

# Children looked after by children’s services under a voluntary arrangement

## 1. About this advice sheet

### 1.1 What information will I find in this advice sheet?

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Some children enter and remain looked after in the care system under a court order. Other children are looked after in the care system under a voluntary arrangement instead. Children who are looked after under a voluntary arrangement rather than under a court order are described as being “accommodated” by the local authority. Voluntary arrangements are also known as “voluntary accommodation” and by some other names too (see section 2.1 below for the common examples), but in this advice sheet we use the term **voluntary arrangement** throughout.

When children are looked after in the care system it is important for their well-being that they keep in touch with members of their family provided it is safe for that to happen. In this advice sheet you will find information for parents and relatives about:

- Voluntary arrangements; and
- How to keep in touch with a child who is being looked after in a voluntary arrangement.

**Important note:** If your child is in the care system under a court order (for example an emergency protection order or an interim or final care order), rather than under a voluntary arrangement, the rules about your child seeing you and other relatives/important people in their life are a bit different. For information about this you should look at FRG’s advice sheet Contact with children in the care of children’s services <https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

## 1.2 Using this advice sheet

This advice sheet is divided up into sections to make it easier to understand. The references for the different legal and practice requirements mentioned throughout this advice sheet can be found in section 5 below. You may also want to ask a friend, your social worker, or your solicitor to explain anything in the advice sheet that you don’t understand.

The law about voluntary arrangements in England is slightly different to the law in Wales. We have set out the important differences in this advice sheet.

**Note: “Social services” are now known as “children’s services”. This is how they are referred to throughout this advice sheet.**

## 1.3 Important terms used in this advice sheet

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The important terms used in this advice sheet include:

- **Child in need:** is a child in England child who is disabled, or who is 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, they may provide your family, or child, with extra help if their needs have a high enough priority according to local eligibility criteria. see FRG advice sheet on [Family Support](http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>. **Note that in Wales, the ‘child in need’ framework does not apply and there is a different legal framework for assessing, and taking steps to meet, the needs of children.**
- **Child Arrangements order** this is a court order which sets out the arrangements for contact between a child and their parent or other individual.

- **Foster for adoption** means that your child is placed with foster carers who are also approved as prospective adopters and may apply to adopt your child if s/he cannot return home and the court approves adoption as the plan for your child
- **In care** means that the child is under an interim or full care order or an emergency protection order and is looked after by children's services
- **Looked after** means that the child is in care under a court order or is provided with accommodation under a voluntary arrangement, by children's services with the agreement of the parents/someone with parental responsibility
- **Parental responsibility** means the legal right to make decisions about a child's care. Parental responsibility is sometimes referred to as PR. (For more information on who has parental responsibility see FRG advice sheet on Parental Responsibility: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>)

## 2. Voluntary arrangements

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### 2.1 What is a voluntary arrangement?

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If a child is looked after in the care system under a voluntary arrangement, this means that either:

- There is an agreement between children’s services and the child’s parent (or other person with parental responsibility for the child) for the child to be looked after for a period of time, or
- The circumstances are such that there is no-one to look after the child and children’s services have stepped in to do this, or
- The child is aged 16 or 17 and has themselves agreed to being accommodated under a voluntary arrangement.

In section 2.3 in this advice sheet you will find examples of different kinds of circumstances in which a voluntary arrangement might arise.

A voluntary arrangement is not a court order. The UK Supreme Court (the highest Court in the UK) has described a voluntary arrangement between a parent and children’s services as the “delegation of parental responsibility’ by the parent, or other person with parental responsibility, to children’s services. This means that the child’s parent, or other person with parental responsibility, has agreed that children’s services can act on their behalf by providing accommodation for their child<sup>1</sup>.

As mentioned above, voluntary arrangements are also often referred to as “voluntary accommodation”. You may also hear voluntary arrangements being described in other ways too:

- **In England**, voluntary arrangements are often referred to as “section 20 voluntary accommodation” or just “section 20”. This is because the powers and duties to create voluntary arrangements are set out in section 20 of the Children Act 1989.
- **In Wales**, the law which allows voluntary arrangements to be created is different and comes from section 76 of the Social Services and Well-being

(Wales) Act 2014. You may therefore hear the arrangement being described as “section 76 arrangements/accommodation”.

## **2.2 Where will a child live if they are looked after under a voluntary arrangement?**

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A voluntary arrangement can mean that:

- The local authority is providing the child with a place to live and with a carer, for example an unrelated foster carer or a place in a residential care
- Alternatively, it can mean that a place to live and carer has been arranged by, and is supported by, the local authority (e.g. a grandparent who has been assessed and approved as a foster carer for that child by the local authority).

## **2.3 When can children’s services make a voluntary arrangement?**

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In England and in Wales, a voluntary arrangement can be made in different circumstances including:

- When there is no-one who has parental responsibility for the child
- When a child has no-one to look after them
- Where the child’s parent or carer is prevented from providing them with suitable accommodation or care.

Examples of situations when a voluntary arrangement might arise as an option for a child or be discussed with a parent include:

- Where a child is an unaccompanied asylum seeking child
- When a child has been abandoned
- When parents are arrested or expecting a prison sentence
- When there is a serious relationship family breakdown or relationship difficulties with teenage young people
- When teenagers are homeless
- When parents of disabled children feel that the family needs short term, respite care for the child

- Where a family is struggling to cope and a period of accommodation would help to prevent the situation reaching crisis point
- When children's services have concerns about whether the parents can properly care for their child and they want to assess the situation while the child lives away from home with relatives or unrelated carers for a time

## **2.4 Are there times when a voluntary arrangement cannot be put in place or continue?**

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Yes, if:

- Someone with parental responsibility objects AND
- That person can provide accommodation for the child themselves or is able to arrange for someone else to provide accommodation.

If you have parental responsibility, children's services cannot prevent you from removing your child from a voluntary arrangement.

**But**, you can't remove your child if

- There is a child arrangements order or special guardianship order in place and the person who has that order does not agree to you removing them from the voluntary arrangement – see below at 2.8 or
- Your child is aged 16 or 17 and wishes to stay in the voluntary arrangement.

## **2.5 Do children's services have to accommodate my child if I ask?**

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Not necessarily. The law says that children's services in England **shall** provide accommodation to any child in need in their area because:

- There is no-one with parental responsibility for them or
- They have been lost or abandoned or
- The person normally caring for them is unable to provide them with suitable accommodation or care, for whatever reason<sup>2</sup>

- The child is sixteen and children’s services consider that if they don’t provide the accommodation the child’s welfare is “likely to be seriously prejudiced”<sup>3</sup>.

In England children services **may** provide accommodation to a child in their area who is in need if it is necessary to safeguard or promote the child’s welfare.<sup>4</sup> This can happen even where a parent or other person with PR is able to provide the child with accommodation.

### **Three important notes about Wales:**

1. In Wales there is no requirement for a child to be ‘in need’ in order for a voluntary arrangement to occur. This is because Wales no longer has the same child in need framework as exists in England. In Wales any child may be eligible to have a voluntary arrangement, the child does not need to be a child in need.

2. In Wales there is no power for children’s services to provide a section 76 voluntary arrangement (accommodation) on the grounds that to do so would promote the child’s welfare. This is a power which exists in England.

3. A local authority in Wales can however provide accommodation as part of the overall support provided to a family in response to an assessment of the child’s needs. Providing accommodation in this way is not the same a voluntary arrangement and is not done under section 76. This kind of arrangement would not mean that the child is a ‘looked after child’ though.<sup>5</sup>

## **2.6 What should happen before a voluntary arrangement is put in place?**

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Before your child becomes looked after under a voluntary arrangement, you should be provided with clear and accurate information about your rights and about the responsibilities of the local authority. You should not be made to feel that you have no choice about whether your child goes into a voluntary arrangement or not<sup>6</sup>.

Sometimes, a child may be taken into a voluntary arrangement without consultation with the parent, for example because their parent has been hospitalised or arrested. If your child is accommodated in an emergency, and it is not possible for you to be given clear and accurate information about your rights at the time, you should be given it as soon as possible afterwards.

Children's services should give you clear and accurate information that includes telling you the following:

- That your child has been provided with accommodation (if you were not physically present at the time)
- That you can object to your child going into a voluntary arrangement, as long as you can provide accommodation yourself, or arrange for accommodation to be provided
- That you can remove your child from accommodation at any time. The social worker should not try to place any restriction on your right to remove your child, for example they must not say 'you must give 2 days-notice to children's services before removing your child'
- Where your child will be living
- Who will be looking after your child
- What the arrangements are for your child to see you and other family members while they are under a voluntary arrangement.

When proposing or putting in place voluntary arrangements for a child, it is good practice<sup>7</sup> for children's services to:

- Put the arrangements in writing so that you understand what is being proposed for your child
- Explain the arrangements to you in a language that you can understand. If English is not your first language, and you do not feel confident speaking or reading English, it should be explained to you through an interpreter, or if it is in writing, translated into your own language.



- If you don't understand anything that is said or written, you should be given the opportunity to seek legal or other advice.
- If the arrangements are set out for you in writing and you should be asked to sign the document. Even if you don't sign a written document, be sure that you fully understand what is happening.

**Important note:** You should never feel forced to agree to your child being looked after under a voluntary arrangement and you should not be pressured into agreeing to the particular arrangements which are being proposed.

## 2.7 What are children's services duties to children who are in a voluntary arrangement?

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When a child is provided with a voluntary arrangement, they are 'looked after'. This means that children's services become responsible for them and a whole range of duties apply. This includes a priority list of who your child should be placed with when they are looked after:

- Suitable parents are first
- Suitable relatives/friends (who must be approved as foster carers) are next, followed by
- Unrelated foster carers or residential care.

For more information about this, see FRG advice sheet on Duties on children's services when children are in the care system: <http://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets> or contact a solicitor or FRG advice line – contact details in section 5 of this advice sheet.

### **Foster for Adoption – England only**

In some circumstances children's services may suggest a voluntary arrangement where your baby or very young child is placed with foster carers who are also approved as prospective adopters. This is called **fostering for adoption**. **It means that children's services are considering adoption as the long term option for your child.** These adopters could go on to adopt your child if your child cannot return to

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your care or the care of anyone in your family and the court decides an adoption order is best for your child. Children's services can only place your child with foster for adoption carers under a voluntary arrangement (i.e. without having an emergency protection order or an interim or full care order) **if you cannot provide or arrange other accommodation for your child AND you have not objected to the voluntary arrangement with foster for adoption carers. If you do object, children's services cannot proceed with the voluntary arrangement with foster for adoption carers. They would need to seek a court order. If a foster for adoption placement is suggested for your child when you are discussing a voluntary arrangement with children's services, it is essential that you take legal advice from a solicitor specialising in child care law and/or FRG advice line immediately** – contact details are in section 5 of this advice sheet.

**Note: The law in Wales is different. Although provision is made for a child to be placed with a prospective adoptive family before a placement order is made, that family must be specifically “matched” to that child.**

## **2.8 Can I remove my child from a voluntary arrangement?**

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If you have parental responsibility, children's services cannot prevent you from removing your child from a voluntary arrangement.

But, you can't remove your child if

- There is a child arrangements order or special guardianship order in place and the person who has that order does not agree to you removing them from the voluntary arrangement, or
- Your child is aged 16 or 17 and wishes to stay in the voluntary arrangement.

It is always best to discuss your plans with children's services before carrying them out. Remember:

- If children's services think removal from the voluntary arrangement would cause harm to the child, they will most likely seek a court order to give them permission for your child to remain in care

- Court proceedings may not be the best way of resolving any issues about the care of your child
- For an older child, who is 16 or over, you can't remove them from accommodation if they agree to staying there.<sup>8</sup> In practice it may also be difficult to get an older child who is not yet 16 to return home if they don't want to.
- If you are thinking of removing your child from accommodation without the agreement of the social worker, it is best to first take independent legal advice either from a solicitor specialising in child care law or from Family Rights Group advice service – contact details in part 5 of this advice sheet.
- If you want children's services to return your child to you then you must tell them clearly, and you should state whether you wish the child to be returned immediately, or within a certain time<sup>9</sup>.

## **2.9 What if my child's other parent doesn't agree to the voluntary arrangement?**

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If a person who has parental responsibility for the child does not agree to the voluntary arrangement AND that person can provide or arrange accommodation themselves<sup>10</sup>, then children's services cannot put the child in a voluntary arrangement. **BUT**, where a court order have been made which says where a child should live, AND the person with the court order agrees for the child to be in a voluntary arrangement, no other person can remove them.

For example, if one parent has a residence order, or a child arrangements order (which says who the child should live with), or the child has a special guardian, they can agree for the child to be in a voluntary arrangement even if the other parent objects.<sup>11</sup>

## **3. Making plans for contact with a child who is in a voluntarily arrangement**

### **3.1 Do I have a right to see my child?**

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Children's services have a duty 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.<sup>12</sup>

This means that children's services should take positive steps to make arrangements for the child to be in touch with all the people in their family network while they are looked after unless this would not be good for them.<sup>13</sup>

### Important note

These duties apply even if your child is placed in a foster for adoption placement. If this is suggested for your child it is essential that you take legal advice from a solicitor specialising in child care law and/or FRG advice line immediately – contact details in section 5 of this advice sheet

## 3.2 How do children's services decide how much contact my child should have with me?

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Before making contact arrangements for any looked after child, the social worker should carry out an assessment of the child's 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;<sup>14</sup>
- Consider the wishes and feelings of the child, their parents, anyone else with parental responsibility, and other relevant people.<sup>15</sup>

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 made<sup>16</sup>.

## 3.3 Who has to agree to the care plan?

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Children's services must agree the arrangements for contact with the person who is agreeing to the care plan. A person can only agree the care plan for a looked after child if they are:

- A person who has parental responsibility for them

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- The last person caring for the child or
- The child themselves if they are 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.

Once the arrangements have been agreed,

- Children's services must record the contact arrangements in the care plan and the placement plan for the child.
- These plans should be prepared before placement or, if this is not possible, the placement plan should be made within 5 working days, and the care plan within 10 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.<sup>17</sup>

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](https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets): <https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

### **3.4 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 visits could not otherwise be made without 'undue hardship' and
- The circumstances justify the payment<sup>18</sup>.

In other words children's services can help with these expenses, but they do not have to. Talk to the child's social worker about whether they can help you.

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](https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets) <https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>).

### **3.5 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. This is called a 'looked after child', or 'LAC' review. Reviews must take place at regular intervals:

- No later than 4 weeks after the child becomes looked after
- Then within a further 3 months
- Then 6 monthly after that, and also whenever a substantial change to the plan is needed.

The social worker must tell the Independent Reviewing Officer (IRO), who oversees the LAC review about:

- Any major change in contact arrangements or
- Any complaint by the child or parent.<sup>19</sup>

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.

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](https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets): <https://www.frg.org.uk/need-help-or-advice/our-advice-service/advice-sheets>

### **3.6 What if the social worker says that contact would not be good for my child?**

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If the social worker is saying that contact cannot take place because your child may be harmed by it, ask the social worker:

- To be clear about what they think will harm your child and
- What you can do to 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.

**Remember** that if your child being accommodated by children's services under a voluntary arrangement then arrangements for contact also should be agreed with you. You should be asked about your wishes and feelings in relation to the arrangements for contact that are being proposed.

If the social worker is saying that you should not have contact, you should seek advice from a childcare solicitor or Family Rights Group about whether you should object to your child staying in a voluntary arrangement. Contact details in section 5 below.

### **3.7 What about brothers and sisters keeping in touch?**

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Children's services have a duty to promote contact between a child and their brothers and sisters ('siblings') in the care system under a court order or voluntary arrangement unless it is not consistent with their welfare.

It may be the case that only one of your children is in a voluntary arrangement or that it has not been possible to place brothers and sisters together. However:

- The care plan should set out the arrangements for contact between brothers and sisters.<sup>20</sup>
- The 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.<sup>21</sup>

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 of the points above and 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.<sup>22</sup>

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. Contact details at section 5 below.

### **3.8 What does guidance and research say about contact?**

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Government guidance to children's services 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;'<sup>23</sup>
- '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 <sup>24</sup>;
- 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.<sup>25</sup>
- 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.<sup>26</sup>

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.
- Continuing contact is the key to children returning home early from the care system.<sup>27</sup>
- Continuing contact helps to protect children against the more adverse effects of public care.<sup>28</sup>
- 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.<sup>29</sup>

- Children need contact with important people from the past in order to develop their sense of identity which is essential for their well-being.<sup>30</sup>
- Continuing contact with grandparents is almost wholly beneficial, and is particularly important for older children.<sup>31</sup>
- 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.<sup>32</sup>

### **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.<sup>33</sup>
- 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.<sup>34</sup>
- 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.<sup>35</sup>
- 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.<sup>36</sup>

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.

## **4. Tips on arranging contact**

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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 section 3.4 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<sup>37</sup>
- 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
- 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/our-advice-service/advice-sheets>

## 5. Where to get further information

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**Citizens Advice** is an independent organisation providing free, confidential and impartial advice. Their goal is to help everyone find a way forward, whatever problem they face. This may be money, benefits, housing or employment problems. You may be facing a crisis, or just considering your options. Online advice is available on the Citizens Advice website. They also have a national phone service called Adviceline. This is available in Wales for people who live or work there and is being rolled out in England:

- For England telephone: 03444 111 444
- For Wales telephone: 03444 77 2020
- TextRelay users should telephone: 03444 111 445
- Website: [citizensadvice.org.uk](http://citizensadvice.org.uk)

**Civil Legal Advice** A free and confidential advice service run on behalf of the government. It provides information directly to the public on a range of common legal issues; helps people find out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help. Check to see if you're eligible for advice on [www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid) or apply online:

- Telephone: 0345 345 4345 Mondays to Friday, 9am to 8pm and Saturday 9am to 12.30pm
- Minicom: 0345 609 6677
- Text 'legalaid' and your name to 80010 to ask CLA to call you back. This costs the same as a normal text message.
- Website: [gov.uk/civil-legal-advice](http://gov.uk/civil-legal-advice)

**Coram Children's Legal Centre** provides independent legal advice to children, parents, carers and professionals. Its Child Law Advice Service provides legal advice and information on areas of child, family and education law. To access this advice and information please visit [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) and follow the link to the Child Law Advice Service where you will be able to view a range of factsheets and 'how to' guides. Should you have clarifying questions following your visit to their website, their helpline number is available at the end of each factsheet. The helpline

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is available Monday to Friday 8am to 6pm.

**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-3pm.
- You can also visit [http://www.frg.org.uk/advice\\_sheets.html](http://www.frg.org.uk/advice_sheets.html) where you can download other relevant advice sheets.
- Join the FRG parents' or family and friends carers' discussion boards.

**Fostering Network** is an organisation which provides advice to foster carers who are approved by Children's Services. They produce detailed pamphlets on benefits and tax as it affects foster carers:

- Telephone information line: 0207 261 1884
- Website: [www.fostering.net](http://www.fostering.net).

### **Specialist child welfare solicitor:**

To find a solicitor who specialises in childcare 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](mailto:info.services@lawsociety.org.uk) [www.lawsociety.org.uk](http://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 details above.

4. Citizens Advice may be able to recommend

**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 Page 20

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

a local solicitor specialising in child care law. 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](http://www.citizensadvice.org.uk)

Advice on line Website [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## 6. References

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<b>CA</b>	
<b>CPPCRR</b>	Care Planning, Placement and Case Review Regulations 2010 <a href="http://www.legislation.gov.uk/uksi/2010/959/contents/made">http://www.legislation.gov.uk/uksi/2010/959/contents/made</a>
<b>CYPA</b>	Children and Young Persons Act 2008 <a href="http://www.legislation.gov.uk/ukpga/2008/23/contents">http://www.legislation.gov.uk/ukpga/2008/23/contents</a>
<b>ECHR</b>	European Convention on Human Rights and Fundamental Freedoms <a href="http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm">http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm</a>
<b>FFSG</b>	Family and Friends Statutory Guidance 2010 <a href="https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf">https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf</a>
<b>G&amp;R Vol 2</b>	Children Act 1989, Guidance and Regulations, 2010, Department of Education, Volume 2: Care Planning, Placement and Case Review <a href="https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review">https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review</a>
<b>HRA</b>	Human Rights Act 1998 <a href="http://www.legislation.gov.uk/ukpga/1998/42/contents">http://www.legislation.gov.uk/ukpga/1998/42/contents</a>
<b>IROH</b>	IRO Handbook 2010 <a href="https://www.education.gov.uk/publications/standard/publicationDetail/Page1/D/CSF-00184-2010">https://www.education.gov.uk/publications/standard/publicationDetail/Page1/D/CSF-00184-2010</a>
<b>LASPO</b>	Legal Aid, Sentencing and Punishment of Offenders Act 2012

Last updated 29<sup>th</sup> January 2019

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- <sup>1</sup> Williams & Anor v London Borough of Hackney [2018] UKSC 37
- <sup>2</sup> Section 20(1) Children Act 1989
- <sup>3</sup> Section 20(3) Children Act 1989
- <sup>4</sup> Section 20(4) Children Act 1989
- <sup>5</sup> This can be done under section 34 or section 37 of the Social Services & Well-being (Wales) Act 2014
- <sup>6</sup> Williams & Anor v LB Hackney [2018] UKSC 37 at 39
- <sup>7</sup> Re N (Children) (Adoption: Jurisdiction) [2015] EWCA Civ 1112
- <sup>8</sup> s.20(11) Children Act 1989
- <sup>9</sup> Williams & Anor v LB Hackney [2018] UKSC 37 at 57
- <sup>10</sup> s.20(7) Children Act 1989
- <sup>11</sup> s.20(9) Children Act 1989
- <sup>12</sup> Schedule 2 para 15(1) Children Act 1989
- <sup>13</sup> Regs 5 & 9; CPPCRR; Scheds 1 & 2 CPPCRR; Para 2.44, 2.78-2.80 G & R Vol 2;
- <sup>14</sup> Regs 4(i)&(3) & 5 CPPCRR & Sched 1 & 2 CPPCRR; Paras 2.15 & 2.81-2.82 G&R Vol 2.;
- <sup>15</sup> Section 22(4-5) Children Act 1989;
- <sup>16</sup> para 2.82 G&R Vol 2.
- <sup>17</sup> Regs 5 & 9; Schedules 1 & 2 CPPCRR
- <sup>18</sup> Children Act 1989 Sch 2 para 16
- <sup>19</sup> s. 26 CA Reg 33 CPPCRR
- <sup>20</sup> CPPCRR sch 1 Para 3
- <sup>21</sup> Vol 2 G&R para 2.85
- <sup>22</sup> Vol 2 G&R 2.85
- <sup>23</sup> Para 2.84, .Chapter 2 G&R Vol 2
- <sup>24</sup> Para 2.78, .Chapter 2 G&R Vol 2
- <sup>25</sup> 2.82, Chapter 2 G&R Vol 2
- <sup>26</sup> Para 2.83,  
Chapter 2, G&R Vol 2
- <sup>27</sup> Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate)
- <sup>28</sup> Wedge and Mantel, 1991, Sibling Groups and Social Work (Avebury Gower)
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- <sup>31</sup> Rowe, J., Cain, H., Hundleby, M., Keane, A., 1984, Long Term Foster Care (Batsford)
- <sup>32</sup> Berridge and Cleaver (as above); Macaskill (2002) Safe Contact? Children in Permanent placement and Contact with their Birth Relatives, (Lyme Regis, Russell House)
- <sup>33</sup> Macaskill (2002) as above; Cleaver, H (2002) Fostering Family Contact in Department of Health Children Act Now, 2002 (Stationery Office)
- <sup>34</sup> Schofield, G and colleagues (2002) Growing Up in Foster Care (BAAF, London); Cleaver, H, (2002) as above
- <sup>35</sup> Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate)
- <sup>36</sup> Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate).
- <sup>37</sup> Schedule 2 para 16 Children Act 1989