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fwa

Family Welfare Association



**RESPONSE TO DRAFT CONSULTATION
GUIDANCE – WORKING TOGETHER TO
SAFEGUARD CHILDREN**

Family Policy Alliance

October 2005

FAMILY POLICY ALLIANCE - *universal accessible support services for all families*
Funded by the Nuffield Foundation

Family Policy Alliance

The Family Policy Alliance was formed in February 2004 by three leading family support organisations: Family Rights Group, Family Welfare Association and Parentline Plus, who, together, support a wide range of service users receiving universal and targeted family support services. Its purpose is to influence current policy debate about the role of the State to support families to safely care for their children.

The Alliance is supported by a much larger group of similar organisations, many of whom joined us at seminars in May 2004 and January 2005, to express support for refocusing family support services to achieve the outcomes for children identified in the Government's Green Paper 'Every Child Matters'¹.

Drawing on the extensive collective expertise of the three partners in providing information, advice and support services to families about the care and protection of their children, the Alliance aims to:

- highlight the central connection between the well being of children and the need for sustained support and investment in parents and family members
- promote the involvement of parents and families, as well as children, in the planning, delivery and monitoring of services and
- focus attention on the benefits for children, their families and society of taking effective action to tackle discrimination and social exclusion.

We have been active in contributing to the debate on the Green Paper 'Every Child Matters' and on the Children Act 2004. We welcomed the proposed reforms in the Green Paper but we were disappointed that the government's aim to achieve the five outcomes for children and young people appeared to give little weight to the central role of parents and families in achieving these for their children.

¹ [Every Child Matters](#), DfES, 2003

Working Together to Safeguard Children - FPA response

Introduction:

We welcome this revised guidance, and the fact that it is consistent with the principles promoted in the previous version of 'Working Together to Safeguard Children'.

We are particularly pleased that the guidance draws upon research evidence to emphasise:

- the positive impact that early intervention and the provision of assessment and appropriate support can have in preventing problems that children and families face from escalating;
- the importance placed upon working in partnership with the family;
- the benefits of empowering families by providing independent specialist information, advice and advocacy services and offering families a family group conference service.
- The recognition of the benefits to families if statutory services determine and make clear the eligibility criteria for accessing specialist services.

We do however, believe that the guidance could be further strengthened, to address the glaring gap between the intent of the current legislative and policy framework and the reality experienced by many families whose children are in need. The proposals set out below, aim to:

- strengthen the ability of families to access early and appropriate support;
- enhance families' understanding of the child protection system and their involvement and ownership of any child protection plan; and
- prevent children unnecessarily ending up in the care system.

To have maximum benefit, these proposals, must be underpinned by:

- realistic and adequate resources being invested in accessible and sustainable family support services, so that families can get appropriate support when they need it. This will help them address problems when they first emerge;
- parents having access to independent accurate advice and support which helps them in their parenting and in making representations about service entitlement and delivery. To achieve this, government needs to fund the further expansion of existing independent parenting support and advice helplines to provide an integrated national helpline support, information, advice, signposting and referrals system for parents and carers. This will include making use of web based communication;
- public agencies utilising the advantages of the community and voluntary sector through long term funding agreements to commission and sustain services; and

- resources being earmarked to train and support professionals and volunteers with the requisite skills to make a real difference to children and families' lives. All staff should be trained to the standards set in the National Occupational Standards for working with parents. We are concerned at the low indicative amount that the guidance proposes LSCBs should be spending on commissioning training.

Recommendations

We recognise that further drafting amendments to the wording in the guidance may be required if the proposed policy proposals set out below are accepted by the Government. In such circumstances we would be more than willing to provide a comprehensive set of drafting changes, or to meet to discuss with issue further with officials.

1. Assessment and provision of services

Currently the experience of many families is that they are unable to get social care services even to assess their child's needs for support and it is only when the family situation has reached a crisis and there is a child protection investigation or the child is in trouble with the law, that the child is assessed and some services may be forthcoming, and even then it's only a may be.²

- There needs to be a statutory duty to assess a child's need for support services if their parent/carer or another agency with which they are involved believes they are 'in need', as defined in Section 17 Children Act 1989.
- In the absence of the above duty, the guidance needs to make explicit that when an agency or parent/care believes the child is 'in need', social care agencies must carry out an initial assessment, unless they have clear, justifiable reasons for not doing so and these reasons must be discussed and explained to the referrer (agency/parent/carer) and confirmed in writing.
- We welcome the expectation that families should be involved in all stages of the assessment and recommend that families have the opportunity to consider the result of the assessment for support service and proposed plan for services for a child in need whilst it is in draft form – as they do in relation to special educational needs statements, special guardianship and adoption support.

² The recent publication by Hedy Cleaver and Steve Walker (2004) on Assessing Children's Needs and Circumstances analyses the limited progress made by a sample group of authorities in implementing the 2000 DoH Assessment Framework. The report highlights that assessments were often child protection related. Unfortunately, the experience of the three organisations involved in the Family Policy Alliance is that it is still the case that, for many families, support is only forthcoming when their circumstances deteriorate to the point at which professionals have serious child protection concerns.

- The guidance must be explicit that not only does the social care agency need to have clear responsibility for responsibility for completing and following through an assessment for services for a child in need, but that they also have responsibility for ensuring delivery of any services which are necessary to meet identified needs. A key worker should be allocated in the lead agency in order to ensure accountability, effective co-ordination and the efficient delivery of services from the outset of a child's needs being identified. This is particularly important given the plethora of agencies which may be involved in the proposed Common Assessment Framework.

To put in place the above recommendations, requires, as a minimum the rewriting of paras 4:15 & 4:20 – 4:23 of the guidance

- We note in para 4.116 that key workers should discuss with the parents and the child what services they might want following the discontinuation of the child protection plan, but that there is no requirement to provide such services, thus increasing the likelihood of original problems re-emerging.

2. Information

- There needs to be local, well publicised information and access points for families wishing to get an assessment or seeking a referral about their child. *(requires para 2.21 to be amended)*
- *Amend 3.20 to read ... It will (rather than may) mean:*
 - *Establishing and publishing thresholds for referrals of children who may be in need to children's social care, and processes for robust multi-agency assessment of children in need*
 - *Establishing, publicising and making easily accessible to families and practitioners information about what local services are available, including the eligibility criteria for accessing specialist services.*
- Whilst recognising the rationale behind the proposals in 4.122 that local authorities are no longer to maintain a child protection register, we fear that reliance on local authority IT systems may lead to some children slipping through the net. The recent CSCI report warned "A proportion (of authorities) have very limited IT facilities at their disposal. Services are working to introduce the full Electronic Social Care Records system and are developing agreements to improve information sharing across agencies. There is a risk that a proportion of areas will not be able to deliver these."³

³ CSCI Making Every Child Matter, Messages from inspections of children's social services, October 2005, page 8

3. Advocacy

- Whilst we welcome the fact that family advocacy and family group conferences are referred to in document, we strongly believe that both models for working with families need to be incorporated fully into the statutory guidance section of Working Together (i.e. chapter 9 needs to be moved to the statutory guidance). Otherwise our fear is that it will continue to be hit and miss if families are offered such services, despite the positive impact they can have on working in partnership and preventing children unnecessarily going into the care system.
- Working Together needs to be amended (add in 4.50 and after enquiries in 4.55) to state that *all families whose children are subject to child protection enquiries should be able to access specialist advocacy support so that they are assisted and able to work in partnership with statutory bodies from a more informed position, in the interests of finding safe solutions for the child.*
- As with children's advocacy, and in order to promote consistent high standards in family advocacy in child protection work, we recommend that the DfES formally endorse the Protocol on Advice And Advocacy for Parenting in Child Protection Cases⁴ or publish their own document on principles of child protection advocacy for families, based upon the Lindley/Richards document.
- Other proposed amendments
 - Pg 79 10 pitfalls, bullet 7, add at end, *ask do they require an advocate?*
 - 4.68 add after family members *and advocates*

4. Family group conferences

- As with family advocacy, the section on family group conferences in chapter 9 needs to be moved to the statutory part of the guidance
- Before a local authority takes over decision making or care of a child because of child protection concerns, families should be given the opportunity to have a family group conference to enable the family to agree a plan which will promote and safeguard the child's welfare, and they should be supported through the implementation of the plan. The presumption should be that families are offered a family group conference unless this would place the child at greater risk. *(ament to 9.11)*
- The DfES should endorse FRG's Principles and Practice Guidance or produce their own guidance based these principles, in order to promote consistent high standards of practice

⁴ Lindley, B and Richards, M, 2002 Protocol on Advice and Advocacy for Parents in Child Protection Cases, Centre for family research, University of Cambridge. This protocol was funded by the Department of Health as part of the Quality protects programme

- Family group conferencing is also effective in addressing not only child protection concerns, but wider child welfare issues including school truancy, and antisocial behaviour. (add to sections 2.40, and 2.131)

5. Family and friends care

- The guidance should recognise family and friends carers and the children they are raising as a distinct group. Many of these carers face very difficult challenges and the children often have multiple problems. Yet despite the fact that these carers are likely to be more impoverished, older, in worse health and they receive significantly less support than other carers. At present the guidance often refers to parents and the wider family, without specifically identifying the requirements of family members raising a child who cannot live at home.
 - Amend *para 1.4 and 9.7– to refer to family and friends carers)*
 - Amend 4.117 - managing Individual cases *to refer to family and friends care and private fostering as a distinct area of practice, and add these areas to the scenarios.*
- The guidance must promote the more effective implementation of the duty in s.23(6) Children Act 1989, for children who are looked after to be placed with family members before looking for stranger placements. This applies to emergency as well as longer term placements and the guidance should reinforce that any alternative placement plan should only proceed once it is demonstrated that care in the family network would not promote and safeguard the child's welfare.
 - Amend 4.38 to add *Consideration should always been as to whether there is a relative or friends with whom the child can safely be placed.*
 - Amend to 4.107 change 'where the family situation' to *where the home situation'*
 - *Ament to 4.107 add at end of sentence Family and friends must be fully considered and assessed as potential carers, before looking for stranger placements.*
 - Amend to 4.107 add. *'That no child should go into, or remain in, the care system because willing and otherwise suitable family or friends carers are unable to provide or access suitable accommodation.'*
- Working Together should set out the minimum support that should be available to all family and friends carers. This should include respite care, a named social worker contact, carer support groups, and support services to meet the child's identified needs, including health and education needs. There should also be tailored advice and information, in respect of contact orders, for example, affordable professional family mediation to assist in minimising the negative impact that court

proceedings can have on the relationship between the carers and the birth parents. This should also include financial support that reflects the costs of raising a child and additional support to meet the child's specific needs. There is an important omission about the experience of family and friends carers who respond to emergencies. We have numerous examples of family members who respond in good faith to a request by social services to care for a child in response to an acute family crisis that raises child protection concerns. Naturally they assume support will follow but are typically then left to cope with a traumatised child without any financial or practical support, and with the local authority denying any legal responsibility. Many authorities deny they have any obligation to provide support, arguing these are private placements, even though the placement has been facilitated by the authority. This is a really frequent problem that has been raised with Ministers and should be addressed in this guidance so that poor practice is avoided and carers aren't forced to breaking point (*amend to add to 4.104*)

- Working Together needs to make explicit that authorities are acting unlawfully if they fail to comply with the judgement of Munby J in Manchester City council –v- F which requires local authorities to pay relatives and friends who are foster carers on the same basis as stranger foster carers. (*amend to add to 4.104*)
- Other amendments
 - 2.10 – Also add *service user-led community groups, sometimes supported by the voluntary sector, such as family and friends carer support group, often act as important sources of support for parents and carers.*

6. Partnership working with parents and family members

Suggested amendments to ensure partnership working with families is integrated into the entire documents

- 1.11 second bullet – *add and families*
- 1.11 fourth bullet, *take out 'where appropriate'*
- 1.11 Add last bullet *'the agency and its staff having the skills and commitment to work in partnership with families to safeguard and promote the welfare of children'*
- 2.9 Add bullet point *'a clear commitment to and understanding of working with partnership with parents and carers, in the interests of the child'*.
- 2.123 add - *'prisons should be continually reviewing and putting into place measures that would improve the capacity of mothers and fathers who are prisoners to parent their child, during their time in goal but also in preparation for their release; and should assist in making contact (face to face, telephone, written) as positive an experience as possible for the child'*.
- Add 3.28 by listening to and consulting children and young *and families*

- 3.55 – add *service users, including parents and family and friends carers*
- 3.61 bullet point 2 add *family and friends carers*.
- 3.66 add after children, *parents and family and friends carers*
- 9.7 – replace absent parents with *non-resident parents*