

Success Starts Here Free Information Guide

Services

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Children's Law



Having a call from a social worker expressing concerns about your family life can be extremely difficult and upsetting. This free information guide gives general advice about how you should deal with an initial approach from Social Services about your child, and explains how an investigation by a local authority might progress.

Initial investigation

Every local authority has a Social Services Department. One of their duties is to protect and safeguard every child that is in their area.

When Social Services get a referral from a person or an organisation to say that there is a child in the area which may need assistance, or may be suffering harm or at risk of suffering harm, Social Services must investigate. That is their legal duty.

If Social Services contact you regarding concerns for a child in your care, we would advise that you be as open and cooperative as possible. Sometimes it can be helpful to seek advice from a solicitor for reassurance or to help you open up avenues of communication, and deal with any problems or conflicts as they arise.

It is important to acknowledge that you cannot stop Social Services from following up their concerns with an initial investigation.

In many cases, Social Services will find that their investigations leave them satisfied that the child concerned is not at risk, and will take no further action. If, following their investigation, Social Services take a view that the child concerned is at risk of significant harm, they may convene a Child Protection Case Conference.

Child Protection Case Conference (CPCC)

The initial CPCC brings together family members, the child (where appropriate) and those professionals most involved with the family to:

- Discuss the child's health and wellbeing, and the parents' ability to ensure that the child remains safe
- Make judgements about the likelihood of the child suffering significant harm, and whether there are sufficient concerns to place the children on the Child Protection Register, and

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- Decide and plan what future action is needed to safeguard the children and promote their welfare

If, at the initial conference, it is decided that the child needs to be placed on the Child Protection Register, a Child Protection Plan will be drawn up, listing certain actions which should take place to protect the child.

This plan will be considered again at review conferences, which should happen regularly when a child is on the Child Protection Register.

If you are invited to a Child Protection Conference regarding a child in your care, you might want to take someone with you. It is possible for a legal adviser to accompany you, but they can only observe and could be excluded from the conference if they try to intervene.

You should try to remain calm, but should ensure that you are assertive and that you make your views clear to the people present.

Care proceedings

If Social Services believe that a child is suffering, or is likely to suffer from significant harm in its current environment, it may initiate care proceedings.

This might be done following a recommendation arising from a Child Protection Case Conference or review, on an emergency basis, in which case Social Services would seek something called an 'Emergency Protection Order'.

Social Services might even ask the police to take the child concerned into 'Police Protection' if they consider that harm, or further harm, was imminent.

In some cases, Social Services might suggest to you that you agree to a foster carer or a member of your family taking care of your children for a period. They might refer to such care as 'section 20 accommodation'.

Agreeing to your children being accommodated for a period could be a useful way of getting through a particular tough crisis, and might avoid care proceedings, but you should try to seek legal advice before agreeing to anything long-term.

If you are told by Social Services that they intend to issue care proceedings in respect of a child in your care, you should seek advice from a solicitor urgently.

If you are the parent or a person with parental responsibility for the child concerned, you will automatically be eligible for legal advice and assistance under the Legal Aid scheme.

Social Services wish to conduct an initial investigation. What should I do?

Whenever Social Services make contact with you, we would always recommend that you seek the advice of a solicitor with expertise in this area of law.

Fisher Meredith's Children's Law Department have a team of dedicated and sympathetic solicitors who will advise you on your rights and how to handle the situation in the best way for you and your family.