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An introductory guide to local authority children's services

References

ACA: Adoption and Children Act 2002

CA 1989: Children Act 1989

CA 2004: Children Act 2004

CLCA: Children (Leaving Care) Act 2000

Introduction:

This advice sheet explains what local authorities must do by law when they become involved with your children and family. It also tells you where to get more information on children's services and explains commonly used words and phrases. Words in bold are explained at the end of this leaflet. The legal and other references are in the narrow column on the right.

What does the law say?

The aim of the law, wherever possible, is to keep children with their family of origin, with both parents playing a full part and the State providing support to vulnerable children and families without using legal proceedings.

The law sets out the duties local authorities and others providing children's services have towards children, young people and their families. In particular, it states:

- what local authorities must do for **children in need, children at risk of harm** and **looked after children**;
- what court orders local authorities and families can obtain; and
- the **complaints procedures** that local authorities must have in place.

CA 1989 and CA 2004

The government also produces regulations and guidance about how local authorities and others should carry out their work with families.

Family Rights Group has a range of advice sheets available which set out these duties in great detail and also give general advice on how to approach specific issues with the local authority.

*Contact FRG for further details
(Contact details at end of this advice sheet)*

What children's services are available?

If your child has **additional needs** because s/he is not making progress, s/he may need a package of support. Your child's needs should be assessed under the **Common Assessment Framework** and a **lead professional** should be appointed to coordinate the support your child should receive. This assessment could be carried out by other agencies you are involved with such as a health centre, school etc.. You and your child should be involved in the assessment and support plan.

If your child has more significant or **complex needs**, s/he could be defined as a **child in need**, for example because s/he has a disability, or a statement of special educational needs or is involved with the youth offending service or s/he is subject to a **child protection** plan, or is a **looked after child**, then s/he will meet the threshold for specialist or statutory service provision under the responsibility of local authority children's services.

When am I likely to come into contact with local authority children's services?

You are most likely to come into contact with local authority children's services if you have a child who needs help, for example, you may need extra support because you or your child has a disability or other needs or you may have a child who is subject to child protection procedures. Children's services departments are responsible for supporting children who have specific needs and for the protection of children who have been abused. They are also obliged to provide foster care and/or residential care for children who cannot live with their family or friends.

How do local authority children's services work?

Children's services departments used to be called Social Services. They are organised in different ways throughout the country. Your first contact is likely to be with an Assessment or Duty Team who will carry out an **initial assessment** and can help you to access the services you need. This will usually be a brief contact with a **social worker** who makes an assessment of your child's needs.

Your case will probably then be transferred to another team, depending on the initial assessment. This might be a specialist team for Children with Disabilities, a Child Protection Team, a Family Support Team or a Looked After Child Team. The social worker there may make a more detailed '**core assessment**' of your child's needs and then develop a plan to help your family meet his/her needs.

You may find yourself passed to yet another team depending upon your circumstances and the particular department. Many people find these changes of worker distressing, and it is worth checking that the social worker has read the file before starting to work with you.

When local authorities become involved in the lives of children and their families there are set procedures that the local authority must follow by law. The general principle is that local authorities must work in **partnership with families** when making any decisions about a child. This means they should work in an open, collaborative way with you, listening to your views and sharing all relevant information with you unless this would place your child at risk of harm. You may want an advocate to help you get your views across.

Am I entitled to family support services?

The law says that local authorities should provide services for **children in need** to safeguard and promote their welfare and to support their families to raise them wherever possible. These are often called "family support services", and the local authority must provide information about the services available. If English is not your first language information should be available in other languages.

For more information see FRG's advice sheet on family support services

For more information see FRG's advice sheet on Advocacy for Families in Local Authority Decision-Making

For more information see FRG's advice sheet on family support services

Family support services might include day care if your child is under five, parenting courses, access to a **Children's Centre or accommodation**. Services may be provided by education or health authorities or by voluntary organisations. Many of these services are universally available to all families. The aim of any service provided will be to promote your child's welfare and also to keep your child at home.

Who carries out child protection enquiries?

Local authorities have a legal duty to make enquiries about your child's situation if they receive information that your child is at risk of **significant harm**. A **strategy discussion** will be held to discuss how the child protection enquiries should proceed. The local authority should give you clear information in your preferred language at the start of their enquiries and keep you informed throughout about what they are doing unless telling you would place your child at further risk of harm.

Child protection enquiries do not mean that your child will necessarily be taken away from you, but it may be necessary for your child to be interviewed or medically examined without you being present.

If the result of the enquiries is to identify concerns about a child's safety or development this may lead to a **child protection case conference**.

If the local authority thinks a child is in immediate danger, or has been harmed within the family or there is a danger that this may happen they may ask a court to make a decision to remove the child.

What happens if my child goes into the care system?

If a decision is made that a child should not be cared for by their parents, the law sets out the rights of families in respect of **looked after children** and sets out what local authorities must do when a child is being looked after.

Firstly, the law states that arrangements should be made to enable a child to live with parents a relative or person connected with the child if possible unless this would not be consistent with

For more information see FRG's advice sheet on child protection procedures

For more information see FRG's advice sheet on Care (and related) Proceedings

See FRG advice sheets on making plans for looked after children and placement of looked after children including emergency placements.

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the child's welfare.

The law also requires the local authority to take into account the child's racial, cultural and linguistic background when making plans for their care.

The law is clear that even when children are looked after by the local authority, either on a voluntary basis or as the result of a court hearing, the parents should continue to play a part in their children's lives (unless the court has made a specific ruling).

You should be able to have regular **contact** with your children when they are looked after by the local authority unless the court makes a decision to the contrary. The law also says that the parents should be involved in **planning and review meetings** in order to make plans for the care of their child/ren once they start being looked after by the local authority, and in the periodic review of these plans.

The law says that local authorities must work towards reuniting children with their families wherever possible.

When a child who is looked after by the local authority reaches the age of 16 the local authority should start to work with the young person towards making plans for their independence. However, the local authority should remain available to help a young person until they have completed their education.

See advice sheets on contact with children in care and accommodation

See advice sheets on making plans for looked after children.

See advice sheet on reuniting children with their families from local authority care.

CLCA 2000

See advice sheet on advice and support for young people leaving care.

What happens if my child is to be adopted?

When a decision has been made that a child should be adopted the law regulates how this should be implemented. The effect of **adoption** is to end all legal ties between a child and his or her parents, including **parental responsibility**. However, an increasing number of adoptions include some contact or links being maintained between birth parents/relatives and the child.

ACA 2002

For more information, see advice sheets on adoption and open adoption.

Can I make a complaint?

The law sets out what local authorities must do when they become involved in the lives of children and their families. If you are not happy about the services that have been provided you can make a **complaint**. It is important that you do so in the right way.

For more information see advice sheet on complaints

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WORDS AND PHRASES

This section explains some of the words and phrases used in this advice sheet:

Accommodation

Your child/ren should be offered accommodation if an assessment of their needs deems it to be in their interest. Local authorities must then provide somewhere for your child to live away from home, with your agreement, and you and your child should be fully involved. You should be asked to sign a consent form for the accommodation and to agree a written plan that should state that you are able to end the arrangement at any time and how this can be done.

Adoption

Adoption can only occur if a court orders it. An application for adoption will be made once the adoption panel (a group of professionals) has made a recommendation that adoption is in your child's best interests.

Advocacy services

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 to understand what is going on. Local authorities should have details of local advocacy services. Family Rights Group has an advocacy project that offers advocacy to people living in the greater London area. This can be accessed through the advice line where you may also be given some information about services available in other parts of the country

Children in need

Your child will be "in need" if s/he is disabled or is assessed to be in need of extra services or support, for example your child's health or development is impaired in some way and that this situation may be improved by the provision of services or support by the local authority.

Child protection case conference

This is a meeting which takes place between local authority children's services, other professionals and family members within 15 days of the **strategy discussion**, if your child is

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considered to be at risk of **significant harm**. The conference will discuss the risk to your child and decide what future action needs to be taken.

Child protection enquiries

Local authorities have a legal obligation to enquire into your child's situation if they have received information that your child is at risk of **significant harm**.

Child protection plan

A child protection plan is a plan of support and service provision put in place at a **child protection case conference** when a child is known or believed to have been abused or injured in some way or is thought to be at risk of harm – through neglect, physical, sexual or emotional abuse. Your child will be given a social worker who should meet regularly with your child and yourself to discuss your child's progress. Your child's situation and the plan will be reviewed after three months and then every six months.

NB Local authorities were previously expected to keep the names of children subject to a child protection plan on a **child protection register**. With new developments in electronic recording and standardisation of records every local authority in England and Wales will have phased out the child protection register by April 2008.

Children Act 1989

This is an Act of Parliament and contains most of the local authority's powers and duties towards children and their families, for example local authorities must provide services for children in need and their families and set up child protection procedures. The Act sets out what court orders local authorities and families can obtain, and also sets out local authorities' responsibilities regarding planning, looked after children and complaints procedures.

Children Act 2004

This Act contains most of the law underpinning the changes to children's services across the country that are set out in Every Child Matters, a government report on reforming children's services. The Act imposes a duty on local authorities and others to cooperate to improve the wellbeing of children and young people and to make arrangements to safeguard and promote their welfare.

Children's Centres

These are sometimes called Sure Start Children's Centres. There should be a Children's Centre in every community by 2010.

Children's Centres offer a range of services to 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.

Children's Guardian

When children are involved in court proceedings the court will appoint an independent and experienced social worker to act as the Children's Guardian. They are organised by a service known as CAFCASS and used to be called a Guardian ad Litem.

Their role is "to safeguard and promote the interests of the child". S/he will assess the case information, consult experts, appoint a solicitor to act on behalf of the child, prepare a report and advise the court about the needs of the child. Her/his report must make recommendations as to what action would be in the children's interests. The Children's Guardian has the right of access to any papers kept on the child by a children's services department or the NSPCC and 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 standard way of assessing children and young people who have additional needs and who need some form of extra help but do not meet the threshold for specialist statutory local authority services. The CAF will be used by all practitioners who work 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 support. A CAF should be carried out with the child and the child's family. A **lead professional** will be appointed with responsibility for bringing together the services needed to support the child. All local authorities are expected to use the CAF by April 2008.

Complaints

If your local authority does not give you the help that you think you need, you can make a complaint. Each local authority should have written information about their complaints procedure, which they are required to set up under the Children Act

Contact

Contact is the word used for keeping in touch with a child who is living away from you. Contact may be face-to-face meetings, telephone calls, letters or cards and the sending of photos. The local authority must allow you “reasonable contact” with a child who is being looked after. If the child is living away from home under a care order, then local authorities have to get the court’s permission to stop you from having contact.

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 implement the agreed **child protection plan** and who is responsible for ensuring that the plan is carried out. Government guidance stresses the importance of you being in agreement with the plans wherever possible.

Extended schools

Currently over 4,500 schools offer services such as breakfast clubs, study support, parenting support and childcare. By 2010 every school will be expected to offer extended services.

Family Group Conference (FGC)

An FGC is a decision-making meeting in which the wider family makes plans for children in need. Families have the opportunity to get the information they need from the local authority and others and then meet on their own to make a plan for their child/ren. The family should be supported to carry out the plan, unless it would place the child at risk of significant harm. FGCs are now available in many local authorities.

Foster care

If your child is **looked-after** by the local authority, s/he may be placed in foster care with foster carers. Foster carers do not have parental responsibility for your child and they are employed by the local authority. They will offer your child a place in their home and have responsibility for the daily care of your child. Family members can be assessed by the local authority to become foster carers for the child.

Foster carers may need to be present when you have contact with your child. If you have any difficulties in your relationship with the foster carers, try and sort these out with them. If this is not possible, contact your child’s social worker and consider making a complaint if necessary.

Lead professional

The lead professional is the main point of contact for your child when s/he is in receipt of a number of different services. The lead professional has responsibility for bringing together the services needed to support your child that were identified in the **Common Assessment Framework**. Lead professionals work with children with a range of additional needs who need support from a number of different professionals. The lead professional will vary depending on your child's particular needs but a lead professional could be a family worker, youth worker, health visitor, educational welfare officer or personal adviser – in one local authority, parents have been appointed as the lead professional.

Looked after children

The term "looked after" refers to any child who is being cared for by the local authority away from home. The child may be in foster care, a residential unit or placed with relatives. There are two main types of looked after children – those who are removed from home under a court order (for example care order or emergency protection order) and those who are placed away from their families by agreement (children in "**accommodation**").

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 in respect of the child, for example a relative or friend - will share parental responsibility with others who have PR
- Any guardian of the child
- **Special Guardian**
- The local authority if they have a care order or emergency protection order in relation to the child – in which case they will share the parental responsibility
- Adoptive parents

For further information see advice sheet on parental responsibility.

You cannot give parental responsibility to anyone else, although you can arrange for other people to meet your parental responsibilities, for example, if your child is being looked after by relatives or whilst your child is at school.

An unmarried father who does not have parental responsibility will still be a “parent” under the Children Act. He is therefore entitled to be involved in decisions made about his child by the local authority and the courts.

Planning and review meetings

You will often be invited to planning and review meetings in relation to your child, and should in any event be given a record of the decisions made at the meetings. Planning meetings will be held when your child has been first looked after by the local authority and they are making initial 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 an idea for you to write down your wishes about the care of your child, including details of daily routines, hair and skin care and religious practice.

Independent review meetings are held one month after a child is looked after, then after three months and then every six months. The original care plan, agreed when the child becomes looked after, is discussed and changes made if necessary.

Significant harm

The Children Act 1989 introduced the phrase “significant harm” to describe the amount of harm that a child must be suffering before a local authority can become involved in family life against the family’s wishes. Local authorities must carry out child protection enquiries if they suspect significant harm, and must take steps to protect a child who is suffering, likely to suffer, or has suffered significant harm – either in agreement with the family or through the court. “Harm “under the Act means “ill-treatment or the impairment of health or development”. This includes physical or sexual abuse, damage to mental or emotional well-being, and neglect. There is no definition of “significant” but the Act requires local authorities and the courts to compare your child’s health and development with a similar child to establish whether the harm is significant.

Social worker

The social worker (sometimes called a key worker) should work

with your child and yourself to ensure that your child's needs are met. The social worker will be a qualified professional. 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 and try to ensure that you receive the information and services that you need to help your family.

Special Guardian

A special guardian may be appointed where a child is living permanently with someone other than their parents such as relatives or long term foster carers who want to secure the child's home with them and for whom adoption is not an option. A special guardianship order (SGO) gives the special guardian **parental responsibility** for the child. Under a SGO the parents remain the child's parents but have only limited parental responsibility. The special guardian will have clear responsibility for all the day-to-day decisions about caring for the child or young person and for taking any other decisions about their upbringing, for example, their education. In most circumstances a special guardian can use their parental responsibility without needing to consult others with parental responsibility, such as birth parents.

Strategy discussion

This is a discussion which takes place between the local authority, the police and possibly other child care agencies at the commencement 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.

Where can I 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: www.citizensadvice.org.uk and www.adviceguide.org.uk

Community Legal Services Direct is part of the Legal Services Commission. They provide free information direct to the public on a range of common legal issues and makes it easier to find quality legal help and information. Website www.clsdirect.org.uk. Telephone 0845 345 4345 Staffed during office hours, with voice

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mail and a call back service available out of hours.

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.fwa.org.uk or contact your local children's information service for details of local projects in your area.

Family Rights Group provides a specialist advice and information services for families in England and Wales, who are in contact with the local authority about the care of their children, and their advisers and supporters.

Helpline: 0808 801 0366 (open 10am - 3:30pm Monday to Friday)

Website www.frg.org.uk

Parentline Plus is a national charity offering help and information for parents and families via a range of services including a free 24-hour confidential helpline, workshops, courses, information leaflets, email helpline and website

Free confidential, 24-hour helpline 0808 800 22 22

A free text phone for people with a speech or hearing impairment 0800 783 6783. Website www.parentlineplus.org.uk

E mail helpline parentssupport@parentlineplus.org.uk

www.everychildmatters.gov.uk

This government website provides information about the government's policies on children and their families such as information about the national database of children's details – ContactPoint.

www.parentscentre.gov.uk

This government website provides information and support for parents on how to help with your child's learning. It sets out your responsibilities and rights as a parent in respect of your child's schooling.

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