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Challenging decisions and making complaints

Introduction

If you don't agree with a decision made by a child's social worker or the Children's Services department they work for, you may want to make a complaint. This advice sheet tells you how to do that, but **it only applies to complaints in England**. For complaints in Wales, ask your local Children's Services for information about their complaints procedure and see Parts 4 and 5 of this Advice Sheet.

This advice sheet is quite long so we have divided it up into sections to make it easier to read:

- [Part 1](#): How to make a complaint (page 3)
- [Part 2](#): What happens when you make a complaint? (page 7)
- [Part 3](#): Child protection complaints (page 11)
- [Part 4](#): Other ways to challenge decisions of Children's services (page 13)
- [Part 5](#): Applying to court for breach of human rights (16)
- [Part 6](#): Judicial review (page 17)
- [Part 7](#): Where you can get further help (page 19)

The law in this area is quite complicated so 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 FRG advisers on our advice line – contact details are at the end of this advice sheet.

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 terms referred to in this advice sheet include:

- **‘Accommodation’** means that the 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 towards Children in the Care System: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>)
- **‘In care’** means that the child is either: under a court order (an interim or full care order or an emergency protection order); or is in police protection (For more information, see FRG advice sheet on Care and related proceedings <http://www.frg.org.uk/need-help-or-advice/advice-sheets>)
- **‘Child in need’** A 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.
- **‘Looked after’** means that the child is *in care* or *accommodation* with Children’s Services;¹
- **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, 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: HOW TO MAKE A COMPLAINT

Who Can Make a Complaint?

Generally parents, people caring for children, family members who are involved with the child and sometimes children themselves can make a complaint.

The law specifically says the following people can make a complaint:

- a child who is 'in need'²
- a child who is 'looked after' by Children's Services³ because they are 'in care' under a court order or 'in accommodation' with the agreement of the parents/carers
- a young person who is a care leaver and is under 24⁴
- a young person who is under a Special Guardianship order⁵
- a parent or another person with parental responsibility for a child who is 'in need' or 'looked after'
- a Special Guardian⁶
- any person who has applied for Special Guardianship support services⁷
- a foster carer who is approved by Children's Services⁸
- a child who is (or may be) adopted, their adoptive parents, their birth parents, guardians or a person wishing to adopt a child⁹
- anyone else who Children's Services considers has a 'sufficient interest' in the child's welfare.¹⁰ If you are in this category you will need to show Children's Services that you have a connection with the child.

If you are making the complaint on behalf of a young person or an adult, you will need to show you have their agreement. It would be best to have their agreement in writing.

What can I complain about?

You can make a complaint about:

- any of the decisions of, or services provided by, a child's social worker or Children's Services; and
- not getting the services or help you or your child needs.

Complaints can be about a wide range of problems, including things like:

- **Lack of effective help for a vulnerable child (child in need):** You may want to complain if you have a vulnerable child living with you and you feel that the help you are getting is not meeting their needs or helping you to look after them.
- **Lack of effective support for a child 'in care':** You may want to complain about the lack of support for a child who is looked after in the care system, or when they return home and also about a lack of help for a young person after they have left the care system,
- **Contact:** You may want to complain about the arrangements for a child to see you and other members of the family when they are looked after by Children's Services. Note: if they want to stop contact altogether and a care or emergency protection order has been made, they need the permission of the court to do so.
- **Decision Making:** You may want to complain about the way you or others were treated for example about how information was shared, how your views were (or were not) taken into account, and how decisions were made (including delays in making or failure to make decisions and/or providing help) and disagreements between you and Children's Services about a decision concerning your child.
- **Adoption:** You may want to complain about actions and decisions concerning a child's adoption and adoption support services¹¹.
- **Special Guardianship:** You may want to complain about actions and decisions regarding support for a child under a Special Guardianship Order¹².
- **Decisions following Court Orders:** You may want to complain about
 - problems with the social worker
 - contact between the child and their parents or other family members after the court has made a care order
 - Children's Services' actions and decisions in respect of emergency protection orders¹³.
- **Child Protection:** complaints about child protection investigation or conference – these are dealt with separately - see part 3 on page 11.

Useful tip:

You have a right to see information held by Children's Services about you, so before making a formal complaint it may help you to see your family's file. (For information on how to get it, see FRG Advice Sheet on [Access to Records](#): <http://www.frg.org.uk/need-help-or-advice/advice-sheets>)

How do I make a complaint?

You can make a complaint by:

- telling your social worker you would like to make a complaint;
- asking your local Children's Services for their complaints form, or by getting it on line;
- sending a letter or email to Children's Services complaints department; or
- telling the social worker or complaints officer what you are complaining about. If you do this they should write it down and agree their note of your complaint with you.

Note: you don't have to put your complaint in writing if you do not want to¹⁴ but whichever way you do it, it is important to make sure that you say you want your complaint treated as a "formal complaint".

Useful tips:

If you decide to put the complaint in writing, try to:

- Put all your complaints in one letter, rather than writing several letters of complaint.
- Keep your letter as clear and brief as possible with numbered paragraphs about each complaint.
- Make sure you explain clearly what you think Children's Services has done wrong, how this has affected your child and what you want them to do to put things right.
- Stick to the facts of the situation rather than making things personal or emotional.
- Keep a copy of your complaint and note the date you sent it for future reference.
- Keep other letters/notes of meetings relevant to your complaint in a folder with your complaint.
- Get the contact details of anyone you speak to in the Complaints Team and make a note of any calls with them.

Once you end in your complaint, Children's Services should write to you to say that they have received your complaint. If you don't receive this you may need to chase them for this – see Part 2.

Is there a time limit for making a complaint?

Yes. You should make your complaint within **a year** of the action/decision you want to complain about. If it is more than a year, Children's Services should still consider your complaint if you have a good reason for not complaining earlier and it can still be decided fairly.¹⁵ But if they decide your complaint has been made too late, you could try to complain to the Local Government Ombudsman (see Part 4 below).

Can I make a complaint when there is a court case going on?

Yes. You can make a complaint whilst the court case is going on, **but it is best to take legal advice before doing so** as you don't want run the risk that it could count against you in the case. However, Children's Services may decide not to consider your complaint, if they think the same issues will be investigated and decided in the court case. If they do this, Children's Services has to notify you of their decision in writing, with their reasons. You may be able to re-make the complaint when the court case is finished, but you would have to do so within one year of the court case finishing.¹⁶

Can I get help to make a complaint?

When you tell your social worker or Children's Services you want to complain, they must:

- give you details of their complaints procedure and information about advocacy help¹⁷
- explain how to contact the Complaints Manager¹⁸
- offer you help to follow the complaints procedure¹⁹.

Note:

Parents and other adults **do not have a right** to have an advocate to help them make a complaint (as some children do) but Children's Services and the Complaints Manager should agree that a family member or friend can help you.

PART 2: WHAT HAPPENS WHEN I MAKE A COMPLAINT?

Children's Services must deal with all complaints as quickly as possible. There are three stages to dealing with your complaint with the following timescales:

Stage 1 –the informal problem solving stage – 10 working days/2 weeks

Stage 2 –the formal investigation stage – 25 working days/5 weeks

Stage 3 –the Review Panel stage – no more than 30 days/6 weeks to set up the Panel.

What happens in stage 1 – the informal 'problem solving' stage?

Once you have made a complaint, the first stage is that it will be shown to the social worker or their manager to see if a solution to the problem can be found straight away. These attempts to find an informal solution, in discussion with you, should not take more than 10 working days²⁰, but this time limit may be extended by Children's Services for a further 10 working days in a complex case. They must always tell you if they need more time to resolve things.

If you agree that your complaint has been satisfactorily resolved at this stage, Children's Services must tell you in writing what they found to be wrong and what they will now do to put it right – this is sometimes called the 'terms of the resolution'.

If you or your child has an advocate, this person must also get a copy of this letter from Children's Services.

If you are not happy with the outcome of the first stage, you should ask for your complaint to go to the second stage, the formal investigation stage²¹.

Note:

- if you made a verbal complaint which did not get written down and agreed by you, Children's Services must now write down what you say and send you a copy of it for you to check or change²²;
- they must also send you again a written explanation of their complaints procedure.

What happens at stage 2 – the formal investigation stage?

At this stage, Children's Services must appoint two people to look into your complaint. These are an Investigating Officer and an independent person²³. The investigating Officer is responsible for carrying out a full investigation of your complaint in consultation with the independent person.

Useful tip

If you feel that the Independent Person is not sufficiently independent, get advice about whether you should press for someone else to look at your complaint. You can also ask for information about the skills of the Independent Person to make sure they have the knowledge to understand the issues in your complaint. For example, if the issue is say that you want help for your disabled child, check that the Independent Person has some knowledge of the special health, education and care issues for children needing these services. Contact FRG advice service for advice – contact details in part 6.

The Investigating Officer must write a report setting out the findings of their investigation. They must then give this to a third person called the Adjudicating Officer, usually a senior manager, who will make a final decision about your complaint, taking account of the findings²⁴.

Time limits:

The investigation should be completed and a response should be sent to you within 25 working days²⁵ (5 weeks). If the investigation takes longer, Children's Services must write to you and tell you why. They must also give you a new date by which the investigation will be completed. This must be no more than 65 working days (13 weeks) from the start of the stage 2 process²⁶.

Outcome of Stage 2

Children's Services must write to you to tell you the result of your complaint being investigated at stage 2, any decisions made and any actions to be taken. You have a right to receive a full copy of the investigation report and any report from the Independent Person. The letter must also tell you that if you do not agree with

Children's Services' decision you can ask for a panel of people to consider your complaint.²⁷

If you are not happy with the result of stage 2 and want your complaint to be considered by a panel, you must tell Children's Services within 20 working days (4 weeks) from the date you receive the letter and you must also give reasons why you are not satisfied.²⁸ You should then consider if you want to move to the next stage called the 'panel stage'.

What happens at stage 3 - the review Panel stage?

If you decide to go forward to the Panel stage, you must tell Children's Services. They must then arrange for the panel to meet within 30 working days²⁹.

The panel is made up of three independent people. It must consider what you and Children's Services have already written and also what is said during the meeting by you, Children's Services and the independent person involved at stage 2.

You should be notified of the date and place where the panel will meet at least 10 days before the meeting. You should also be sent copies of all the reports and other papers that the people on the panel will see.

You can go to the panel meeting and you can be accompanied or represented by anyone you choose.³⁰ You will have an opportunity to ask questions during the meeting. Children's Services staff will be there too.

The panel hearing should be conducted in an open and fair way.³¹ It must take account of the Human Rights Act 1998 and any special needs you may have such as proper disabled access, a hearing loop or signer or allowing you to use an interpreter.

The panel must then provide a written report with their recommendations and they must send the report to you, Children's Services and the independent person within 5 working days of the panel meeting³².

The panel recommendations can include suggestions of ways that Children's Services may deal with your complaint, such as particular actions they may take to help or compensation they may give you³³.

Note: If you do not want to attend the panel meeting, you can ask that a decision is made based on your written complaint.

How is the final decision about my complaint made?

A senior person from Children's Services, not the panel, makes the final decision about your complaint. They must:

- consult with the independent person involved in stage 2;
- consider the panel's recommendations very carefully and decide what to do; and
- write to you with its response within 15 days of receiving the panel's report³⁴.

They don't have to follow the panel's recommendations but if they decide not to, they must have good reasons. Sometimes Children's Services accept some recommendations and reject others.

If Children's Services seem to ignore the recommendations made by the panel, you may have grounds to complain to the Local Government Ombudsman or apply for judicial review in the High Court (see below). Children's Services must tell you how you can complain to the Ombudsman³⁵. See part 4 below.

PART 3: CHILD PROTECTION COMPLAINTS

Can I complain about child protection?

Yes, but how you complain will vary according to what you are complaining about:

- If you want to complain about how a conference was run, Children's Services usually have a separate child protection complaints procedure, but this is not always the case - in some areas, complaints about child protection *investigations* are dealt with under the normal complaints procedure (described in part 2 above). Either way you can ask your social worker for information about how to complain about the child protection process in your area.
- If you want to complain about how a particular professional or agency behaved in the child protection process (eg: the police, a health professional or a teacher), you should approach that agency that employs them directly and ask to use their complaints procedure. You can ask for a copy or you will find this on their website. If you want to complain about how the social worker behaved this means complaining to Children's Services.

What can I complain about in child protection?

You can complain about any aspect of the child protection conference. It could be about things like:

- the way the conference was carried out – for example, if you were not given a proper opportunity to read the reports before the conference or you or someone in your family was not given a proper chance to speak at the meeting
- the fact that your child has a child protection plan or the category of concern under which this was made, if you feel it was not backed up by evidence and
- the fact that your child was not made the subject of a child protection plan or that the plan was ended against the weight of the evidence.

How do I make a complaint about a child protection conference?

The first step is to make your complaint to the Chair of the conference. This may lead to the problem being dealt with immediately. Or you can make your complaint to the Chair's manager and send a copy to Children's Services complaints manager as well.

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How will my complaint be dealt with?

Children's Services should normally set up a Panel of senior people from the agencies represented on the Local Safeguarding Children Board to investigate your complaint and make recommendations about how it could be resolved.

Any decisions made by the conference stand while your complaint is being considered. It is important to remember that, and to continue to work with your child's social worker even while you are going through the complaints process.

What can happen following a child protection complaint?

If your complaint is successful, none of the decisions of the original conference will change but it could lead to any of the following actions:

- another conference being held with a different Chair
- a review conference being brought forward or
- the decisions taken at the first conference being confirmed.

You have a right to a proper explanation from the Panel and Children's Services about why and how this decision was made.

What happens at a new conference?

If a new (also called a reconvened) conference is held or the review conference is brought forward, the Chair must make sure that everyone present at this conference is told about the decisions made about your complaint. The conference is then held following the usual child protection conference procedures. (See FRG advice Sheet on Child Protection: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>).

Can I challenge the decisions of the reconvened or review case conference?

If you are not happy with the decision at a new (reconvened or review) conference, you cannot take your complaint any further. But it may be possible to persuade Children's Services' complaints manager and the child protection manager to review any remaining concerns again to see if these issues can be sorted out. If you are still not happy with the outcome, you can consider going to Ombudsman or applying for Judicial Review.

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PART 4: OTHER WAYS TO CHALLENGE DECISIONS MADE BY CHILDREN'S SERVICES

If you are not happy with the way Children's Services have acted, there are a number of other places you can complain to, but you will need to have gone through the Children's Services or child protection complaints procedure described above first.

4.1 THE LOCAL GOVERNMENT OMBUDSMAN

The Local Government Ombudsman is an independent organisation appointed by Parliament to investigate complaints of injustice made by individuals against local government bodies, including Children's Services.

Can I make a complaint to the Ombudsman?

You may make a complaint to the Local Government Ombudsman if you are dissatisfied with decisions and actions of Children's Services. However, before asking the Ombudsman to investigate the matter ***you must first have followed the Children's Services complaints procedure*** through its three stages. It is only if this has not provided a satisfactory result for you, that the Ombudsman can agree to look into your complaint³⁶. It is for the Ombudsman to decide if the complaint is the kind of complaint that the team should investigate.

A complaint to the Ombudsman should normally be made ***within 12 months*** of the problem that you are complaining about. The Ombudsman can extend this time limit if they think it would be fair to do so³⁷.

What can I complain about to the Ombudsman?

The Ombudsman deals with complaints of injustice against Children's Services' services such as:

- they failed to provide the service that is needed by a particular child or family. This means they must have done something wrong or have failed to do something that they should have done;
- their decision making was biased, delayed and/or incompetent; or
- they did not follow their own procedures properly. The Ombudsman looks at whether the way in which a decision was reached was sound or properly made.

But the Ombudsman:

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- cannot question whether a decision/action by Children's Services was right or wrong simply because you disagree with their decision and
- cannot deal with complaints about court proceedings, either during the court case or after it is finished.

Complaining to the Ombudsman is a free service.

What does the Ombudsman do when they receive a complaint?

- The Ombudsman has access to all the relevant files and records held by Children's Services and has the power to get other documents and get witnesses to help them with their investigation.
- Following the investigation, the Ombudsman will prepare a report that will be sent to you and to Children's Services. If there has been a failing by Children's Services,
- it will set out how the Ombudsman thinks Children's Services should sort out the problem.
- If Children's Services does not act on the Ombudsman's recommendations, the report can be published with a statement about the findings which must be published in the local press.
- The Ombudsman can make a recommendation (not an order) that Children's Services should pay you compensation if your complaint is upheld.

If you need more advice on how to make a complaint to the Local Government Ombudsman you can

- telephone the LGO Advice Team - tel 0300 0610614 (calls charged at no more than calls to 01 and 02 landline numbers)
- go to their website on www.lgo.org.uk
- ask for or download the leaflet 'Complained to the Council? Still not satisfied?'
This is available in a number of ethnic minority languages.

4.2 YOUR LOCAL COUNCILLOR OR MP

Sometimes it may help to involve either your local councillor or your Member of Parliament or both of them. With your written permission, they are able to ask Children's Services about your situation. You should normally have followed Children's Services' complaints procedure first, but you could still ask your local

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councillor or MP to intervene whilst your complaint is being dealt with through the complaints procedure.

- You can write to your local councillor and/or MP and ask them to make enquiries on your behalf to Children's Services.
- Your letter should explain what your complaint is about and what you have done so far.

To contact your local councillor you should ring your local council or look at their website [usually you put in your post code]. To contact your MP, ask at your local library when they hold their constituency surgeries. You can also find out their names from: www.upmystreet.co.uk.

4.3 THE SECRETARY OF STATE FOR EDUCATION

- You can complain to the Secretary of State for Education who is a member of parliament with special responsibility for children and their families. Your letter should explain what your complaint is about and what steps you have taken so far.
- If the Department for Education or the Secretary of State thinks that Children's Services have not done something that they should have done and have no reasonable excuse (for example, refusing to make an assessment or failing to provide services when they have the resources to do so) the Secretary of State can make Children's Services do something or hold an inquiry³⁸.

But note: if the Secretary of State uses this power, it may prevent you from taking action in the courts.

To contact the current Secretary of State you need to write to:

Secretary of State for Education, Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

Telephone: 0370 000 2288

Typetalk: 18001 0370 000 2288

Fax: 01928 738248

<http://www.education.gov.uk/aboutdfe/departamentalinformation/ministerialteam>

PART 5: APPLYING TO COURT FOR BREACH OF HUMAN RIGHTS

Decisions made by Children's Services must take account of a person's rights under the European Convention of Human Rights.³⁹ If they do not, you can apply to a court to stop a breach of your rights (an injunction) and also to ask for compensation⁴⁰. The most common human rights breaches when Children's Services are involved with families are that they have breached your:

- right to a fair hearing in their internal decision-making processes or
- your right to respect for privacy and family life.

These Convention rights apply to children and to adults. And there have been several recent court decisions which have established that, in order to comply with the Human Rights Act, the decision-making procedures in the courts and Children's Services must be fair and must involve parents.⁴¹ This means that they must involve you fairly in all decision-making processes when they make plans for your child.

How can I stop Children's Services breaching my or my child's human rights?

If you feel that Children's Services may have breached ***your*** human rights, you may be able to apply to court for damages and/or an injunction to make Children's Services do something or to stop them doing something. You should get advice from a solicitor or contact FRG advice service – contact details in part 7 of this advice sheet.

If you feel that Children's Services may have breached ***your child's*** human rights and they are looked after in the care system, contact their independent reviewing officer who may be able to challenge Children's Services on their behalf.

PART 6: JUDICIAL REVIEW

What is judicial review?

Judicial review is a process in which a judge in the High Court looks at whether Children's Services' actions and decisions are legal and made properly. It is not an appeal process, as the High Court does not swap its decision for the decision made by Children's Services, but the court does have the power to tell Children's Services to make a new decision or to act lawfully (see below).

When can I apply for judicial review of a local authority decision?

Applications to court for Judicial Review must normally be made **within 3 months** of the event that you want to complain about. However, an application for judicial review will normally only be considered after you have followed Children's Services complaints procedure and complained to the Ombudsman. As Children's Services complaints procedure and Ombudsman investigations often take longer than 3 months, you may need to contact Children's Services and get them to guarantee in writing that they will not challenge your application for judicial review being made late if the complaints procedure and/or the Ombudsman's investigation do not provide a satisfactory result.

What can I complain about in judicial review?

The types of case that may be appropriate for judicial review are where Children's Services:

- is in breach of its statutory duty, which means that they have done something illegal or have not done something that the law says they should do,
- made a decision that was based on a misunderstanding of the law,
- made a decision that was unreasonable or irrational, and/or
- have failed to follow the correct procedures or applied the procedures unfairly.

Note: If your complaint is about where a child subject to care proceedings should live, you should challenge the care plan within the care proceedings rather than applying for judicial review. You could also discuss your concerns with the Independent Reviewing Officer allocated who should monitor and review your child's care plan. See

FRG Advice Sheet on Powers and Duties of Children's Services towards children in the Care System. <http://www.frg.org.uk/need-help-or-advice/advice-sheets>.

Can the court change Children's Services' decision in judicial review proceedings?

Before the final hearing for judicial review takes place, the court may make an order (called an injunction) to make Children's Services do something (such as providing you with a service) or to stop Children's Services doing something while your complaint is being considered by the court. The judge will then review the position at the final hearing when they may:

- cancel Children's Services' decision and direct them to reconsider it,
- prevent Children's Services doing something it should not do; or
- make Children's Services do something it should have done.

The court may also order Children's Services to pay compensation. However, in some cases, even if the judicial review is successful and the court believes that Children's Services acted wrongly, it may still refuse to grant the order that you are seeking if there is delay in your application or the order would not have any practical effect.

Judicial review is a complicated area of the law and can be very expensive. If you are considering it, you should consult a solicitor specialising in this area of the law. Contact details on how to find a solicitor in part 7 of this advice sheet.

PART 7: WHERE TO GET FURTHER HELP

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: A free and confidential advice service. It provides information directly to the public on a range of common legal issues and helps people find legal help and information. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help.

Website: <https://www.gov.uk/civil-legal-advice> .

Telephone: 0845 345 4345. Minicom: 0845 609 6677

Monday to Friday, 9am to 8pm; Saturday, 9am to 12:30pm CLA find a legal advisor service 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 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.

Specialist child welfare solicitor:

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

i) Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD

Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;

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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>

iii) **Civil Legal Advice** (details above)

References

CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CARP(E) R	The Children Act 1989 Representations Procedure (England) Regulations 2006 http://www.legislation.gov.uk/uksi/2006/1738/contents/made
GTBFC	Getting the best from complaints – DfES statutory guidance 2006 https://www.education.gov.uk/publications/eOrderingDownload/Getting%20the%20best%20from%20complaints.pdf
HRA	Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42/contents
LASSC(E) R	Local Authority Social Services Complaints (England) Regulations 2006 http://www.legislation.gov.uk/uksi/2006/1681/contents/made
LGA	Local Government Act 1974 http://www.legislation.gov.uk/ukpga/1974/7/contents

Last updated 1st December 2014

¹ s.22 (1) Children Act 1989

² CA 1989 section 26 (3)(a)

³ CA 1989 section 26 (3) (a)

⁴ CA section 24D and Children (Leaving Care) Act 2000, section 5

⁵ CA1989 section 26(3C)

⁶ CA 1989 section 26(3)(c)

⁷ CA1989 section 26 (3C) and Special Guardianship Regulations 2005, Reg 11(3)

⁸ CA1989 section 26(3)(d)

⁹ CA1989 Section 26(3B)

¹⁰ CA1989 section 26 (3)(e)

¹¹ CARP(E)R, Regulation 4 and see GTBFC 2.3 & 2.4

¹² CARP(E)R, Regulation 4 and see GTBFC 2.3 & 2.4

¹³ CA 89 Part IV & V and section 26 (3A) and CARP(E)R, Regulation 3

¹⁴ CARP(E)R, Reg 6

¹⁵ CARP(E)R, Reg 9

¹⁶ CARP(E)R, Reg 8

¹⁷ CARP(E)R Reg 11(a)

¹⁸ GTBFC 1.6

¹⁹ CARP(E)R Reg 11(b)

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

²⁰ CARP(E)R, Reg 14
²¹ CARP(E)R, Reg 15
²² CARP(E)R, Reg 16
²³ CARP(E)R, Reg 17(2) and GTBFC Annexe1, p37
²⁴ GTBFC 3.8
²⁵ CARP(E)R, Reg 17(3)
²⁶ CARP(E)R, Reg 17(6)
²⁷ CARP(E)R, Reg 17(8)
²⁸ CARP(E)R, Reg 18
²⁹ CARP(E)R, Reg 19(4)
³⁰ CARP(E)R, Reg 19(6) and GTBFC 3.10.3 and 3.15.1
³¹ GTBFC 3.11 and 3.16
³² CARP(E)R, Reg 20(2)
³³ GTBFC 3.12.2
³⁴ CARP(E)R, Reg 20(3) and GTBFC 3.18
³⁵ CARP(E)R, Reg 20(3)
³⁶ LGA 74, section 26(5)
³⁷ LGA 74, section 26(4)
³⁸ CA 89, section 84(1)
³⁹ HRA 98, section 6
⁴⁰ HRA 98, section 7
⁴¹ Re L (Care: Assessment: Fair Trial) [2002] EWHC 1379; Re: C (A Child) [2007] EWCA Civ 2; Re: J (Care: assessment: fair trial) [2006] 2 FCR 107