

Contact with children accommodated by Children's Services

Introduction

When children are looked after in the care system it is really important for their well-being that they maintain positive relationships with members of their family. Keeping in touch with their family network is therefore essential unless this would put them at risk e.g.: if they were in touch with someone who had harmed them in the past.

This advice sheet is for parents and relatives who want to have 'contact' with their child when they are 'accommodated' by children's services with the agreement of the parents or others with parental responsibility.¹ It is quite long so we have divided it up into sections to make it easier to read:

- [Part 1](#): Key questions about the legal and practice framework for arranging contact between you and your accommodated child (page 3)
- [Part 2](#): How is contact arranged in practice? (page 9)
- [Part 3](#): Where can I get more information? (page 11)

Since things can seem quite complicated when children's services are involved with your family, you may want to ask a friend or your solicitor to explain anything in the advice sheet that you don't understand.

If your child is in care under a court order, for example an emergency protection order or a care order, rather than with your agreement, the rules about contact are a bit different so you should look at FRG advice sheet Contact with children in the care of Children's Services: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

We have included the references for all the legal and practice requirements 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 also 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.

Key words used in this advice sheet include:

- **'Contact'** means visits, overnight stays, letters, phone calls, the exchange of photos, and any other ways that children and their families can keep in touch, including electronically, for example skype, email, messaging or texts.
- **'Accommodation'** means that a child is being looked after by Children's Services with the agreement of the parents/those with parental responsibility. (See Duties of Children's Services to Children in the Care System: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>)
- **Child Arrangements order** (saying who the child should see): this is a new order, which replaces contact orders under s.8 Children Act) in which the court can set out the arrangements for a child, including the contact they have with members of their family whilst they are accommodated where this is not agreed.
- **Parental responsibility** means the legal right to make decisions about how a child is raised. Those who have parental responsibility include: mothers; fathers who have been married to the mother at any time since the birth of the child or are jointly registered on the birth certificate as the father (after 1.12.03) or have acquired PR by formal agreement with the mother or by court order;; anyone who has a residence, child arrangements order (saying who the child should live with) special guardianship or adoption order in their favour on the child; guardians; step-parents who have acquired PR by formal agreement or court order. For more information about parental responsibility, see FRG advice sheet Parental Responsibility: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

PART 1: KEY INFORMATION ABOUT ARRANGEMENTS FOR CONTACT WITH AN ACCOMMODATED CHILD:

Do I have a right to see my child?

Children's Services must try to '**promote**' contact between an accommodated child and their parents, guardians, anyone else with parental responsibility, relatives, friends and others connected with them "**unless** it is not reasonably practicable or consistent with the child's welfare."² This means that Children's Services should take positive steps to make arrangements for the child to be in touch with their parents, grandparents, brothers and sisters and others in their family network whilst they are looked after³ unless this would not be good for them.

Important note

These rules apply even if your child is placed in a foster for adoption placement. This is when Children's Services are considering adoption as the permanence plan for your child and they place your child with foster carers who may go on to adopt them (if they cannot return to your family) even though adoption has not yet been formally decided or authorised.

Before making contact arrangements for any looked after child, the social worker should:

- assess the child's contact needs. The assessment should identify those people in the child's network with whom it is important they maintain contact including grandparents and brothers and sisters;⁴
- find out, and give 'due consideration to', the wishes and feelings of the child, their parents, anyone else with parental responsibility, and other relevant people.⁵ This means that parents and anyone else with a significant relationship with the child should be involved in planning contact arrangements before the placement is made⁶ (unless there is a court order setting out what the contact arrangements will be⁷ which is rare);
- agree the arrangements with the person who is agreeing to the care plan which is:
 - A person who has parental responsibility for them

- The last person caring for the child or
- The child themselves (if over 16).

So if you are the parent or another person with parental responsibility, Children's Services should discuss and agree these contact arrangements with you;

- record the contact arrangements in the care plan and the placement plan for the child. These plans should be prepared before placement. If this is not possible, the care plan must be made within 10 working days and the placement plan within 5 working days, of the placement starting. Copies of these plans must be given to the parents, the child, anyone else with parental responsibility and other relevant people.⁸

For more information about the duties on Children's Services to make and review care plans, see FRG advice sheet [Duties of Children's Services towards children 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>

Can I get help with my contact expenses?

Children's Services **may** help with the contact arrangements by paying for travel and other contact expenses, such as meals out and activities, but only if they believe that:

- the visit could not otherwise be made without 'undue hardship' and
- that the circumstances 'justify payment'.

In other words Children's Services can help with these expenses, if the visit might not happen if they don't pay, but they do not have to. Talk to the child's social worker about whether they can help you.

Will the contact arrangements be reviewed?

Yes. Once a child is accommodated in the care system, Children's Services must keep the care plan (including the child's contact arrangements) under review.

Reviews take place at regular intervals (no later than 4 weeks after the child becomes looked after; and then within a further 3 months and then 6 monthly after that) and also whenever a substantial change to the plan is needed and certain other circumstances.

The social worker must also tell the Independent Reviewing Officer (IRO), who chairs the review, of any major change in contact arrangements or complaint by the child or parent.⁹ If you are worried that this isn't happening, you can contact the IRO directly yourself. The IRO must consider whether a Review is needed and let you know.

All of this means that Children's Services must discuss with you when you will see your child and keep this under review. For more information about the duties on Children's Services to make and review care plans, see FRG advice sheet Duties of Children's Services towards children in the care system:

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

What can I do if the social worker says that contact would not be good for my child?

If the social worker is saying that contact cannot take place because your child may be harmed by it, you need to ask them to be clear about what they think will harm your child and then make proposals which would remove the risk of harm. This might include for example ensuring that there is someone else present during contact to make sure your child is kept safe. If you cannot reach agreement with them about this you should take legal advice about how best to challenge this.

However, if the social worker is saying it would not be good for your child because it might be disruptive to them or it is difficult to make the necessary arrangements, you could politely remind them that government guidance to Children's Services confirms the principle that

*'the interests of the majority of looked after children are best served by sustaining or creating links with their birth families including wider family members.... contact, however occasional, may continue to have value for the child even where there is no question of return to his or her family'*¹⁰

The guidance also says that:

- 'grandparents and other relatives can provide a sense of family history and continuity where the child cannot live with his/her birth parents yet contact may easily be lost if the child becomes looked after';¹¹

- ‘One of the key principles of the Children Act 1989 (the 1989 Act) is the presumption that there should be continued contact between the child and their family while the child is in the care of the local authority ¹²;
- the first weeks during which the child is looked after by the responsible authority are likely to be crucial to the success of the relationship between the parent, the social worker and the child’s carers, and to the level of successful future contact between the parents and the child.¹³
- placements made in an emergency require special care if parents are to be reassured from the outset that they have a continuing role in their child’s life and to minimise distress for the child. Early visits are essential though parents may need help to cope with both their own and their child’s distress.¹⁴

This guidance is supported by **research evidence** which shows that the well-being of children who do not live with their family is improved, in the majority of cases, if they can maintain links with their parents and other family members. This research also says that:

- Continuing contact is the key to children returning home early from the care system.¹⁵
- Continuing contact helps to protect children against the more adverse effects of public care.¹⁶
- There are fewer breakdowns of foster placements when contact is maintained. It is more possible than many social workers believe to find foster carers willing to encourage contact. Barriers to contact stem more from the attitudes of social workers than foster carers.¹⁷
- Children need contact with important people from the past in order to develop their sense of identity which is essential for their well-being.¹⁸
- Continuing contact with grandparents is almost wholly beneficial, and is particularly important for older children.¹⁹
- Continuing contact with sisters and brothers is very important, and the most common type of contact for children in permanent placements. Geographical distance can be a barrier to this contact, so local authorities need to plan for the payment of the associated travel expenses.²⁰

What about brothers and sisters keeping in touch?

It may be the case that only one of your children is in care, or that it has not been possible to place brothers and sisters (siblings) together. Research has shown that children say that keeping in touch with their siblings (from both the same or different parents) is one of their highest priorities when they are in care.

Children's services have a duty to promote contact between a child and their siblings unless it is not consistent with their welfare. The care plan should set out the arrangements for contact between brothers and sisters.²¹ The Independent Reviewing Officer (IRO) has a duty to ensure that review meetings consider contact between siblings and should make sure that your child is happy with the contact they are having.²² If the social worker has said that your child should not see their siblings, you should ask them to give reasons for this. You could also politely remind them that government guidance says

- It is important to ensure that contact arrangements between siblings are given very careful attention and plans for maintaining contact are robust. Contact must be meaningful and take place where children feel safe and supported.
- It is important that children and young people understand the contact arrangements in place and are fully supported to understand the reasons for contact not happening, including when arranged visits are cancelled. All parties will need support to ensure that contact is a positive experience for all siblings.²³

If you are not happy about the contact that your child is having, talk to the IRO, your solicitor or Family Rights Group advice line.

What factors help make contact a positive experience for the child?

Research shows that

- The venue for contact can affect the quality of the contact visit. Although visits in the family home only occur in a minority of cases, both children and parents value such visits because they enable children to see other relatives and friends and re-acquaint themselves with typical family activities, whilst parents are also enabled

to continue to parent their child. By contrast, social services venues are seldom popular as they offer little privacy and restrict family activities.²⁴

- Continuity of social work support for, and the involvement of the foster carers in planning, the arrangements for contact also helps to make contact successful.²⁵
- Contact arrangements may be more positive with some members of the family than others, and therefore arrangements for contact may need to vary for selected family members. In some cases, this may involve indirect contact where direct physical contact is not considered to be of benefit to the child.²⁶
- Maintaining emotional relationships at a distance is immensely difficult in any circumstances, but all the more so for disadvantaged children who move around and whose family structures change whilst they are away.²⁷

Again, you may want to refer to this guidance and the research evidence in your discussions with the social worker about where contact will take place.

PART 2: TIPS ON ARRANGING CONTACT

If you want to make (or change) arrangements for you to see your child, you need to talk to the social worker. Here are some tips to help you negotiate:

- be clear about the sort of contact you think will be best for your child. This might include: seeing your child at your family home (rather than the foster or children's home), or when others are around to help you, or having arrangements which fit in with your child's activities, your work, times of buses etc;
- ask the social worker to write to you with the detailed arrangements for contact, so everyone is clear about the plans;
- if you have difficulty paying the costs of contact visits, you can ask the social worker for help with this (see page 4 above). They can pay for things like travel, meals or the cost of a special outing. It could be paid to anyone visiting the child, not just parents. However Children's Services don't have to pay but if contact can't happen without financial help and there are no other sensible options, you could consider making a complaint (see FRG advice sheet on Complaints <http://www.frg.org.uk/need-help-or-advice/advice-sheets>);²⁸
- keep a note for yourself about how each visit goes. This might be useful when you have meetings to discuss progress;
- if you are unhappy about any restrictions imposed on the contact arrangements, ask for the reasons in writing, and try to work out ways of overcoming the social worker's worries. You are entitled to see the notes of any supervised contact without unreasonable delay;
- if you want the arrangements to be changed, ask for this in writing, giving your reasons, and ask for a written reply;
- if you need to, remind the social worker politely about the legal duties and research evidence about contact above
- consider asking the view of the independent reviewing officer about whether the contact arrangements meet your child's needs; and
- if Children's Services fails to follow the legal requirements and/or government guidance, you could consider making a formal complaint. For more information on making a complaint see FRG advice sheet on Complaints:

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

- If there is no agreement about the contact with a child who is accommodated, it is possible (though very unusual) to ask the court to decide what contact you should have with them. To do this you would need to apply for a Child Arrangements order (saying who the child should see). This is a new order which replaces contact orders under s.8 Children Act 1989. It requires the person with parental responsibility for the child, to make the child available for contact with the person named in the order.²⁹ If you want to apply for this order, contact your local Family Court.

PART 3: WHERE CAN I GET FURTHER INFORMATION?

Ask your local library to get a copy of the government guidance and research studies mentioned above.

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

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

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

- Contact FRG's advice line for specific advice about your case on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm. You can also email to advice@frg.org.uk.
- You can also visit www.frg.org.uk/advice_sheets.html where you can download other relevant advice sheets.
- Or join the FRG parents' or family and friends carers' discussion boards.
- Family Rights group can also put you in touch with a **Family Group Conference Service**. Email office@frg.org.uk

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

1. **Solicitors Regulation Authority**, Ipsley Court, Redditch, Worcestershire B98 0TD Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;
2. **The Law Society of England and Wales**, 113 Chancery Lane, London WC2A 1PL Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344
E-mail: info.services@lawsociety.org.uk www.lawsociety.org.uk
You can search their website for details of local solicitors who are members of the Children Panel:
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>
3. **Civil Legal Advice (CLA)** See page 11 above.
4. **Citizens Advice:** See page 11 above.

References

CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CPPCRR	Care Planning, Placement and Case Review Regulations 2010 http://www.legislation.gov.uk/uksi/2010/959/contents/made
CYPA	Children and Young Persons Act 2008 http://www.legislation.gov.uk/ukpga/2008/23/contents
ECHR	European Convention on Human Rights and Fundamental Freedoms http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm
FFSG	Family and Friends Statutory Guidance 2010 https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf
G&R Vol 2	Children Act 1989, Guidance and Regulations, 2010, Department of Education, Volume 2: Care Planning, Placement and Case Review http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationdetail/page1/dcsf-00185-2010_and_update Looked after children: contact with siblings' 2014, at http://www.gov.uk/government/uploads/system/uploads/attachment_data

	a/file/279693/Looked after children contact with siblings.pdf
HRA	Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42/contents
IROH	IRO Handbook 2010 https://www.education.gov.uk/publications/standard/publicationDetail/Page1/D/CSF-00184-2010
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012

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¹ s.20 Children Act 1989

² Schedule 2 para 15(1) Children Act 1989

³ Regs 5 & 9; CPPCRR; Schedules 1 & 2 CPPCRR; Para 2.44, 2.78-2.80 G & R Vol 2;

⁴ Regs 4(i)&(3) & 5 CPPCRR & Sched 1 & 2 CPPCRR; Paras 2.15 & 2.81-2.82 G&R Vol 2;.

⁵ Section 22(4-5) Children Act 1989;

⁶ para 2.82 G&R Vol 2.

⁷ Re: C (Care: Consultation with parents not in child's best interests) [2006] 2 FLR 787

⁸ Regs 5 & 9; Schedules 1 & 2 CPPCRR

⁹ s. 26 CA Reg 33 CPPCRR

¹⁰ Para 2.78 & 2.86, Chapter 2 G&R Vol 2;.

¹¹ Para 2.84, Chapter 2 G&R Vol 2

¹² Para 2.78, Chapter 2 G&R Vol 2

¹³ 2.82, Chapter 2 G&R Vol 2

¹⁴ Para 2.83,

Chapter 2, G&R Vol 2

¹⁵ Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate).

¹⁶ Wedge and Mantel, 1991, Sibling Groups and Social Work (Avebury Gower)

¹⁷ Berridge and Cleaver, 1987, Foster Placement Breakdown (Blackwell) Fratter, 1989, Family Placement and Access (Barnardo's Barkingside)

¹⁸ Thoburn, 1994, Child Placement: Principles and Practice (Wildwood House)

¹⁹ Rowe, J., Cain, H., Hundleby, M., Keane, A., 1984, Long Term Foster Care (Batsford)

²⁰ Berridge and Cleaver (as above); Macaskill (2002) Safe Contact? Children in Permanent placement and Contact with their Birth Relatives, (Lyme Regis, Russell House)

²¹ CPPCRR sch 1 Para 3

²² Vol 2 G&R para 2.85

²³ Vol 2 G&R 2.85

²⁴ Macaskill (2002) as above; Cleaver, H (2002) Fostering Family Contact in Department of Health Children Act Now, 2002 (Stationery Office)

²⁵ Schofield, G and colleagues (2002) Growing Up in Foster Care (BAAF, London); Cleaver, H, (2002) as above

²⁶ Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate)

²⁷ Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate).

²⁸ Schedule 2 para 16 Children Act 1989

²⁹ s.8 Children Act 1989