

An introductory guide to Children's Services

Introduction

Children's Services is responsible for supporting and protecting vulnerable children.¹ This can include providing them and their families with extra help or, where they are at risk of harm, it can involve Children's Services taking steps to make sure that they are kept safe.

The aim of the law around Children's Services is that, wherever possible, children be raised by their family of origin, with

- both parents playing a full part in raising them unless this would place the child at risk of harm and
- Children's Services providing support without using legal proceedings unless the child is at risk.

This advice sheet is written for parents or carers. It explains what Children's Services must do when they become involved with your children and also what they can do, but don't have to. It is divided into sections to make it easier to find the information you want:

- ✓ Part 1: Key information about services for children (page 3)
- ✓ Part 2: Words and Phrases used by Children's Services (page 12)
- ✓ Part 3: Where to get more information (page 24)

This advice sheet is long because there is a lot of relevant information about law and procedures when Children's Services are involved with your children. If you find it hard to follow it may be a good idea to ask a friend to go through it with you or talk to an FRG adviser on Family Rights Groups advice line – contact details in Part 3 of this advice sheet.

Family Rights Group also has a range of advice sheets (which can be downloaded for free) which set out these requirements in more detail and give a lot of detailed advice about how to approach particular situations. To find these advice sheets see

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

Family Rights Group's advice service can also give specific free advice to families by phone or email on how to approach Children's Services. Contact details for FRG advice service are in part 3 of this advice sheet.

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

PART ONE: KEY INFORMATION ABOUT EXTRA HELP FOR CHILDREN

What services are available for children?

- 1) **All children:** All children have access to a range of universal services from different agencies depending on their stage of development and needs, for example health visitors or GP services.
- 2) **Children with special educational needs:** Children who are struggling at school can receive additional support if they are assessed as having special educational needs or disability (SEND).

Some children may already have a formal statement that sets out their special educational needs and the support they will be given to meet their needs, following an assessment by the local authority. In this case they have a right to the support identified in the statement.

Alternatively some children may already receive support directly from the school (known as school action or school action plus) but there is no absolute right to support in these circumstances.

Since **September 2014**, there has been a new system for assessing and helping children and young people aged 0 – 25 who have Special Educational Needs and Disabilities (SEND). This will not replace existing statements of special education needs, but will be used for new cases. Children may be offered SEND support in school (in place of school action or school action plus) and if that does not meet their needs, they may be offered, or request, an **Education Health and Care assessment**.

Following assessment, a child may be offered an Education Health Care Plan (EHC) plans. These plans are prepared by the local authority and should help to ensure that there is co-ordination between the agencies meeting children's different education, health and social care needs. Children have a right to the support services set out in their plan. EHC plans are not the same as "child in need" plans described below. Both plans could be in place at the same time and the agencies involved should know what each plan says.

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You should be able to get information, support and advice about the SEND process from your local Information, Advice and Support service (IAS) or from Independent Parental Special Educational Advice (IPSEA) ; contact details are in part 3 of this advice sheet. For further information see FRG advice sheet on 'Family Support Services' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

- 3) Children who need additional help:** If your child has additional needs because they are not making progress in their development, they may need a package of extra help. This may be provided by a range of agencies such as speech therapists, bereavement counsellors or young carers groups. If you think your child needs this kind of extra help, you can ask a professional who is already working with them (e.g. a teacher or health visitor) to assess their needs. This assessment should follow government guidance known as the **Common Assessment Framework (CAF)** or a local protocol which follows a similar framework.

You and your child should be involved in the assessment and in drawing up the support plan². A **lead professional** should also be appointed to coordinate the support offered to your child³. The idea is that wherever possible, children should receive early access to help without needing to be referred through statutory Children's Services. ⁴

You and your child do not have to have an early help assessment or accept any help offered if you do not want to but it may be a good idea if you do need extra help.

- 4) Child in need:** If your child has more **significant or complex needs**, they could receive extra help from Children's Services if they are assessed as being a '**child in need**'. Children's Services have their own criteria for

deciding which children in their area are “in need” enough to receive their help, but typically this would include a child who

- Needs support for their health or development, or
- Has a disability or a statement of special educational needs or
- Is involved with the youth offending service or
- Is subject to child protection enquiries or a **child protection** plan because there is a suspicion that they may have been, or are at risk of being, harmed.

5) Looked after child: If your child needs to be looked after in the care system either because you are unable to look after them for a period of time (e.g. you are going into hospital) or because the social worker thinks they are not safe in your care, Children’s Services is responsible for providing this care. For more information see below on pages 9-10).

When am I likely to come into contact with Children’s Services?

Children’s Services are responsible for supporting children who have specific needs and for the protection of children who are at risk of being harmed. They must also provide foster care and/or residential care for children who cannot live with their family or friends, whether it is short or long term.

You are therefore most likely to come into contact with Children’s Services if:

- You have a child who needs extra help, for example, because you or your child has a disability or they have other significant needs or
- Your child’s situation is being looked at under child protection procedures or
- You are not able to look after them or social workers think you cannot look after them.

How do Children’s Services work?

When Children’s Services become involved with your child and family, they are required by law to follow certain procedures. However, Children’s Services are

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organised in different ways throughout the country which means that there can be variation in how they do things and the services they provide in different areas.

What happens when Children's Services are involved with my child?

Your first contact is likely to be with an Assessment or Duty Team. When you first make contact with them, social workers should decide, within one working day⁵ of receiving information about your child:

- Whether to start an assessment;
- What type of assessment it should be i.e.: whether it will focus initially on support or child protection; and
- Whether any immediate support or protection is needed.

Your case may later be transferred to another team. For example, this might be a specialist team for:

- Children with Disabilities – if you need extra help because you or your child has a disability
- Family support - if your social worker thinks you need extra help to look after your child
- Child Protection - if the social worker thinks your child is at risk of harm; or
- Looked After Children - if the social worker thinks your child needs to be looked after in the care system for example because you are unable to look after them for a period of time.

Many families find changes of social worker upsetting especially if they have spent time explaining everything to a previous social worker. It is usually worth asking politely if the new social worker has read the file before starting to work with you.

How will my child's needs be assessed?

Your child's needs should be assessed following:

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- i) Government guidance in Working Together 2015,⁶ which sets out the basic national framework for assessing and responding to children's needs;
- ii) Local **threshold documents** which must make clear the guidelines that the social worker will follow when deciding whether your child's needs should be assessed to get extra help and if they warrant services;⁷ and
- iii) **Local protocols for assessment** which should set out clear arrangements for how cases will be managed once a child is referred to Children's Services for help or protection.⁸

It is a good idea to ask the social worker for a copy of the threshold documents and the assessment protocol which is followed in your area as soon as you ask for help so that you know what to expect.

Will Children's Services work with my family when they assess my child's needs?

Yes. The guidance says that all assessments should involve children and families and Children's Services should consider all children and their parents as individuals. The family's structure, culture, religion, ethnic origin and other relevant characteristics should be respected.⁹ 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;
- respect the way any religious beliefs and cultural traditions you have may influence how your family operates; and
- be aware of the effects of racial harassment and racial discrimination and guard against stereotyping when doing their assessment.

They should work in an open way with you, listening to your views and sharing all relevant information with you (unless this would place your child at risk of harm).¹⁰

If English is not your first language information about services should be available in other languages. For further information see FRG advice sheet on 'Family Support Services' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Am I entitled to family support services?

Children's Services should provide help for children **who are assessed as being 'in need'** to:

- keep them safe and well cared for and
- support their families to raise them wherever possible.

These are often called "family support services".

Children's Services must provide information about the help that they can give. The range of possible support services would normally include:

- day care for children under five,
- help with parenting such as parenting classes, courses or family support workers
- practical home help support,
- access to a Children's Centre (see page 14) or
- **accommodation** (see page 12 for what 'accommodation' means).

Extra support may also be provided by education or health authorities or by voluntary organisations and it can be provided to anyone in your family, not just your child, if your child is in need.

The aim of any support provided will be to promote your child's welfare and also to keep your child at home wherever this is in their best interests.

For further information see FRG advice sheet on 'Family Support Services' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What are child protection enquiries?

Children's Services must make enquiries about your child's situation if they receive information that makes them suspect that your child is at risk of **significant harm**.

If this happens at any point, the social worker will arrange a meeting called a **strategy discussion**. *You will not be invited to this meeting* as it is for professionals to decide how the child protection enquiries are made. However, the social worker should give you clear information, in your preferred language, about what they are doing (or planning to do) unless telling you would place your child at further risk of harm.

The fact that **child protection enquiries** are being made does not mean that your child will necessarily be taken away from you – in fact most children are not - but it does mean that social workers are worried about your child and are investigating their situation so they can decide what to do.

So if, after they have made enquiries, Children's Services remain concerned about your child's safety or development, a **child protection case conference** may be set up. The aim of this conference is for all the professionals involved with your child to meet together to decide if your child is at risk of harm and if so to draw up a child protection plan to make sure your child is safe in the future. You will normally be invited to this meeting.

If Children's Services thinks your child is in immediate danger, or has been harmed within the family or there is a danger that this may happen, then

- They may ask you if you agree to your child being looked after in the care system, or
- They can ask a court to make a decision to remove your child from your care.

In an extreme emergency they can also ask the police to take your child into **police protection** for a maximum of 72 hours. For more information see also

FRG advice sheets on '[Child Protection Procedures](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' & '[Care \(and related proceedings\)](http://www.frg.org.uk/need-help-or-advice/advice-sheets):' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

If any of this happens it is essential you take legal advice from a solicitor specialising in child welfare law immediately – contact details in part 3 of this advice sheet.

What happens if my child goes into the care system?

If you agree to your child being looked after in the care system or a court makes an order saying your child should be removed from your care, the law sets out what Children's Services must do and also what parents can and cannot do. These are the key ones – Children's Services must:

- Draw up a care and placement plan for your child either before, or where that is not possible, straight after they go into the care system;
- Consult with you (and anyone else with parental responsibility) and your child (if they are old enough) about all decisions about their care. This includes discussing the contents of the care and placement plan with you, and ensuring that you continue to play a part in your child's life (unless the court has said something different);
- Take into account your child's racial, religious, cultural and linguistic background when making plans for their care;
Arrange for your child to live with the other parent/any other person with parental responsibility, or if that's not possible, with a relative, friend or other person connected with them who is approved as a foster carer for them, provided it is in the child's best interests;
- Ensure, as far as reasonably practicable, that any placement is near your home or in the area of Children's Services, that it doesn't disrupt their education, that it is with any of their brothers and sisters who are also being 'looked after' and that it is suitable if your child has a disability;
- Ensure that your child has regular **contact** with you and other members of the family unless the court says something different. (See FRG advice sheet on '[Contact with children accommodated by Children's Services](http://www.frg.org.uk/need-help-or-advice/advice-sheets) and [Contact with children in Care](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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- Make a permanent plan for your child if they have been looked after for more than 4 months. This plan could be that your child
 - returns to live with you or the other parent (or another person with parental responsibility) if that is in their best interests; or
 - goes to live with another member of the family, again if that is in their best interests – that person could be approved as a foster carer or they could apply for their own legal order, such as a child arrangements order or a special guardianship order, to make the arrangements legally secure and giving them parental responsibility so they can make decisions without having to ask the social worker all the time; or
 - is placed with unrelated long term foster carers; or
 - is placed for adoption.

For further information see FRG advice sheet on '[Powers and duties of Children's Services when children are in the care system](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Does Children's Services have to support a young person who leaves care?

Yes, if the young person has been looked after for more than 13 weeks since the age of 14 and is now over 16, Children's Services must assess their needs and help them when they leave care. The rules about this are quite detailed and are explained in FRG's advice sheet on '[Support for young people leaving the care system](http://www.frg.org.uk/need-help-or-advice/advice-sheets)'

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

What happens if there is a plan for my child to be adopted?

If your child is in care and is quite young Children's Services may suggest that, if they cannot safely live at home with you or another member of the family, they should be placed for adoption so as to achieve a permanent plan for them. In these circumstances the law sets out all the steps Children's Services must take before this can happen. For example, a child cannot be adopted without either

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- The parents (who have parental responsibility) agreeing in a formal way, or
- The court making a **placement order** which gives the social worker permission to place your child with prospective adopters, who may in due course apply to the court for an adoption order.

You have a right to be present in court to argue against a placement order.

However ***a social worker can place a child who is in care with a foster carer who is also approved to adopt children***. This is not the same as a **placement order** (see above) and does not give the foster carers the right to apply for an adoption order. It is known as ‘foster for adoption’.

Foster for Adoption

In some circumstances Children’s Services may suggest placing babies or very young children with foster carers who are also approved as prospective adopters. This is called **fostering for adoption**. These adopters could go on to adopt your child if they cannot return to your care or the care of anyone in your family and the court decides an adoption order is best for your child. Unless there is a care or emergency protection order over your child, Children’s Services can only place your child with foster for adoption carers if you agree. **If this is suggested for your child it is essential that you take legal advice from a solicitor specialising in child care law and/or FRG advice line immediately – contact details in part 4 of this advice sheet.**

VERY IMPORTANT!

If social workers discuss with you the possibility of your child being placed for adoption, or even being placed with people who may go on to adopt them at some point in the future (known as a ‘foster for adoption’ placement), ***it is absolutely ESSENTIAL that you take legal advice either from Family Rights Group advice line or from a solicitor who specialises in child welfare law immediately (contact details for both in part 3 of this advice sheet).***

Otherwise it may be difficult to reverse an adoption plan later.

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What is adoption?

Here are some key facts about **Adoption**:

- It ends all legal ties between a child and their parents, including **parental responsibility**.
- It ends the legal relationship between the child and all other members of the family;
- It creates a new legal relationship between the child and the adopters so that the child becomes legally part of their family;
- It is possible for links to be maintained between birth parents/relatives and the child if this is in the child's best interests and the adopters agree, but it is rare for there to be direct contact after the child is adopted;
- An adoption order can be made even if the parents don't agree if the court thinks that is in the child's best interests;
- Once an adoption order is made it cannot ever be changed or ended

For further information see FRG advice sheet on '[Adoption of children looked after by Children's Services](#)' and '[Open adoption](#)'

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

Can I make a complaint about Children's Services?

Yes. If you are not happy about the help you have been given or the decisions made by Children's Services about your child, you can make a formal **complaint**.

It is important that you do so in the right way - see FRG advice sheet on '[Challenging decisions and making complaints](#)' for more detailed information on how to make a complaint: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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PART TWO: WORDS AND PHRASES USED BY CHILDREN'S SERVICES

This section explains some of the words and phrases commonly used by Children's Services and which have been used in this advice sheet.

Accommodation

Accommodation is when your child is looked after in the care system with your agreement or the agreement of your child's other parent or anyone else who has parental responsibility or your child themselves if they are aged 16 or 17. This is also known as s.20 accommodation¹¹.

Your children should be offered accommodation if Children's Services assesses their needs and decides that you are not able to continue caring for them, for whatever reason. This might be because you are going to hospital for an operation or you need a break.

When your child is accommodated, Children's Services must draw up a care plan for your child before, or immediately after they are accommodated and you should be asked if you (or your child if s/he is 16/17) agree to this. You should be told, or the written agreement should state that you are able to end the arrangement at any time and set out how this can be done. ***It is always a good idea to take advice from a solicitor specialising in child welfare law or from Family Rights Group advice line before agreeing to your child being accommodated*** – contact details in part 3 of this advice sheet.

Adoption

Adoption is when a child stops being a member of their family of origin and legally becomes a member of the adopter's family by order of the court. Once an adoption order is made it cannot be reversed. For more information see page 11.

Advocacy

An advocate is someone who can attend meetings with you or write letters on your behalf. They can help you to put your point of view across and also help you

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to understand what is going on.

Children's Services should have details of local advocacy services. However there are not very many advocacy services for parents at the moment other than a few that are set up for parents with learning disabilities or those who are experiencing mental illness or domestic abuse. The Family Rights Group advice service can explain how to look for an advocate or a solicitor. For further information see FRG advice sheet on 'Advocacy for families when Children's services make decisions about their child'

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

Care plan

This is a written plan which sets out the arrangements for a child who is looked after (cared for by Children's Services). It should take account of the wishes and feelings of the parent, child and others and should be based on an assessment of the child's needs. It must consider how the child's health, education, emotional and behavioural and identity needs should be met and their need for contact with family members. It must state where the child should live and why and set out the long-term plans for the child and the name of their Independent Reviewing Officer.

Child in need

Your child will be "in need" if they are disabled, or they are 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, Children's Services may provide your family, or child, with extra help but they don't have to in all cases. This will depend on their local eligibility criteria which says which types of need they prioritise helping.

Initial child protection case conference (ICPC)

This is a meeting which takes place if your child is considered to be at risk of **significant harm**. The meeting is between Children's Services, other

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professionals, yourself and other key family members within 15 days of the most recent **strategy discussion**. The conference will discuss the risk to your child and decide what future action needs to be taken to make sure they are safe.

Child protection enquiries

Children's Services have a legal obligation to look into your child's situation if they receive information that makes them suspect your child is at risk of **significant harm**. This will normally involve them seeing your child unless they can find out enough information about them for example by asking their teacher.

Child protection plan

This is a plan which sets out the help that will be provided and the monitoring the social workers will do after a **child protection case conference**. It will only happen if the conference thinks that your child has been abused or injured in some way or is at risk of harm – through neglect, physical, sexual or emotional abuse. If a child protection plan is drawn up for your child, they will be given a social worker who should meet regularly with them and yourself to discuss their progress. Your child's situation and the plan will be reviewed after three months and then every six months after that at child protection review conferences.

Children Act 1989

This is an Act of Parliament which contains most of Children's Services' powers and duties towards children and their families, for example they must provide services for children in need and their families and set up child protection procedures. The Act sets out:

- what court orders Children's Services and families can get
- Children's Services' responsibilities when children are looked after children and
- A requirement that Children's Services has a complaints procedure

Children Act 2004

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This Act imposes a duty on Children's Services and other agencies to work together to improve the wellbeing of children and young people and keep them safe.

Children and Young Persons Act 2008

This Act made changes to the Children Act 1989 and also led to new regulations coming in from April 2011. These regulations set out in great detail how Children's Services must make and review plans for children they look after.

Children and Families Act 2014

This Act also made changes to the Children Act 1989 and has introduced a number of significant changes to the law in relation to care proceedings, contact with children in care, adoption and brought in fostering for adoption provisions. These are outlined in the relevant advice sheets which you can download from FRG's website [http:// www.frg.org.uk](http://www.frg.org.uk).

Child Arrangements Order

There are two types of child arrangements order; one which says where and with whom a child should live (this used to be called a Residence Order) and secondly one which says who the child can spend time with and for how long (this used to be called a Contact Order). A child arrangements order gives parental responsibility to the person(s) the order says the child will live with, whilst the order is in force.

Children's Centres

Children's Centres offer a range of services to help meet local needs and improve support and services for children, young people and families. They provide a one-stop shop for services or referrals to support services for children and families. These are sometimes called Sure Start Children's Centres. Some Centres have closed or reduced services over the past year because the grants from central government to Children's Services have been cut.

Children's Guardian

If your child is involved in care or emergency protection order proceedings, the court will appoint an independent social worker called a Guardian to represent them in the court case. Guardians work for a service known as CAFCASS. The Guardian's role is "to safeguard and promote the interests of the child". They will assess the case information, consult experts, appoint a solicitor to act on behalf of your child, and prepare a report for the court advising about your child's needs and wishes and giving their view about what they think is the best arrangement for your child in the future. They can see any papers which Children's Services have about your child and they may make use of an expert witness or order expert reports to ensure that the child's interests are met.

Common Assessment Framework (CAF)

The CAF is a standardised way of assessing children and young people who have additional needs and need some form of extra help but do not meet the eligibility criteria for getting help from Children's Services. The CAF may be used by any professional who works with children, such as practitioners in **Children's Centres**, schools, **extended schools** and health services (including midwives and health visitors). A CAF can be done at any time when there is concern that a child has additional needs which may not be met without extra help. A CAF should be carried out with the child and the child's family. A **lead professional** will take responsibility for bringing together the support that is needed to help your child.

Complaints

If your Children's Services department does not give you the help that you think you need, you can make a complaint. Each Children's Services department should have written information about their complaints procedure, which they must set up under the Children Act. So you can ask your social worker or the complaints officer in Children's Services for a copy of this. You can also get further advice about making a complaint by looking at FRG advice sheet: '[Challenging decisions and making complaints](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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Contact

Contact is the word used for the arrangements for your child to keep in touch whilst they are living away from you. Contact can mean visits, overnight stays, face-to-face meetings and any other ways that children and families can keep in touch such as telephone calls, texts, sending of letters and photos or internet based contact such as email or skype.

Children's Services should normally allow you contact with your child whilst they are being looked after in the care system. If your child is living away from home under a care order, then Children's Services have to get the court's permission to stop you from having contact altogether.

Core group

This is a small group of professionals and family members who get together after a child protection conference to decide how best to follow through the **child protection plan** which was agreed at the child protection conference and make sure it is carried out. Government guidance stresses the importance of you agreeing to these plans wherever possible.

Education, Health and Care plans (EHC plans)

Since September 2014 EHC plans have replaced statements of special educational need for children and young people aged 0 – 25 who have Special Educational Needs and Disabilities (SEND). They are prepared by the local authority and should ensure that the different agencies that provide education health and social care support to children and young people with SEND work closely together. Children, young people and their parents/carers should be able to get help from Independent Supporters when having an EHC or moving from a statement to an EHC plan.

Family Group Conference (FGC)

An FGC is a decision-making meeting in which your whole family, including wider family members, makes plans for your child when they need support and

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protection. If your family is referred for an FGC, you would have the chance to get the information you need from Children's Services and other professionals about what they think your child needs and also what would not be an acceptable arrangement for your child. You and the rest of your family would then have the chance to meet on your own to make a plan for your child. Your family should then be supported to carry out your plan, unless it would place your child at risk of significant harm.

FGCs are now available in most areas of the country and government guidance recommends them being used to involve wider family members in making plans for vulnerable children who may need extra help and in some cases who may not be able to stay with their parents. If you would like an FGC ask your child's social worker to refer you to an FGC service in your area.

For more information see FRG advice sheet on Family Group Conferences - <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Foster care

If your child is **looked after** by Children's Services, they may be placed in foster care with foster carers. Foster carers do not have parental responsibility for your child and they are employed by Children's Services. They look after your child in their home and have responsibility for the daily care of your child.

Foster carers may be unrelated to your child. However, other people in your family or your friends can ask to be assessed and approved as foster carers for your child so your child can stay within the family whilst they are in care rather than having to move to live with someone they don't know. If any of your relatives (or friends) are interested in fostering your child, they should talk to the social worker about it and/or see FRG advice sheet '[Family and friends care: becoming a foster carer](#)'

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

Fostering for adoption

This is when a social worker places a child (usually a baby or young child) with a foster carer who is also approved to adopt children generally. The foster carer could then later go on to adopt the child if the court agrees that your child should be adopted and that the foster carer is suitable to adopt them. ***It is essential to get legal advice before, or if that is not possible, as soon as possible after your child goes into the care system, so you understand fully what could happen if you child is placed in a 'foster for adoption' placement.***

To get legal advice either contact FRG advice service or a solicitor specialising in child welfare – contact details for both in part 3 of this advice sheet

Lead professional

The lead professional is the person who organises all the different types of help your child needs that were identified in the CAF assessment. Who this person is will depend on your child's particular circumstances but a lead professional is normally a family worker, youth worker, health visitor, educational welfare officer or personal adviser. If there are any difficulties about your child getting help, your child's lead professional is the person to talk to.

Looked after child

If your child is "looked after" they are being cared for by Children's Services. This can be with your agreement (or the agreement of the other parent or anyone else with parental responsibility or your child themselves if they are aged 16 or 17) or under a court order (such as a care order or emergency protection order).

When your child is looked after there a list of placement priorities that Children's Services must follow when deciding where your child will live. The first choice of placement is with their parent(s) or anyone else with parental responsibility if they are assessed as being suitable to care for the child. If there are no suitable parents, the next priority is given to relatives or friends who are assessed as being suitable. Failing that looked after children must be placed with unrelated

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foster carers who are approved to foster them or in a residential unit.

Planning and review meetings will be held regularly to make sure the plans for the child when they are looked after meet their needs. Parents should also be consulted about all decisions when their child is looked after.

For more information about what Children's Services must do when a child is looked after see page 8-9 of this advice sheet and also FRG advice sheet on Powers and Duties of Children's Services when children are in the care system.

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

Multi-agency safeguarding Hub (MASH)

Many local authorities have set up multi-agency safeguarding models where a hub of key agencies (which can include children's services, police, health, education, probation and youth offending) are co-located or have an agreed protocol in place to promote better information-sharing, decision-making and communication in relation to concerns about children. The aim is that referrals are responded to in a coordinated, appropriate and timely way. This should also mean that early intervention can be offered to prevent crisis or risks increasing.

Parental responsibility

Parental responsibility means all the rights and responsibilities that you have as a parent towards your child. The following have parental responsibility for a child:

- All mothers
- Married fathers
- Unmarried fathers with a parental responsibility agreement (forms are available from your local court) or parental responsibility order from the court
- Unmarried fathers named on the child's birth certificate (effective from December 2003)
- Anyone who has a residence order or a child arrangements order (saying with whom the child should live) in respect of the child, for example a relative of friend - will share parental responsibility with others who have PR

- Any guardian of the child if the appointment has taken effect after the death of the parent who has parental responsibility or the special guardian – normally on the death of the second such parent/special guardian.
- Anyone who has a special guardianship order for the child
- Children’s Services, if they have a care order or emergency protection order in relation to the child – in which case they will share parental responsibility
- Prospective adopters when the child is placed for adoption with them.
- Adoptive parents who have adopted the child
- A 2nd female parent in certain circumstances

If you have parental responsibility you cannot give it away to anyone else, but you can arrange for other people to care for your child, for example, if your child is being looked after by a child minder or relatives or whilst they are at school.

A father who was not married to the child’s mother does not have parental responsibility unless he has since got it through any of the means described above. However, he is still treated as a “parent” under the Children Act 1989, and is therefore usually entitled to be involved in all decisions made about his child by Children’s Services and the courts. But if the plan is for his child to be adopted, he will **not** be fully involved in the process unless he gets parental responsibility. ***Any father in this position should seek urgent legal advice from a specialist solicitor or Family Rights Group advice service*** – contact details in part 3 of this advice sheet.

For further information, see FRG advice sheet on ‘[Parental Responsibility:](http://www.frg.org.uk/need-help-or-advice/advice-sheets)’

Placing a child for adoption

If Children’s services plan is for a child who is looked after in the care system to be adopted, they must either :

- Ask each of the parents (with parental responsibility) to give formal consent to their child being adopted ;¹² or

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- ii) Ask the court to make a placement order, which will allow children's services to place the child with prospective adopters, who may go on to apply for an adoption order.¹³

This means that even if the adoption agency has made a decision to pursue a plan for your child to be adopted, they cannot act on that plan unless either you have given formal consent to the adoption in writing or they have been given a placement order by the court. If you are a mother or father with parental responsibility you will automatically be part of any court proceedings related to adoption.

But, if you are a father who does not yet have parental responsibility the placement order could be made without you being involved so ***it is really important that you take legal advice immediately about obtaining parental responsibility;***

For further information see FRG advice sheet on '[Adoption of children looked after by Children's Services](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Placement order

A placement order is made by the court and gives Children's Services the right to place a child with prospective adopters. Children's Services can only apply to court for a placement order if the child's case has first been considered by an Adoption Agency Decision Maker. The court will only make this order if it is convinced that adoption is in the child's best interests and all other options including options within the wider family network have been ruled out.

In some circumstances Children's Services may suggest placing babies or very young children with foster carers who are also approved as prospective adopters. This is called **fostering for adoption. This is not the same as a placement order.** Unless there is a care or emergency protection order over your child,

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Children's Services can only place your child with foster for adoption carers if you agree. But, these foster carers could go on to adopt your child if they cannot return to your care or the care of anyone in your family and the court later decides that adoption is the best plan for your child, and makes a placement order. **If this is suggested for your child it is essential that you take legal advice from a solicitor specialising in child care law and/or FRG advice line immediately** – contact details in part 3 of this advice sheet

For further information see FRG advice sheet on '[Adoption of children looked after by Children's Services](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Planning and review meetings

If your child is looked after in the care system, regular meetings will be held to plan and monitor their care. You should usually be invited to these meetings and you should be asked about the plans in advance and given a record of the decisions made at these meetings.

Planning meetings will be held when your child first becomes looked after by Children's Services and they are making decisions about where your child should be living, what contact you should be having, and how your child's health, education and other needs are going to be met. It is a good idea for you to write down your wishes about how your child is cared for, including details of daily routines, hair and skin care and religious practice.

Independent review meetings are then held one month after your child is looked after, then after three months and then every six months after that. The original care plan, agreed when your child first became looked after, is discussed and changes made if necessary. The Independent Reviewing Officer (IRO) chairs this meeting. If you have any concerns about your child when they are in the care system, talk to their IRO.

Residence order

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This is an order of the court which says where a child will live. It also gives parental responsibility for the child to the person names in the order as the person with whom the child will live. This order has been replaced by a child arrangements order but there is little practical difference between these two orders other than the name.

Significant harm

The Children Act 1989 introduced the phrase “significant harm” to describe the amount of harm that a child must be suffering before Children’s Services become involved in your family life (even if you don’t agree).

Children’s Services must carry out child protection enquiries if they suspect your child is (or may be) suffering significant harm, and must take steps to protect them. This includes physical or sexual abuse, damage to their mental or emotional well-being, and neglect. There is no definition of “significant” but your child’s health and development will be compared with a similar child to establish whether the harm they are suffering is significant.

Social worker

The social worker is a qualified professional. They should work with you and your child to make sure that your child’s needs are met. It is important to remember that although the social worker’s main concern is your child, they should always work in partnership with you whenever possible. They should try to ensure that you receive the information and support you need to help your family.

Special Guardian

A special guardian is someone who is not the child’s parent but who is appointed in a court order to provide a permanent home for a child. This special guardianship order (SGO) gives the special guardian parental responsibility for the child. Under a SGO, the parents have only limited parental responsibility. The special guardian has clear responsibility for almost all decisions about how the child will be raised, without needing to consult others with parental responsibility, but there are some things they cannot decide without the parent’s agreement

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such as taking the child abroad for more than 3 months or changing the child's surname. For more information see FRG advice sheets 19 & 20: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Strategy discussion

This is a discussion that takes place between Children's Services, the police and possibly other child care agencies at the beginning of **child protection enquiries**. The purpose of the discussion is to decide how the child protection enquiries should be carried out. Parents are not normally invited to strategy meetings but you should be informed as soon as possible of what is likely to happen afterwards.

Transparency

This is the term used to describe when family cases will be made public. The basic rule about this is that a judgement in a family court case involving children **cannot** be published unless the hearing was held in public or the judge has given permission. However the rules have recently changed so that when a case is heard by a ***circuit judge or a High court judge***, certain judgements (for example in care proceedings) must be published 'unless there are compelling reasons' why they shouldn't be. This is decided on a case by case basis. You, your child and your family should not be identified but any professionals in your case would normally be named. If you are worried about publicity talk to your solicitor about it – they may be able to argue against it in court if you have good reasons to object.

PART THREE: WHERE TO 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. They may be able to help you find a local solicitor.

Website: <http://www.citizensadvice.org.uk>. Advice on line Website: www.adviceguide.org.uk.

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Civil Legal Advice (CLA): This is a free and confidential advice service run on behalf of the government. It provides information and legal advice directly to the public on common legal issues; helps people work out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor if so.

Website: <https://www.gov.uk/civil-legal-advice>; Telephone: 0845 345 4345;

Minicom: 08456096677; find a legal advisor service at:

<http://legaladviserfinder.justice.gov.uk/AdviserSearch.do>

The Coram Children's Legal Centre provides free online independent legal advice to children, parents, carers and professionals. <http://childlawadvice.org.uk/> They offer a telephone call back by an adviser for a fee.

Family Action which used to be called the Family Welfare Association is an established national charity offering a variety of help and support to enable people to find the best solutions to their problems. Services include family centres offering playgroups, contact centres and specialist work with children and families facing a range of issues including physical and mental health problems.

Website www.family-action.org.uk or contact your local children's information service for details of local projects in your area.

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-3pm. You can also [contact](#) us via the FRG website contact form <http://www.frg.org.uk/about-us/contact/us> You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets>. where you can download other relevant advice sheets.
- Or visit 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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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>

Information, Advice and Support Services (previously known as Parent Partnership Services) provide information, advice and support to disabled children and young people, and those with SEN and their parents. There must be an IAS service in every local authority area. Their services are free, impartial and confidential and they can help with a range of issues relating to SEN and disability. You can ask your local authority how to access your local Information, Advice and Support service or check their website <http://www.iassnetwork.org.uk>

Independent Parental Special Education Advice (IPSEA) is a national charity which gives free, legally based independent advice and support in England and Wales to help parents/carers get the right education for children with SEND. They advise on problems with schools, EHC assessments and plans, personal budgets /direct payments, SEND, mediation, challenging decisions etc.

General Advice line: 0800 018 4016

Tribunal Helpline: 0845 602 9579

Website:<http://www.ipsea.org.uk>

Specialist child welfare solicitor: To find a specialist solicitor contact:

i) [Solicitors Regulation Authority](http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page), Ipsley Court, Redditch, Worcestershire
B98 0TD Telephone: 0870 606 2555

<http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>; or

ii) [The Law Society of England and Wales](http://www.lawsociety.org.uk), 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

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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> ; or

iii) [CLA](#) (details above)

¹ Children Act 1989 <http://www.legislation.gov.uk/ukpga/1989/41/contents> and Children Act 2004 <http://www.legislation.gov.uk/ukpga/2004/31/contents>

² Working Together to Safeguard Children (A guide to inter-agency working to safeguard and promote the welfare of children), 2015, para 7-11, page 13. (This is statutory guidance, which must be followed unless there are exceptional local reasons to justify not following it. This would be very unusual. <http://www.workingtogetheronline.co.uk/index.html>)

³ Working Together 2015 para 9, page 14.

⁴ Working Together 2015 para 8, page 13.

⁵ Working Together 2015 para 58, page 26

⁶ Working Together 2015.

⁷ Para 18 page 15 Working Together 2015

⁸ Para 65 page 27 Working Together 2015

⁹ Working Together 2015 para 42 pg 23

¹⁰ Working Together 2015 paras 22, pg 16

¹¹ S.20 Children Act 1989 <http://www.legislation.gov.uk/ukpga/1989/41/contents> and Children Act 2004 <http://www.legislation.gov.uk/ukpga/2004/31/contents>

¹² s.19 Adoption and Children Act 2002 <http://www.legislation.gov.uk/ukpga/2002/38/contents>

¹³ s.21 Adoption and Children Act 2002 <http://www.legislation.gov.uk/ukpga/2002/38/contents>

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