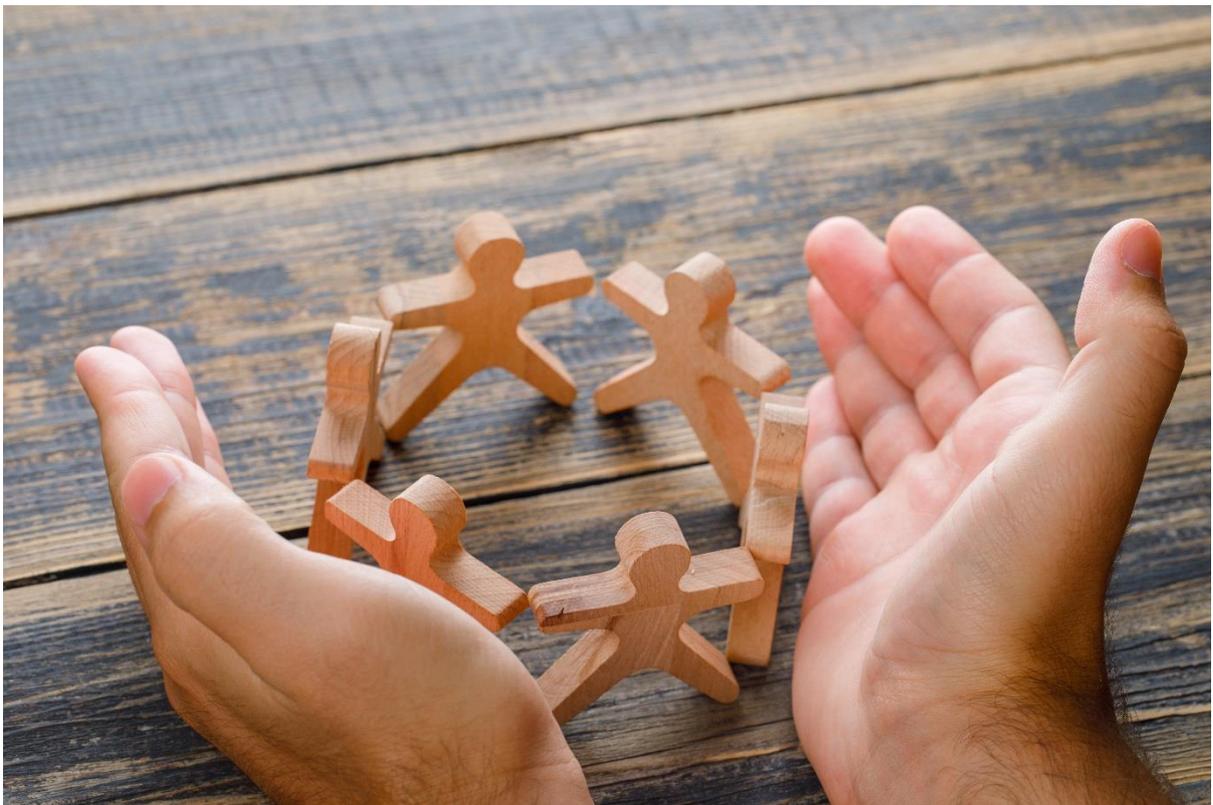


Beck Fitzgerald

lawyers & consultants

# Social Services involvement with your family



*working for  
accessible justice*

Beck Fitzgerald is a specialist family practice based in central London and committed to accessible justice.

Our aim is to enable more families to get the expert help they need when they need it, at a price they can afford.

Alongside our casework with clients, we strive to challenge the family justice system to improve outcomes for the children and families we serve

We work tirelessly to improve the laws and protection for victims and their children so that they can feel safe.

We do not judge, and all our team are trained in trauma informed ways of working. We will help you find the best legal solution for you and your children.

## Social Services involvement with your family

This guide is designed to help you understand some of the issues which may arise where social services are involved with a child and his or her family and no court proceedings have been commenced.

## When might social services become involved with your family?

Social services may become involved if they are concerned about a child who lives within their area but their concerns are not so serious that they wish to start court proceedings. Social services will often try to work with the child's family rather than start proceedings.

So it is important to work with social workers in a positive and open way if they become involved with your family in the best interests of the

children and with a view to avoiding future court proceedings.

## Social Services Investigation into a child's circumstances

If social services have reasonable cause to suspect that a child in its area is suffering or is likely to suffer significant harm, they have a duty to investigate that child's circumstances.

This is sometimes called a section 47 investigation. The investigation will help social services decide whether they ought to take any action in order to safeguard that child's interests.

Social Services usually undertake an initial assessment and then, if the child's circumstances warrant further investigation, social services complete a fuller assessment which should take place within 35 days. This assessment is called a core assessment.

The Department of Health has published guidance about how the Social Services should conduct its assessment and the assessment process will, of course, usually involve the allocated Social Worker discussing the case with the child's parents, extended family and school.

The assessment should identify the child's particular needs and any risk factors in relation to the care the child is receiving.

## Child Protection Conferences and Child Protection Plans

Where there are significant concerns regarding a child social service may convene a Child Protection Conference. This is a meeting with all those concerned with the child including, of course the parents, family members

and all professionals involved with the child who have a significant contribution to make. The purpose of the Child Protection Conference is to share information concerning the child's welfare and for key people in the child's life to work together to improve that child's circumstances.

If the conference concludes that the child is suffering or is likely to suffer significant harm a Child Protection Plan will be devised in order to keep the child safe, promote his/her welfare and, where possible, to support the family in caring for the child.

After the Initial Child Protection Case Conference, the child's circumstances will be reviewed at a Review Child Protection Case Conference. When a Review Conference takes place depends on the circumstances of the case but it is not unusual for there to be three or six months between each conference.

The conference will also nominate a Core Group which will comprise of the key persons involved in the child's life, nearly always including the Social Worker and parents.

The Core Group will meet on more than one occasion before the date of the review Child Protection Conference and will undertake primary responsibility for implementing the Child Protection Plan.

Each Local Authority will maintain an Integrated Children's System the purpose of which is to make agencies and professionals working with children aware of the children judged to be at risk of serious harm and in need of active safe guarding.

## When can Social Services "look after" a child without a Care Order?

There are some occasions when Social Services concerns for a child are such that that the parents (or any other person with parental responsibility for the child) are asked to provide their consent to the social services looking after the child, often in foster care. This is often called section 20 accommodation.

The Local Authority cannot place a child in foster care where a parent or other person with parental responsibility objects.

If the Local Authority is clear that the child's interests can only be met by providing accommodation for him or her and the parent does not agree the Local Authority will have to start Court proceedings or, in the case of an emergency, seek a Police Protection Order (see below).

Social Services can also provide accommodation for a child if there seems to be no person who has parental responsibility for the child, if the child is lost or abandoned or if the person who is caring for the child is prevented from providing him or her with suitable accommodation.

Even in those circumstances if there is a person who has parental responsibility for a child to object to them being looked after social services would have no option but to start court proceedings.

It is important to note that where social services look after a child with parental consent it does not acquire parental responsibility for the child. This is retained by the parent or any other

party who had parental responsibility prior to the child being looked after.

The effect of this is that the parents (or other person with parental responsibility) has the last say over contact issues and indeed has the right to remove the child from accommodation.

It would, however, be inappropriate to take any important step such as this which could be disruptive for the child without first taking legal advice and consulting with social services.

If a parent were, in these circumstances, to remove the child from accommodation where social services had serious concerns for the child it is likely that social services would make an emergency application to the Court.

## Police Protection Order

In some circumstance the child may be removed from the care of his parent or carer under what is known as a Police Protection Order.

If a designated police officer has reasonable cause to believe that a child would otherwise be likely to suffer serious harm the police officer may remove that child to suitable accommodation (or prevent the child's removal from a place where the child is being accommodated).

A Police Protection Order lasts for only 72 hours and if social services consider that the child remains at risk after this period and wish to keep the child in foster care in the face of the parent's opposition, an application would have to be made to the Court.

Where there is the possibility of a Police Protection Order, the police and Social Services work very closely together and the child is usually removed to foster care arranged by social services.

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For more information please contact us on:

[contact@beckfitzgerald.co.uk](mailto:contact@beckfitzgerald.co.uk)

or call us on 020 7101 3090

[www.beckfitzgerald.co.uk](http://www.beckfitzgerald.co.uk)