 pg 40
- ³² Working Together 2013 page 38
- ³³ Working Together to Safeguard Children 2013 pages 35 and 42
- ³⁴ Working Together 2013 page 43
- ³⁵ Working Together 2013 page 42
- ³⁶ Working Together 2013 page 44
- ³⁷ Working Together 2013 page 44
- ³⁸ Working Together 2013 page 46
- ³⁹ Chapter 3, Vol 1 Children Act 1989 Regulations and Guidance: Court Orders
- ⁴⁰ Chapter 3, Vol 1 Children Act 1989 Regulations and Guidance: Court Orders
- ⁴¹ Volume 1 Children Act Guidance Chapter 3
- ⁴² R-v- East Sussex CC ex parte R [1995] 1 WLR 680
- ⁴³ R -v- Hampshire County Council ex parte H [1999] 2 FLR 359